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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 401/2021**

UNIVERSAL CITY STUDIOS LLC AND ORS.

.....Plaintiff

Through: Ms. Disha Sharma, Adv.

versus

MYFLIXER.TO AND ORS.

.....Defendant

Through: None.

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. JYOTI KLER (DHJS)

ORDER

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22.12.2021

CS(COMM) 401/2021

1. It is submitted that the matter is coming up before the Hon'ble Court on 11/02/2022.
2. File is taken up today on listing of the below mentioned IAs.

I.A.No.17261/2021 (under Section 151 CPC)

1. Heard.
2. Exemption is allowed subject to just exceptions.
3. Let the certified/clearer/proper/translated/original copies of documents with proper margins, be filed within four weeks in case any objection has been raised by the Registry in this regard.
4. IA stands disposed off.



I.A.No.17260/2021 (under Order I Rule 10 CPC filed on behalf of plaintiffs seeking impleadment of additional mirrors, redirects or alphanumeric variations as defendants in the memo of parties)

1. Heard.
2. By way of this application the plaintiff seeks to implead 21 websites, details of which are given in para no.2 of the application, as defendant no.50 to 70, on the ground that these are merely additional mirror/redirect/alphanumeric variations of the already injuncted defendants no.1 to 37 websites which are involved in infringement of copyrighted material of the plaintiff. The proposed defendants are hydra headed websites which merely provide a new means of accessing the same primary infringing websites that have been injuncted.
3. The plaintiff has annexed an affidavit of the Investigator along with evidence and Whois details in support of the claim that the proposed defendant no.50 to 70 are the additional mirror/redirect/alphanumeric variations of the already injuncted websites.
4. Learned counsel for the plaintiff has relied upon the judgment of Hon'ble High Court in '*UTV Software Communication Ltd. and Anr. Vs. 1337x.to & Ors*'. CS (COMM) 724/2017 in support of her contentions and argued that in view of the aforesaid decision the mirror/redirect/alphanumeric variations of the already injuncted websites are ought to be impleaded and no notice is required to be issued to them.
5. In the judgment relied upon by learned counsel for the plaintiff, the Hon'ble High Court had permitted the plaintiffs therein to implead



the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites.

6. In the present case, plaintiff has averred specifically in para no.2 of the application that the proposed defendant no.50 to 70 are the mirror/redirect/alphanumeric websites of the already injuncted websites. An affidavit of AR of the plaintiff is annexed with the application. An affidavit of Investigator, along with screenshots reflecting the proposed defendants as mirror/redirect/alphanumeric websites is also annexed. There is no reason to disbelieve the affidavits filed by the plaintiff.
7. In view of the averments made in the application and the decision of Hon'ble Court in 'UTV Software' (supra) the proposed defendant websites are impleaded as defendant no.50 to 70. The amended memo of parties filed with the application is taken on record.
8. The plaintiff, by way of this application also prays that the ex-parte ad interim injunction qua defendant no.50 to 70, and directions qua defendant no.38 to 46 and 47 to 48 be extended against the newly impleaded defendants as well. The Hon'ble Court, vide order dated 31/08/2021, granted ex-parte injunction and directions in favour of the plaintiff in terms of prayer para 5 (i), prayer para 5 (ii) and prayer para 5 (iii) of IA 10898/2021 wherein the plaintiff had sought temporary injunction and directions not only against the existing defendants no.1 to 48 but also against other mirror/redirect/alphanumeric websites discovered to provide



additional means of accessing the infringing websites. On attention of learned counsel for the plaintiff having been invited to the said directions of Hon'ble Court, it is submitted that the relief sought in the captioned IA, except the relief regarding impleadment, has already been granted.

9. Impleadment having been allowed by way of today's order, nothing more survives in the present application.
10. The IA accordingly stands disposed off in aforesaid terms.

DECEMBER 22, 2021/nk

**JYOTI KLER (DHJS)
JOINT REGISTRAR (JUDICIAL)**

[Click here to check corrigendum, if any](#)