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

+ **CS(COMM) 469/2023 and I.A. 12639/2023, 12641/2023**

GRIP INVEST TECHNOLOGIES PRIVATE LIMITED..... Plaintiff

Through: Mr. Kaustubh Rai, Mr. Anuj Tiwari,
Mr. Swankit Nanda, Advocates. (M-
8765629295)

versus

ASHOK KUMAR & ORS.

..... Defendants

Through: Ms. Hetu Arora Sethi, ASC,
GNCTD (Delhi Police) with Ms
Kavita Nailwal, Advocate & Mr.
Hansa Ram, Inspector Cyber Cell.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **19.07.2023**

1. This hearing has been done through hybrid mode.

I.A. 12641/2023

2. This is an application seeking leave to file scanned copies of certain documents. For the reasons stated in the application, scanned copies are taken on record subject to being proved in accordance with law. Application is disposed of.

I.A. 12639/2023 (for stay) in CS(COMM) 469/2023

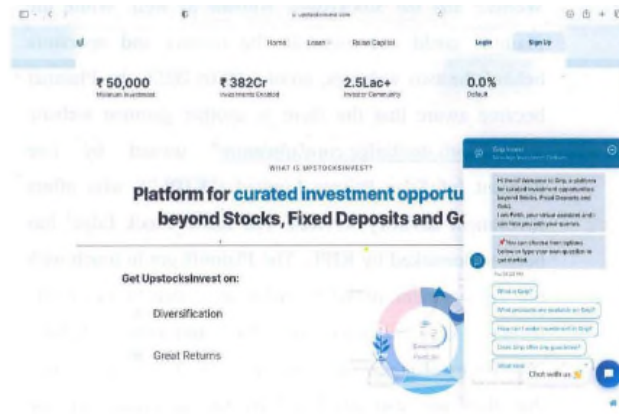
3. The Plaintiff - M/s Grip Investment Technologies Private Limited has filed the present suit seeking permanent injunction against the misuse of the contents of its website and the use of identical content by the Defendants. The Plaintiff owns and operates an online platform on its domain name www.gripinvest.in, through which the Plaintiff provides investors with options to make small ticket investments in physical assets that earn lease income. It is the case of the Plaintiffs that the Defendants using almost



identical content on their websites www.upstocksinvest.com and www.stockedges.com and thereby, infringing the copyright of the Plaintiff.

4. The case of the Plaintiff is that it is engaged in providing various services to users and investors for small ticket investment and physical assets that earn lease income. The Plaintiff also provides third party financial products on its website and it claims to have been instrumental in introducing the first ever securitized debt-instrument offering to be listed on the National Stock Exchange. It is a fintech company which has raised more than 9 million US dollars from various financial institutions and has also been able to expand a large user base of over one lakh users from 42 countries and 322 cities from its website www.gripinvest.in.

5. The case of the Plaintiff is that certain unknown individuals have registered the domain names - www.upstocksinvest.com and www.stockedges.com wherein the entire content of the Plaintiff's website has been copied. The apprehension of the Plaintiff is that the said websites also use the names and images of the Plaintiff's promoters and employees and may also be also involved in duping the consumers and public. Further, it has also been claimed by the Plaintiff that one of the infringing websites i.e. www.upstocksinvest.com has gone to the extent of informing unsuspecting investors that the infringing website is of "Grip Invest", i.e., the Plaintiff using a chatbot facility. The screenshot of the said activity, as given in the Plaintiff is set out below:



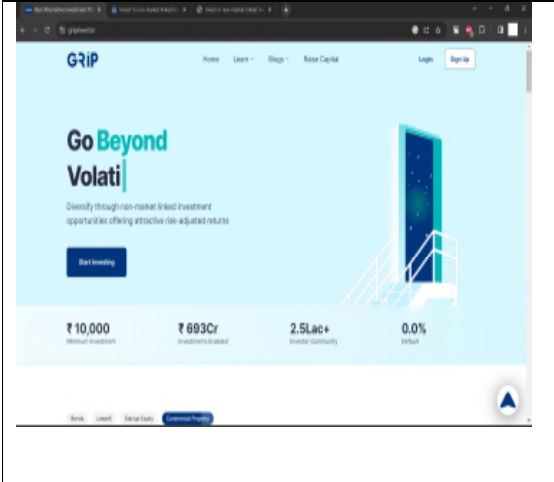
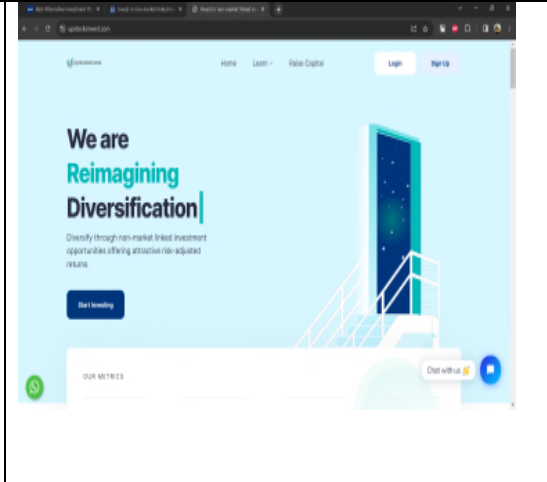
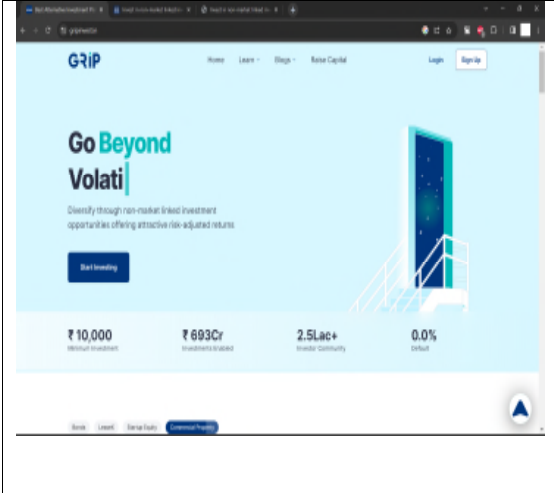
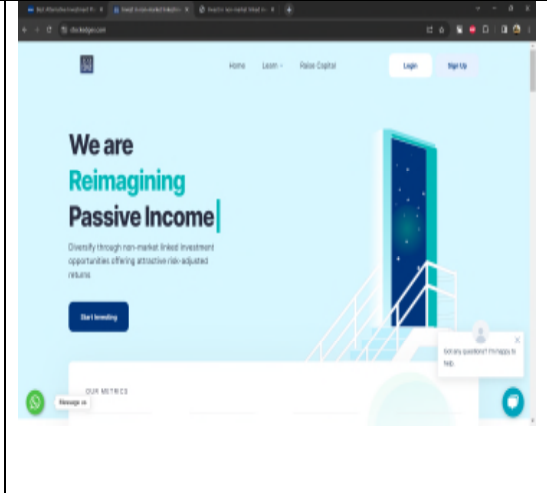
6. Mr. Kaustub Rai, Id. Counsel for the Plaintiff has taken the Court through the various screenshots of the Plaintiff's websites and the Defendant's websites to establish the near identity between the two. He submits that a further enquiry revealed that the names of the registrants of these domain names are also masked by the DNR - Godaddy.com LLC. Thus, the Plaintiff is unable to trace as to who has registered these domain names and who is operating these websites. It is prayed that the said websites ought to be blocked immediately so as to ensure that the members of public are not misled in any manner that the said two Defendant's websites are connected to the Plaintiff.

7. Heard. Ms. Hetu Arora Sethi, Id. Counsel appearing for the Delhi Police submits that the correct party would have been the SHO Pitampura, New Delhi. However, since the subject matter of the case is concerning online cyber offences, it is the Cyber Cell, Delhi Police, or the Cyber Crime Unit, Intelligence Fusion and Strategic Operations Unit, Delhi Police, that would have jurisdiction in this matter.

8. The Court has also perused the website of the Plaintiff and the alleged infringing websites. Upon a bare perusal of the said websites, it is clear that



the said websites are almost identical to the Plaintiffs website and are using the same colour scheme, icon placement and tabs. Even the content of the website of the Plaintiff has been lifted by the alleged infringing websites. A comparative table of the Plaintiffs website and the two alleged infringing websites is set out below:

<p>Plaintiff's Website: www.gripinvest.in</p>  <p>The screenshot shows the homepage of www.gripinvest.in. The header includes the logo 'GRIP' and navigation links for Home, Learn, Blog, and Risk Capital. The main heading is 'Go Beyond Volati ' with a sub-headline 'Diversify through non-market linked investment opportunities offering attractive risk-adjusted returns'. A 'Start Investing' button is present. Below this, four statistics are listed: ₹ 10,000 Minimum Investment, ₹ 693Cr Investment Available, 2.5Lac+ Investor Community, and 0.0% Default. The footer contains links for Home, Learn, Blog, and Risk Capital.</p>	<p>Defendant Website: www.upstocksinvest.com</p>  <p>The screenshot shows the homepage of www.upstocksinvest.com. The header includes the logo 'UPSTOCKS' and navigation links for Home, Learn, and Risk Capital. The main heading is 'We are Reimagining Diversification ' with a sub-headline 'Diversify through non-market linked investment opportunities offering attractive risk-adjusted returns'. A 'Start Investing' button is present. Below this, a section titled 'OUR METRICS' is visible, followed by a WhatsApp chat icon and a 'Chat with us' button.</p>
<p>Plaintiff's Website: www.gripinvest.in</p>  <p>This is an identical screenshot to the one in the first row, showing the homepage of www.gripinvest.in with the same layout and content.</p>	<p>Defendant Website: www.stockedges.com</p>  <p>The screenshot shows the homepage of www.stockedges.com. The header includes the logo 'STOCKEDGES' and navigation links for Home, Learn, and Risk Capital. The main heading is 'We are Reimagining Passive Income ' with a sub-headline 'Diversify through non-market linked investment opportunities offering attractive risk-adjusted returns'. A 'Start Investing' button is present. Below this, a section titled 'OUR METRICS' is visible, followed by a WhatsApp chat icon and a 'Message us' button.</p>



9. Accordingly, it is directed that the concerned Delhi Police cell or office, of the appropriate jurisdiction shall investigate into the matter and file a status report at least one week before the next date of hearing. The said investigation shall include finding out as to who are the individuals who are operating these websites, whether any amounts have been collected by these individuals or entities, location of the said entities/individuals and contact details, if any.

10. Considering the fact that the websites are almost identical and in fact even uses the names of the founders of the Plaintiff. It is clear that the intention of the websites is to mislead the general public that the Defendant's websites are also set up by the Plaintiff. Such illegality cannot be allowed to continue even for a single day. Accordingly, the Defendant's websites www.upstocksinvest.com and www.stockedges.com shall stand restrained from using any content or deceptively similar content of the Plaintiff's websites. MeitY is directed to immediately issue orders for blocking of these two websites.

11. Additionally, the Plaintiff is permitted to write to the DNR GoDaddy.com LLC, in order to obtain details of the registrant and contact details of these domain name registrants. GoDaddy.com LLC shall also furnish to the Plaintiff any other details including credit card or cloud server details, etc. which may be available with it within a period of one week. The Plaintiff is also permitted to implead GoDaddy.com LLC as a Defendant in the present suit. Let steps be carried out by the Plaintiff for the same. Let amended memo of parties, be filed before the next date of hearing.

12. The said e-mail shall be sent to the Grievance Office at Goddady.com.



13. The present order be served upon Mr. Harish V. Shankar, Id. CGSC for communication to MeitY and implementation of the same.
14. Compliance of Order XXXIX Rule 3 CPC be made within a period of one week.
15. List on 3rd November, 2023.

PRATHIBA M. SINGH, J

JULY 19, 2023

Rahul/AM