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

% *Date of decision: 03rd March, 2025*

+ CS(COMM) 120/2022 & I.A. 2872/2022

LIVING MEDIA INDIA LIMITED & ANR.Plaintiffs

Through: Mr. Hrishikesh Baruah, Mr. Utkarsh Dwivedi, Ms. Radhika Gupta & Mr. Deep Pal Singh Alag, Advocates.

versus

TELEGRAM FZ LLC & ORS.Defendants

Through: Mr. Madhav Khosla, Advocate for D-1.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

AMIT BANSAL, J. (Oral)

1. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the trademarks and copyright of the plaintiffs, passing off and other ancillary reliefs.

PLEADINGS IN THE PLAINT

2. The plaintiff no.1, 'Living Media India Limited', an Indian company having its registered office in New Delhi, is engaged in the business of publishing magazines, both physical and electronic, in India.

3. The plaintiff no.2, 'T.V. Today Network Limited', is a company incorporated under the Companies Act, 1956. It is stated that the plaintiffs are a part of the 'India Today Group', a media conglomerate established



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over four decades ago.

4. It is stated that the India Today Group of Companies has widespread commercial interests in both print and electronic media and is engaged in diverse business activities ranging from printing and publishing of magazines, journals, periodicals, to the running of news channels, infotainment program, organizing conferences, seminars, music shows, and running FM radio channels besides other related activities.

5. It is stated that plaintiff no.1 is the proprietor of the publications 'India Today', 'Business Today', and 'Auto Today'. It is further stated that the plaintiffs have earned significant recognition and respect from readers, with these widely circulated magazines gaining immense popularity and establishing a strong, well-known reputation over the years.

6. The plaintiffs' have obtained multiple trademark registrations for its marks 'INDIA TODAY', 'BUSINESS TODAY' and 'AAJ TAK'. The same are given in paragraph 30 of the plaint.

7. It is stated that the plaintiffs also are entitled to copyright protection for the following magazines:

- i. India Today English
- ii. India Today Hindi
- iii. Business Today
- iv. Auto Today
- v. Cosmopolitan India
- vi. Harper's Bazaar India
- vii. Reader's Digest India

8. It is stated that the magazines mentioned at serial nos. i to iv above are the original literary works under the Copyrights Act 1957. The



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magazines mentioned at serial nos. v, vi and vii have been licensed to the plaintiff no.1 by their original owners and include plaintiff no.1's original editorial content.

9. The Reader's Digest Indian edition is also one of the largest-selling English magazines in India. It is the plaintiffs' case that in December, 2002, the Reader's Digest Association Inc., renamed to 'Trusted Media brands, Inc.', entered into a license agreement with the plaintiff no.1, whereby it granted the license to publish the Reader's Digest magazine in India (hereinafter referred to as the 'License Agreement'). The plaintiff no.1 has continued to annually renew its License Agreement with 'Trusted Media brands, Inc'. As per the License Agreement, the plaintiff no.1 has the right to prosecute any person infringing upon the plaintiff no.1's intellectual property rights in relation to Reader's Digest magazine India edition.

10. In addition to the aforementioned publications, the plaintiffs also possess exclusive rights from 'Hearst Magazine Media, Inc.', an American multinational mass media conglomerate, to publish Indian editions of the Hearst magazines 'Harper's Bazaar India' and 'Cosmopolitan India'.

11. It is stated that the plaintiffs invest substantial amount of resources, in terms of technology, time and money and also employ a large number of personnel including journalists, photographers, editors, *inter alia* for collecting credible information, creating informative content and disseminating reliable news /information among the public through the above mentioned magazines and publications. It is further stated that the said magazines are made available to the public at large and readers on subscription-based models. The subscriptions for the magazines of the



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plaintiff no.1 constitutes a major portion of the revenue generated by the plaintiffs. The revenue figures of the plaintiffs' magazine and news channels are given in paragraph 36 of the plaint. It is noted that in the financial year ('FY') 2020-21 the revenue generated by the plaintiffs were around Rs. 650 crores.

12. The plaintiffs also spent huge amount of money to promote its magazine and news channels. The promotional expenses incurred by the plaintiff for the period FY 2016-17 to FY 2020-21 is given in paragraph 33 of the plaint.

13. Defendant no.1, 'Telegram FZ LLC', a company having its office in UAE, is a cloud-based instant messaging and Voice-over-IP service that facilitates the infringement of the copyright and trademark rights belonging to the plaintiffs by defendants no. 2 to 15. It is stated that the Telegram/defendant no.1 platform allows third party users to create 'bots' on its platform. 'Bots' are third-party applications/software that run inside Telegram.

14. The defendants no. 2,3,5,6,9,10,12,14 and 15 are channels and accounts, running on defendant no.1's platform and are engaged in infringing the plaintiffs' copyright and trademark by illegally uploading e-magazines and/or misrepresenting themselves as the plaintiffs' official channels to provide free copies of the magazines.

15. The defendants no.7 and 13 are the administrators of defendants no.6 and 12 channels, respectively. The defendants no.8 and 11 are bots providing free subscriptions and links to the copyrighted works of the plaintiffs to its users. In order to avoid multiplicity of proceedings, the



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plaintiffs have arrayed such unknown channels and accounts as defendant no.16/ John Doe.

16. In the last week of January, 2022, the plaintiffs conducted an investigation and found several telegram channels which were infringing the registered trademarks and/or the copyright of the plaintiffs.

17. It is averred by the plaintiffs that the defendants no.2 to 15's illegal and unauthorized actions caused loss of paid readership/subscribers/viewers thereby leading to financial loss to the plaintiffs. In addition to violating and infringing upon the copyright and trademark of the plaintiffs', the defendants' illegal actions have and continue to dilute the proprietary rights of the plaintiff.

PROCEEDINGS IN THE SUIT

18. On 4th March, 2022, summons in the suit and notice in the application were issued. On the said date, a statement was made on behalf of defendant no.1 that the offending channels have been deleted, and in case any of the channels were not deleted, the defendant no.1 would take steps to delete the said channels.

19. The written statement of defendant no.1 was taken on record on 28th July 2022.

20. On 18th October, 2022, this Court granted the plaintiffs the relief claimed in prayer clause 29 (E) of the application I.A. 2872/2022 and directed the defendant no.1 to disclose the identity/basic subscriber information of defendants no.2-15 accounts and their uploaders, in a sealed cover, within 3 weeks. The said information was placed on record by defendant no.1 on 29th November, 2022.



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21. In light of the details of the defendants no.2 to 15 being made available, summons were issued to defendants no.2 to 15 by the Registry on 5th December, 2022 and 23rd May, 2023.
22. On 13th December, 2023, the learned Joint Registrar noted that the defendants no.2 to 13 were served on 5th December, 2023 through 'WhatsApp'.
23. On 1st February, 2024, the learned Joint Registrar noted that the defendants no.14 and 15 were served through text messages on 25th January, 2024 on the mobile numbers which were provided by the defendant no.1.
24. Since maximum permissible period to file the written statement had expired, the rights of the defendants no. 2 to 13 and defendants no. 14 and 15, to file their written statement were closed by the Joint Registrar *vide* orders dated 15th April, 2024 and 22nd July, 2024 respectively.
25. Since none entered appearance despite service, defendants no. 2-15 were proceeded against *ex parte* on 18th September, 2024.
26. On 14th October, 2024, this court allowed the application filed by the plaintiffs [I.A. 41616/2024] seeking direction against the defendant no.1 to take down the more channels found to be infringing plaintiffs' content.
27. On 14th February, 2025, the matter was listed before the learned Joint Registrar for admission/denial of documents and counsel appearing on behalf of the defendant no.1 submitted that the defendant no.1 had complied with the directions passed by this Court, and no effective relief remained to be sought against the defendant no.1.

ANALYSIS



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28. I have heard the submissions of Mr. Hrishikesh Baruah, learned counsel for the plaintiff and also perused the material on record.

29. The plaint has been duly verified and is also supported by the affidavit of the plaintiff. In view of the fact that the contesting defendants are defendants no.2 to 15, and no written statement has been filed by them, all the averments made in the plaint have to be taken to be admitted. Further, since no affidavit of admission/denial has been filed on behalf of the defendants in respect of the documents filed with the plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules 2018, the same are deemed to have been admitted. Therefore, in my opinion this suit does not merit trial and the suit is capable of being decreed in terms of Order VIII Rule 10 of the Code of Civil Procedure, 1908.

30. Based on the averments made in the plaint and the documents placed on record, the plaintiffs have established their rights over the copyright of the magazines and trademarks registered in respect of the plaintiffs. The plaintiffs' are owners and licence holders of the original literary and artistic work and the same are being reproduced, published, uploaded and shared illegally by the defendants no. 2 to 15 in an unauthorised manner. Furthermore, the defendants no. 2 to 15 have adopted plaintiffs' registered trademarks as their channels' display pictures in an attempt to misrepresent their channels as being connected to the plaintiffs.

31. Therefore, the plaintiffs are entitled for protection under the provisions of the Copyright Act, 1957 and Trade Marks Act, 1999. The plaintiffs alone are authorized to disseminate physical/e-copies of their magazines through their registered channels along with the trademarks



associated with them and as the aforesaid acts of the defendants amount to infringement of the plaintiffs' copyright and trademarks.

32. At this stage, it may be relevant to note that despite service of summons, none of the contesting defendants [defendants no. 2 to 15] have contested the present suit by filing a written statement.

33. Since the defendants have failed to take any requisite steps to contest the present suit, it is evident that they have no defense to put forth on merits.

34. Accordingly, the plaintiffs are entitled to restrain the defendant nos. 2-16, from disseminating and infringing the plaintiffs' copyright of the magazines and registered trademarks without any authorization license from the plaintiff.

RELIEF

35. In view of the aforesaid discussion, the suit is decreed, in favour of the plaintiff and against defendant nos. 2 to 16, in terms of prayer clauses 65 (A) and (B).

36. Insofar as defendant no. 1/ Telegram FZ LLC is concerned, the relief claimed in prayer clause 65 (C) of the plaint already stands satisfied, in view of the stand taken by defendant no. 1 in its written statement. Paragraph no. 20 of the written statement is set out below:

“20. The Plaintiffs have admittedly never approached Defendant No.1 for the take down of the allegedly infringing channels/ content even on a single occasion prior to the filing of the present suit and application, which is in fact evident from the fact that there is not a single correspondence to this effect that has been placed on record by the Plaintiffs. Notwithstanding the same it is pertinent to note that Defendant No.1 has taken down all URLs specified in the Plaint even prior to the receipt of notification of this Hon'ble Court's Order dated 4 March 2022.”



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37. Insofar as prayer clause 65 (D) is concerned, the defendant no.1 shall be bound by the statement given on behalf of defendant no.1, as noted in the order dated 4th March, 2022, as well as the directions passed in the paragraphs 27, 28 and 29 of the said order, which are set out below:

“27. Mr. Rajshekhar Rao, learned Senior Counsel, appearing on behalf of Defendant No.1, on advance copy, at the outset on instructions, submits that the offending channels as referred to in paragraph 16 of the present application have been deleted and in case any of these channels have not been deleted so far. Defendant No.1 shall take steps to delete the said channels within a period of 48 hours.

28. The assurance given by Mr. Rao, on behalf of Defendant No.1, is taken on record and needless to state, Defendant No.1 shall remain bound by the same.

29. Plaintiffs are at liberty to file affidavit in court and/or bring to the notice of Defendant No.1, in case Plaintiffs come across any channels infringing the trademarks and copyrights of the Plaintiffs, which would include details of the links/channels or URLs, if available. On receipt of the said information. Defendant No.1 shall take necessary steps to delete the channels containing infringing material, as expeditiously as possible.”

38. Counsel for the plaintiffs does not press for the remaining reliefs prayed for in the plaint.

39. Let the decree sheet be drawn up.

40. Pending application also stands disposed of.

AMIT BANSAL, J

MARCH 03, 2025

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