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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 851/2022

UNIVERSAL CITY STUDIOS LLC. & ORS. Plaintiff

Through: Ms. Ramya Ramkumar,
Ms. Anjali Agrawal (VC),
Ms. Mehr Sidhu, Mr. Raghav
Goyal, Advocates

versus

DEMBED2.COM & ORS. Defendant

Through: Mr. Asheesh Jain, CGSC with
Mr. Chirag Rathi, Advocate for
D-22 & 23
D-24 is John Doe.

CORAM:

**JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)**

ORDER

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22.09.2023

**I.A No. 18584/2023 on behalf of the plaintiffs under Order I
Rule 10 CPC seeking impleadment of mirror websites /
redirects / alphanumeric variations of the defendants as
additional defendant nos. 38 to 42 in the memo of parties.**

Heard.

Vide this order, I shall dispose off the present application filed by the plaintiff under Order 1 Rule 10 CPC for impleadment of fresh defendants. Learned counsel for the plaintiff has submitted that the Hon'ble Court was pleased to grant an ex-parte ad-interim injunction in this suit against the defendants vide order dated 27.04.2022 for infringement of copyrights of the plaintiff with further directions that as and when plaintiff files an application under Order 1 Rule 10 CPC for impleadment of such other websites, plaintiff shall file an affidavit confirming that the



websites to be impleaded as mirror/ redirect/ alphanumeric websites, with sufficient supporting evidence. Hon'ble Court had further directed that the application for impleadment shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to the ISPs to disable access in India to such mirror/redirect/alphanumeric websites.

It has been submitted that after passing of the order dated 27.04.2022, other websites, as disclosed in the present application, have also started violation of the plaintiff's copyrights. These websites are mirror / redirects / alphanumeric variations of the websites which were blocked pursuant to the order dated 27.04.2022 and are also necessary party to this suit. It has been further stated that details of the proposed defendants have been disclosed in Schedule-A annexed with application who are liable to be impleaded as defendants no. 38 to 42. It has also been submitted that ex-parte injunction dated 27.04.2022 is also liable to be extended against the proposed defendants, in view of the material placed on record alongwith the present IA.

I have considered the submissions and perused the record. The law to deal with such applications and extension of *ex-parte ad-interim* injunction to the proposed defendants has already been laid down in *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.*, wherein it has been observed, vide paragraph 107, to the effect :

“107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) their owners, partners, proprietors, officers, servants, employees, and



all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/ programme/show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted 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 that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly.”

Plaintiff has also filed alongwith an affidavit of investigator with sufficient material to prove that proposed defendants/websites are mirror/redirect/ alphanumeric websites of defendants which are also involved in violation of copyrights of the plaintiff. In view of the submissions, material put fourth by the plaintiff, and directions passed by the Hon'ble Court in the order dated 27.04.2022, the websites mentioned in the prayer clause of the application and Schedule-A are impleaded as defendants no. 38 to 42.



Since the newly added defendants are also stated to be involved in violation of copyrights of the plaintiff, accordingly *ex-parte* ad-interim Injunction dated 27.04.2022 is also extended against the newly impleaded defendants no. 38 to 42.

Amended memo of parties is taken on record.

I.A. stands disposed off.

Let defendants no. 38 to 42 be summoned on filing of PF and through all permissible modes including e-mail, returnable on the next date of hearing.

Registry is **directed** to do the needful.

Copy of order be given *dasti*.

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Defendant no. 22 & 23 do not wish to file written statement.

Ld. Counsel for the defendant no. 22 & 23 however submits that he has filed a compliance letter. The same has not come on record. Let the ld. Counsel check up with the Registry regarding the status of the same and take steps to bring the same on record.

The rights to file written statement of defendant nos. 1 to 21 & 25 to 27 have already been closed.

As per affidavit of service, defendant no. 28 to 36 have been served through e-mail on 19.06.2023 whereas defendant no. 37 has been served on 17.07.2023. No written statement has been filed nor appearance has been put in.

Put up for completion of pleadings on 17.11.2023.

**AJAY GULATI - I (DHJS),
JOINT REGISTRAR (JUDICIAL)**

SEPTEMBER 22, 2023/sk

Click here to check corrigendum, if any