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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 209/2023, I.A. 6685/2023 & I.A. 10815/2023
MAHINDRA AND MAHINDRA LIMITED & ANR. Plaintiffs

Through: Mr. Afzal B. Khan and Mr. Vishal
Nagpal, Advs.

versus

DIKSHA SHARMA PROPRIETOR OF MAHIDNRA PACKERS
MOVERS & ORS. Defendants

Through: Mr. Moazzam Khan, Mr. Parva
Khare, Ms. Anvita Goel and Mr.
Prince Kumar, Advs. for D-5.
Mr. Neel Mason, Mr. Vihan Dang,
Ms. Pragya Jain, Mr. Ujjawal
Bhargava and Mr. Aditya Mathur,
Advs. for D-6.
Mr. Satya Ranjan Swain, SPC with
Mr. Kautilya Birat and Mr. Ankush
Kapoor, Advs. for D-9.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
02.05.2024

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I.A. 10815/2023 (Under Order XXXIX Rule 4, CPC)

1. This application under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 has been filed on behalf of defendant No.5 [Godaddy.com LLC] seeking clarification of the order passed by this Court on 12th April, 2023, in particular, para 16 (ii) of the said order which reads as under:

“(ii) Defendants 5, 7 and 8 are directed to block/suspend the five domain names enlisted in para 9 (supra) as well as any alphanumeric



variation thereof.”

2. The grievance is based on the fact that the directions of the Court may not be possible to implement considering that there can be unimaginable number of alphanumeric variations of the domain names listed in para 9 of the said order. It is stated that just altering one single character at a time in the domain name *mahindrapackers.com* would result in about 500 different variations. Similarly, placing two characters at a time in the same domain would result in approximately 1,40,000 variations. Addition of a prefix or suffix of just four characters to the domain name would result in over 18,00,000 alphanumeric variations. These numbers exponentially increase depending on the various permutations and combinations which may be possible. It is stated that a domain name contains up to 63 characters and, therefore, adding a prefix or suffix to utilize all 63 characters results in over 80 quattuorvigintillion [*which is '8' followed by 76 zeros*] alphanumeric variations of the impugned domain name *mahindrapackers.com*. Considering the possibility of such a plethora of alphanumeric variations, it would be practically impossible for defendant no.5 to implement the directions given by this Court in the aforesaid order.

3. The clarification, therefore, is sought in this context. Counsel for defendant no.5 has adverted to the decisions of this Court which also related to the restraint on alphanumeric variations of infringing domain names; same and are listed as under:



- a. Judgment dated 10 April 2019 passed by the Hon'ble Delhi High Court in *UTV Software Communications Ltd. & Ors. vs. 1337X.To & Ors.*, 2019 SCC OnLine Del 8002 (“UTV Judgment”)
 - b. Judgment dated 02 May 2023 passed by the Hon'ble Delhi High Court in *Universal City Studios LLC & Ors. vs. Mixdrop.co & Ors.*, C.S.(COMM.) 663 of 2022 (“Universal Studios Judgment”)
 - c. Order dated 29 May 2023 passed by the Hon'ble Delhi High Court in *Sony Pictures Animation Inc. vs. Flixhd.cc & Ors.*, C.S.(COMM.) 366 of 2023 (“Sony Pictures Order”)
4. It is further pointed out that these decisions have also been relied upon by the plaintiff in their reply as is evident from para 5 of the said reply.
5. The latest, in a line of such directions passed since *UTV Software (supra)* on an issue of takedown of alphanumeric variations of infringing domains, counsel for defendant no.5 has pointed out to the decision of this Court in *Burger King Corporation v. Swapnil Patil & Ors.*, CS(COMM) 303/2022, order dated 04th December, 2023, in which these directions were passed, after taking into account, the decisions in *UTV Software (supra)* and *Universal Studios (supra)*. Relevant portion of the aforesaid decision is extracted as under:

“15. In addition, if any other domain names/websites offering fake franchises are noticed/ discovered by the Plaintiff bearing the mark ‘BURGER KING’, the Plaintiff is free to file an affidavit along with the application for impleadment under Order I Rule 10 CPC. The Plaintiff is permitted to implead any mirror/redirect/alphanumeric variations of the websites identified in the suit as Defendant websites which are associated with the Defendants either based on the name, branding, identity etc., by filing the application. The Joint Registrar may examine



the documents filed with the same and direct extension of the injunction orders to the said domain names as well. MEITY/DoT shall, upon receiving of any information in respect of fake franchises/websites shall immediately issue blocking orders in respect of the said websites.”

6. Accordingly, it would be appropriate to follow a consistent practice, in particularly considering the practical impossibility of the Domain Name Registrar having to track all the permutations and combinations of these alphanumeric variations.

7. Accordingly, para 16 (ii) of order dated 12th April, 2023 is modified to read as under:

“Defendants 5, 7, and 8 are directed to block/suspend the five domain names enlisted in para 9 (supra). The plaintiff is permitted to implead any mirror/redirect alphanumeric variations of the said domain names, if so noticed/discovered by filing an application under Order 1 Rule 10, CPC. The Joint Registrar may then examine the said application and direct extension of the injunction orders to the said domain name as well. The plaintiff shall also be entitled to seek directions in relation to MEITY/DoT with respect to these mirror/redirect alphanumeric variations of the domain names for blocking orders in that regard. The Joint Registrar may examine the same and extend the directions given in para 16 (iii) to the same.”

8. Upon the successful impleadment of the parties, the injunction granted by order dated 12th April, 2023 shall stand extended to them as well.

9. Application is disposed of.

CS(COMM) 209/2023

1. List before Joint Registrar on 15th May, 2024.
2. Order be uploaded on the website of this Court.



ANISH DAYAL, J

MAY 2, 2024/MK/sc

This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 19/04/2026 at 16:51:38