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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 291/2021**

SPORTA TECHNOLOGIES PVT. LTD. Plaintiff
Through : Mr.Prithvi Singh and Mr.Rohan
Krishna Seth, Advocates.

versus

JOHN DOE AND OTHERS Defendants
Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **12.11.2021**

I.A. No.14796/2021

1. This application is moved with the following prayers:

“(i) Allow the instant Application and extend this Hon’ble Court’s ex-parte interim injunction order dated 9th June 2021 to the websites/URLs provided in paragraph No. 4 of the Application (as also forming part of Document A of the Application);”

2. It is stated on 09.06.2021, this Court passed an *ex-parte* ad-interim injunction. The relevant extract of the aforesaid order are as follows:

“16. Keeping in view the aforesaid, this Court is of the opinion that a prima facie case of infringement of its broadcast reproduction rights is made out in favour of the plaintiff. Balance of convenience also lies in favour of the plaintiff and against the defendant No.1 and irreparable harm or injury will be caused to the plaintiff if the reliefs are not granted since the upcoming South Africa cricket tour of West Indies,2021 commences on 10th June, 2021.

17. Consequently, till the next date of hearing,

(i) defendant No. 1, his partners, officers, servants, employees, and all others acting for and on their behalf, or anyone claiming through them in any manner, are restrained from making available to the public, any content which results in an infringement of the plaintiff’s broadcast reproduction rights whether on its application ThopTV or in any other manner;

(ii) defendant Nos. 2 to 10 are directed to block access to the ten websites of defendant No. 1 listed in paragraph 11 of the application as well as the URLs listed in paragraph 13 of the



application, which are providing the ThopTV mobile application/APK for download in India and/or any other website/URL that may subsequently be identified by the plaintiff as infringing its broadcast reproduction rights; and,

(iii) the defendant No. 11 are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the websites of defendant No. 1, listed in paragraph 11 of the application as well as the URLs listed in paragraph 13 of the plaint which are providing the ThopTV mobile application/APK for download in India and/or any other website/ URL that may subsequently be identified by the Plaintiff as infringing its broadcast reproduction rights.

18. ...

19. ...

20. I have considered the submissions. At an ex-parte ad interim stage, keeping in mind that the plaintiff cannot be expected to approach the Court every time it comes across a new infringing website, and also considering that the cricket series is commencing on 10th June, 2021, till the next date of hearing, the defendants 12 to 17 are directed to suspend access to domains of the defendant No. 1 listed in paragraph 11 of the application as well as any other domains that may subsequently be identified by the plaintiff as infringing its broadcast reproduction rights. In respect of any such domain which may be identified by the plaintiff subsequently, the plaintiff shall file an affidavit before this Court within one week of such identification.”

3. It is submitted that subsequently to the aforesaid injunction passed, recently on 29.10.2021, the plaintiff has come across some additional websites/URLs which are providing access to the users to download the ‘ThopTV’ mobile application by sharing download links to its Android Application Package(APK), thereby infringing the plaintiff’s broadcast reproduction rights and hence by this application he seeks direction to extend its *ex-parte* interim injunction order dated 09.06.2021 to the following websites/URLs:

- i. <https://apkpot.com/apps/thoptv-apk-final-version/?download=redirect>
- ii. <https://www.mediafire.com/file/478ia1hm5iu0n2p/ThopTV+v45.7.0>



apk/file

- iii. <https://www.nitestvapk.com/thoptv-apk-dl/?download=links>
- iv. <https://apkneed.com/en/thoptv-apk-latest-version/download/5614>
- v. <https://apkroot.net/thoptv/>
- vi. <https://techbigs.com/thop-tv-6.html>
- vii. <https://www.apkmart.net/app/thoptv-pro-apk-2/>
- viii. https://youtech.ooo/thoptv-apk-download3/#Direct_Download_ThopTV_Link
- ix. <https://apkity.com/thoptv-apk-download-2/>
- x. <https://m.wapsoft.net/app/thoptv-no-source/download>

4. The plaintiff seeks limited relief against Defendant Nos.2 to 10 (ISPs) to block access to the websites/URLs stated above. Additionally, the limited relief is being claimed against Defendant No.11 (DoT) qua the issuance of a notification to the internet and telecom service providers registered with them to disable access to the websites/URLs as provided above.

5. In accordance with the directions given in the order dated 09.06.2021, plaintiff has also filed a supporting affidavit.

6. In view of the above, the notice of this application is issued to the defendants and in the meanwhile the order dated 09.06.2021 is extended to the additional websites/URLs as mentioned in para 3 above.

7. Application stands disposed of.

YOGESH KHANNA, J.

NOVEMBER 12, 2021

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