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

+ **CS(COMM) 588/2021**

STAR INDIA PVT LTD

..... Plaintiff

Through : Mr.Sidharth Chopra, Mr.Yatinder
Garg and Mr.Angad Singh Makkar,
Advocates.

versus

EXTRAMOVIES.CLICK & ORS.

..... Defendants

Through : None.

CORAM:

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

% **24.11.2021**

IA No.15206-08/2021

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CS(COMM) 588/2021 & IA Nos.15204-05/2021

3. Plaintiff has filed this suit for permanent injunction in infringing the plaintiff's exclusive rights and copyright, rendition of accounts and damages etc against the defendants.
4. Summons of the suit and notice of applications be issued to the defendants through all modes/email and whatsapp returnable on 08.03.2022 before the learned Joint Registrar.
5. It is alleged the plaintiff is a leading entertainment company, globally known for producing and distributing television shows, web-series and films. The Plaintiff is currently awaiting the release of the cinematograph film, 'Tadap' ("the Film"), across all theatres in India, which is scheduled to be released on 03.12.2021. The Film has been jointly produced by Fox Star Studios, a division of the plaintiff and the defendant No. 33. The Plaintiff has spent large sums in the production and promotion of the Film. It is also



alleged the plaintiff therefore has exclusive rights to communicate to the public, the Film. No other entity can, without authorization from the Plaintiff, upload, stream, make available for download, communicate to the public, the Film in any manner whatsoever, through any transmission, platform including the internet for viewing on various devices such as computers, laptops, mobile phones, tablet computers, etc.

6. The learned counsel for the plaintiff submits though it had exclusive rights in its content, including films in which the Plaintiff holds exclusive rights (such as 'Bhoot Police'), have been infringed by one or more of the defendants in the present suit. The Plaintiff has further observed that the defendants No.1 - 32 ("Rogue Websites") herein are continuing to infringe plaintiff's rights by illegally and unauthorisedly making available for download / streaming / communicating to the public the plaintiff's content. Based on past experience, the plaintiff apprehends that the said defendants will also infringe the plaintiff's exclusive rights in the Film, thereby directly impacting the plaintiff's business and also eroding the value of the Film.

7. The defendant No.33 who is supporting the plaintiff has been impleaded as a pro-forma party to the instant suit. The defendants No.34 - 42 are Internet Service Providers which are being arrayed for the limited purpose of blocking / restricting access to the rogue websites identified in the present suit or any other website(s). The defendants No.43-44 are Department of Telecommunication and Ministry of Electronics and Information Technology respectively which are government department and being arrayed for the limited purpose of issuing notification calling upon the internet and telecom service providers to block access to the Rogue Defendants' websites identified in the present suit, as also such other



websites which are subsequently discovered to be infringing the rights of the plaintiff. The defendant No. 45 is “Ashok Kumar(s)”. No formal relief has been sought against the Defendant Nos. 34 - 44. The defendants No.1 - 32 are anonymous websites and their details of owners are hidden or are forged /inaccurate. These websites are vehicles of infringement and engaged in flagrant violation of the Intellectual Property Rights of the plaintiff, hence the present suit. To prove the allegations of infringement of plaintiff’s exclusive right in its earlier film Bhoot Police, the plaintiff has also filed various documents on record.

8. In view of above, the plaintiff has made out a *prima facie* case and in case the defendants are not restrained *ex parte*, to use the trademark, the plaintiffs shall suffer irreparable loss and injury.

9. Accordingly, till the next date of hearing, the defendants are restrained in terms of prayers No.7(i) to 7(iii) of the injunction application.

10. Compliance of Order 39 Rule 3 of the CPC be made within ten days.

11. The defendants No.33 to 44 shall take immediate steps to comply with above order.

12. Upon completion of service/pleadings, the matter be listed before this Court.

13. Order *dasti*.

YOGESH KHANNA, J.

NOVEMBER 24, 2021

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