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

+ CS(COMM) 851/2022 & I.A. 20682/2022(O-XXXIX R-1& 2 of CPC), I.A. 20683/2022(u/s 151 CPC), I.A. 20684/2022(u/S 80 r/w u/s 151 CPC)

UNIVERSAL CITY STUDIOS LLC. & ORS. .... Plaintiffs

Through: Mr.Saikrishna Rajagopal,  
Mr.Siddharth Chopra, Ms.Suhasini  
Raina, Ms.R.Ramya, Mr.Samidhya  
Rao and Ms.Meher Sidhu, Advocates.

versus

DEMBED2.COM & ORS. .... Defendants

Through: None

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

**12.12.2022**

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**I.A. No. 20683/2022 (for exemption from filing certified copies, etc.)**

1. Subject to plaintiffs filing the original/certified copies and legible copies of any document on which the plaintiff may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application stands disposed of.

**I.A. No. 20684 of 2022 (for exemption from serving advance notice)**

3. The present application has been filed on behalf of the plaintiffs seeking exemption from advance service to the defendants.

4. In view of the urgent *ex parte* relief sought by the plaintiffs, the application is allowed.



**CS(COMM) 851 of 2022**

5. Let the plaint be registered as a suit.
6. Summons be issued to the defendants through all permissible modes. The summons shall state that the written statements shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement, the defendants shall also file an affidavit of admission/denial of the documents of the plaintiffs, without which the written statements shall not be taken on record
7. Liberty is given to the plaintiffs to file replications, if any, within thirty days from the receipt of the written statements. Along with the replication filed by the plaintiffs, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiffs.
8. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall be also filed with the pleadings.
9. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
10. List before the Joint Registrar on 6<sup>th</sup> February, 2023.
11. List before the Court on 16<sup>th</sup> March, 2023.

**IA No. 20682/2022 (O.XXXIX R.1 & 2 of CPC)**

12. The present suit has been filed for permanent injunction, rendition of accounts and damages for the infringement of exclusive rights in the plaintiffs' original content/work, which is protected under the Copyright Act, 1957, against the defendants no. 1 to 12 with additional domains, that are



rogue websites and substantially indulge in online piracy by making original content available for download and otherwise providing access to infringing and illegal content.

13. The plaintiffs no. 1-6, i.e., Universal City Studios LLC, Warner Bros. Entertainment Inc., Columbia Picture Industries Inc., Netflix Studios LLC., Paramount Pictures Corporation and Disney Enterprises Inc. are leading entertainment companies globally known for producing films such as Mulan, Lego Batman, Finding Nemo, Finding Dory etc. The plaintiffs have exclusive rights to communicate their content to the public.

14. It is contended that the defendants no. 1 to 12's websites ("defendant website") are online locations, which enable the use of defendant websites' services, without any authorisation or license from the plaintiffs, to (a) view (by a process known as streaming/ downloading) cinematograph films, motion pictures, television programs or other audio-visual content, on devices connected to the Internet; (b) cause copies of those cinematograph films to be downloaded onto the memory of their devices for watching later or enabling others to watch or further copy those cinematograph film, and/or (c) identify other online locations including (by a process known as "linking"), which enable those users to engage in the activities set out in (a) or (b). An illustrative list of illegal content made available by the defendants' websites has been provided in paragraph 30 of the plaint.

15. In order to protect and enforce their exclusive rights, the plaintiffs investigated and monitored the defendants' websites and gathered evidence of their infringing activities, which has been filed along with the suit. Evidence collected by the investigator also shows that the operators of the defendant's websites are using known "pirate branding" to signal users that the



defendants' websites are merely new iterations of the sites that have been blocked earlier. Therefore, the defendants' websites being in the form of new iterations and that the new iterations almost invariably have the same functionality and purpose as the earlier blocked sites.

16. It is further contended that despite the legal notice calling upon the concerned defendants to cease from engaging in their infringing activities, they continue to infringe the rights in the plaintiffs' original content. It is also contended that the access to many of the defendants' websites has been previously disabled in other jurisdictions, as elaborated in paragraph 37 of the plaint.

17. In light of the above, it is contended that the defendants no. 1 to 12 are liable for infringement of the plaintiffs' copyright works under Section 51(a)(ii), Section 51(b) and Section 51(a)(i) of the Act, for making a copy of the original content, including storing of it in any medium by electronic or other means and communicating the original content to the public, the hosting, streaming, reproducing, distributing, making available to the public, and/or communicating to the public of the original content for streaming and downloading, or facilitating the same without authorization of the plaintiffs. In support of the aforesaid contention, the reliance is placed on the decision of this court in CS(COMM) 724 of 2017 dated 10.04.2019, ***UTV Software Communication Ltd. & Anr. v. 1337x.to and Ors.***

18. It is further contended by the plaintiffs' counsel that the websites of the defendants no. 1-12 are anonymous in nature and the information provided in the public domain regarding the owners of the website is either incomplete, incorrect and/or protected behind a veil of secrecy. These websites of the defendants no.1-12 hide behind domain privacy services



offered by various domain name Registrars, which enable a website owner to hide behind a veil and not disclose any contact details publicly, to protect his privacy.

19. In order to overcome this, the plaintiffs have arrayed various internet and telecom services providers (ISPs) as defendants no. 13-21 (hereinafter referred as "the said ISPs"), DoT as defendant no. 22 and MEITY as defendant no. 23 in the present suit to ensure effective implementation of orders passed by this Court.

20. Issue notice.

21. Notice be issued to the defendants through all modes.

22. Reply(ies) be filed within four weeks.

23. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

24. In view of the averments noted hereinabove and in view of the judgment passed in **UTV Software Communication Ltd.** (*supra*), this Court is of the opinion that a *prima facie* case is made out in favour of the plaintiffs and balance of convenience is also in their favour. Further, irreparable harm or injury would be caused to the plaintiffs if an interim injunction order is not passed.

25. Accordingly, the defendants no. 1 to 12 (and any such other mirror/redirect/alphanumeric website, which appears to be associated with any of the defendants' websites based on its name, branding or the identity of its operator, or discovered to provide additional means of accessing the defendants' Websites, and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities, which are discovered to have been engaging in infringing the plaintiffs' exclusive rights), their owners, partners, proprietors, officers, servants, employees, and



all others in capacity of principals or agents, acting for and on their behalf, or anyone claiming through, by or under them are hereby restrained, 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 a Copyright.

26. The defendants no. 13 to 21 shall ensure compliance with this order by blocking websites of the defendants no. 1 to 12, their URLs and the respective IP addresses as filed along with the suit (Page 21-24 - Vol 1 of the plaintiffs' documents and also Annexed herewith as Annexure -A).

27. The defendants no. 22 and 23 are further directed to take immediate steps and issue requisite notifications within five working days, calling upon various internet and telecom service providers registered under them to block the aforementioned websites identified by the plaintiffs.

28. Further, as held by this court in ***UTV Software Communication Ltd.*** (*supra*), in order for this court to be freed from constant monitoring and adjudicating the issues of mirror/redirect/alphanumeric websites, it is directed that as and when the plaintiffs file an application under Order I Rule 10 of the Code of Civil Procedure, 1908 (CPC) for impleadment of such websites, the plaintiffs shall file an affidavit confirming that the newly impleaded website is mirror/redirect/alphanumeric website, which appears to be associated with any of the defendants' websites based on its name, branding or the identity of its operator, or has been discovered to provide additional means of accessing the defendants' websites and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities, which are



discovered to have been engaging in infringing the plaintiffs' exclusive rights, with sufficient supporting evidence. Such applications shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue appropriate directions to the ISPs.

29. Compliance under Order XXXIX Rule 3 of the CPC be done within five days from today.

30. List before Joint Registrar on 6<sup>th</sup> February, 2023.

31. List before Court on 16<sup>th</sup> March, 2023.

**AMIT BANSAL, J**

**DECEMBER 12, 2022**

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**Annexure-A**

**LIST OF WEBSITES**

S.No.	Domain Name	URL	IP Address
Defendant No. 1			
1.	dembed2.com	https://dembed2.com	104.26.14.20
			104.26.15.20
			172.67.72.130
Defendant No. 2			
2.	bollyflix.day	https://bollyflix.day	104.21.28.33
			172.67.170.58
3.	bollyflix.cyou	<u>https://bollyflix.cyou</u>	172.64.192.33
			172.64.193.33
4.	bollyflix.vip	<u>https://bollyflix.vip</u>	172.67.219.153
			104.21.24.162
Defendant No. 3			
5.	divicast.com	https://divicast.com	172.67.134.91
			104.21.25.157
Defendant No. 4			
6.	Gogohd.net	https://gogohd.net	172.67.68.129
			172.67.68.129
			104.26.13.233
7.	Goload.io	<u>http://goload.io</u>	104.26.0.4
			104.26.1.4
			172.67.68.229
Defendant No. 5			
8.	kuttymovies.monster	<u>https://kuttymovies.monster</u>	172.67.208.93
			104.21.45.34





9.	kuttymovies24.com	<a href="http://kuttymovies24.com">http://kuttymovies24.com</a>	104.21.17.116
			172.67.175.200
10.	kuttymovies24.org	<a href="https://kuttymovies24.org">https://kuttymovies24.org</a>	172.67.177.74
			172.67.177.74
Defendant No. 6			
11.	movie4me.store	<a href="https://movie4me.store">https://movie4me.store</a>	104.21.29.75
			172.67.148.150
12.	movie4me.bond	<a href="https://movie4me.store">https://movie4me.store</a>	104.21.80.118
			172.67.180.132
13.	movies4me.one	<a href="http://movies4me.one">http://movies4me.one</a>	104.21.25.66
			172.67.223.109
Defendant No. 7			
14.	moviesmint.in	<a href="http://moviesmint.in">http://moviesmint.in</a>	104.21.30.39
			172.67.150.134
Defendant No. 8			
15.	moviezwap.vin	<a href="https://moviezwap.vin">https://moviezwap.vin</a>	104.21.52.130
			172.67.199.137
16.	moviezwap.run	<a href="https://moviezwap.run">https://moviezwap.run</a>	104.21.74.119
			172.67.157.244
17.	moviezwap.pics	<a href="https://moviezwap.pics">https://moviezwap.pics</a>	172.67.174.17
			104.21.80.42
Defendant No. 9			



18.	prmovies.run	prmovies.run	104.21.4.96
19.	prmovies.team	<a href="https://prmovies.team">https://prmovies.team</a>	172.67.159.85
			104.21.89.125
20.	prmovies.tel	<a href="https://prmovies.tel">https://prmovies.tel</a>	172.67.191.119
			104.21.65.184
Defendant No. 10			
21.	serieshd.watch	<a href="https://serieshd.watch">https://serieshd.watch</a>	172.67.209.29
			104.21.69.141
Defendant No. 11			
22.	tamilprint.art	<a href="http://tamilprint.art">http://tamilprint.art</a>	172.67.144.12
			104.21.28.35
23.	tamilprint22.xyz	<a href="https://tamilprint22.xyz">https://tamilprint22.xyz</a>	104.21.32.75
			172.67.184.102
Defendant No. 12			
24.	uhdmovies.site	<a href="https://uhdmovies.site/movies/">https://uhdmovies.site/movies/</a>	172.67.128.24
25.	uhdmovies.co	<a href="https://uhdmovies.co">https://uhdmovies.co</a>	172.67.167.37
			104.21.42.226
26.	uhdmovies.app	<a href="http://uhdmovies.app">http://uhdmovies.app</a>	104.21.44.147
			172.67.200.226