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

+ **CS(COMM) 87/2023 & I.A. 3141/2023, I.A. 3142/2023, I.A. 3143/2023, I.A. 3144/2023**

STAR INDIA PRIVATE LIMITED Plaintiff
Through: Mr. Sidharth Chopra, Mr. Yatinder Garg, Mr. Raunak Das Sharma and Ms. Rimjhim Tiwari, Advs.

versus

MOVIESVERSE.AC & ORS. Defendants
Through: None

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **16.02.2023**

I.A. 3144/2023 (under Order XI Rule 1(4) of CPC)

1. This is an application, under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act, 2015, seeking permission to file additional documents.
2. For the reasons stated in the application, the plaintiff is permitted to file additional documents within four weeks from today in accordance with the protocol envisaged by Order XI Rule 1(4) of the CPC.
3. The application is allowed accordingly.

I.A. 3143/2023 (under Section 151 of CPC seeking exemption)

4. Subject to the plaintiff's filing legible copies of any dim or illegible documents on which they may seek to place reliance within four

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weeks from today, exemption is granted for the present.

5. The application is allowed accordingly.

I.A. 3142/2023 (under Section 80 of the CPC)

6. Given the urgent nature of the relief sought in the plaint, exemption is granted for the present from serving notice under Section 80 of the CPC on the official defendants.

7. The application is allowed accordingly.

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8. The plaintiff provides broadcasting services. The plaint asserts that the plaintiff owns the exclusive license to release and distribute and, thereafter, stream and release on its OTT Platforms, such as Disney + Hotstar, various Hindi films including “SELFIEE” (hereinafter “the film”) which forms subject matter of the present suit.

9. The film “SELFIEE” is scheduled for release on 24th February 2023. The exclusive copyright to broadcast and stream the film “SELFIEE” is asserted by the plaintiff on the basis of letters dated 8th February 2023 and 9th February 2023 by the producers of the film which acknowledged the exclusive copyright held by the plaintiff in terms of an earlier agreement dated 10th June 2022.

10. The film has also been granted certification by the Central Board of Film Certification (CBFC) on 8th February 2023.



11. Defendants 27 to 29 are the producers of the film. Defendants 1 to 26 are alleged to be rogue websites who are engaged, habitually, in making available, illegally and without authorisation, for downloading and streaming by the public, copyrighted work such as the film forming subject matter of the present plaint, on online websites.

12. Mr. Sidharth Chopra, learned Counsel for the plaintiff, has invited my attention to the following tongue-in-cheek recital, which figures on the website of Defendant 1 and which, he submits, is reflective of the bravura and impunity which they are engaging in the infringing activities:

“Moviesverse, Movies Verse, MoviezVerse is an online movie streaming platform that offers pirated content that is not released. It has a huge collection of latest movies and films that still not available on the market and YouTube. You can watch and download all contents free of costs, but they are illegal, so you have to take some precautions. It is not available in all countries so you can use VPN and choose a location with access to Moviesverse. Here, we will discuss the Movies Verse.

MoviesVerse, Movies Verse, MoviezVerse is a platform that provides the latest and unreleased Hollywood and Bollywood movies that violate the rules and regulations of the authority. You can save your money from going to the theatre or buying a CD. It offers HD quality, 720 pixels and 360 pixels videos on the phone and PC screen. You will get all movies and its search option is too advanced to find all movies quickly. It has no specific domains and we will recommend some of them that will exist to watch movies online.

The platform provides illegal content, so it is essential to hide your location and IP address. It works with all the most modern navigation programs (it does not even need Flash Player) and does not require any registration to be used. Follow these steps to get access Moviesverse: Install a trusted VPN in your device and select the location where MoviesVerse is allowed. Open your default browser and put the web address of MoviezVerse. Choose your favourite content and enjoy unlimited movies free.”



13. It is in these circumstances that the plaintiff has filed the present suit, seeking an injunction against the defendants from streaming or releasing, in a manner accessible to the public, the film “SELFIEE”. Additional and attendant prayers are also made.

14. The plaintiff has also filed I.A. 3141/2023 seeking *ad interim* injunctive reliefs.

15. This Court is flooded with cases of online piracy, without authorisation, of copyrighted works, being illegally made available for streaming and downloading.

16. Mr. Sidharth Chopra has invited my attention to an order passed by this Bench in CS(COMM) 11/2023 (*Star India Private Limited v. Live4wap.click*) in which, in similar circumstances, *ad interim* interlocutory orders were passed.

17. As such, let the plaint be registered as a suit.

18. Issue summons in the suit.

19. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiff be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants within 30 days thereof.

20. List before the learned Joint Registrar (Judicial) for completion of CS (COMM) 87/2023



pleadings, admission/denial of the documents and marking of exhibits on 23rd March 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

I.A. 3141/2023 (under Order XXXIX Rules 1 and 2 CPC)

21. Issue notice, returnable on 17th April 2023 before the Court.
22. Reply be filed within four weeks with advance copy to learned Counsel for the plaintiff, who may file rejoinder thereto, if any, within four weeks thereof.
23. Following interlocutory directions are passed, to remain in force till the next date of hearing.
 - (i) Defendants No. 1 to 26 (and such other mirror/redirect/alphanumeric websites of Defendants 1 to 26 which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiff to have been infringing the Plaintiff's exclusive rights and copyrights), 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, shall stand restrained from communicating, hosting, streaming, and/or making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Film – "Selfiee" in which the Plaintiff has exclusive copyright, so as to infringe the Plaintiff's exclusive rights, copyrights and broadcast reproduction rights.



(ii) Defendant 30 is directed to suspend the domain name registration of Defendant No. 1, 2, 5-9, 11-13, 16, 23, 24 and 26 in respect of the websites.

(iii) Defendant 31 is directed to suspend the domain name registration of Defendants 3 and 22 in respect of the websites.

(iv) Defendant 32 is directed to suspend the domain name registration of Defendants 4 and 10 in respect of the websites.

(v) Defendant 33 is directed to suspend the domain name registration of Defendant 20 in respect of the website.

(vi) Defendant 34 is directed to suspend the domain name registration of Defendant 16 and 18 in respect of the website.

(vii) Defendant 35 is directed to suspend the domain name registration of Defendant 21 in respect of the website.

(viii) Defendant 36 is directed to suspend the domain name registration of Defendant 25.

(ix) Defendant 37 is directed to suspend the domain name registration of Defendant 14.

(x) Defendants 38-46 are directed to block access to Defendant 1-26.

(ix) Defendants 30 to 37 are directed to disclose, on affidavit, (a) complete details such as name, address, email address, phone



number, IP address, etc. (b) Mode of payment along with payment details used for registration of domain name by the registrant(s) and (c.) details of other websites registered by the Defendant Nos. 1 to 26 using similar details, same credit card, payment gateway etc. (disclosed as per sub-clause (b) above) with the Defendant Nos. 30 to 37.

(x) To facilitate implementation of the aforesaid directions, Defendants 47 and 48 are directed to issue a notification, calling on internet and telecom service providers registered under the said defendants, to block access to the aforesaid websites identified by the plaintiff and enumerated in the serial no.1 in the documents annexed to the plaint.

24. The remaining prayers would be considered on the next date of hearing.

25. Defendants 30 to 37 are also directed to ensure that *status quo* is maintained with respect to the domain names of defendants arrayed as Defendants 1 to 26.

26. This order shall remain in force till the next date of hearing.

27. The plaintiff is directed to comply with the requirement of Order XXXIX Rule 3 within a period of one week from today.

C. HARI SHANKAR, J.

FEBRUARY 16, 2023

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