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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 369/2019

WARNER BROS. ENTERTAINMENT INC. Plaintiff

Through: Ms. Sneha Jain, Adv.

versus

HTTP://TAMILROCKERS.WS & ORS.

..... Defendants

CORAM:

**SH. DEVENDER KUMAR (DHJS), JOINT REGISTRAR
(JUDICIAL)**

ORDER

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02.09.2019

**I.A. No. 12069/2019 filed on behalf of plaintiff under Order 1
Rule 10 CPC seeking impleadment of additional mirror,
redirects, or alphanumeric variations as defendants in the memo
of parties**

The main submission of learned counsel for plaintiff is that the Hon'ble Court was pleased to grant ex-parte *ad-interim* injunction in this suit against the defendants vide order dated 24.07.2019 for infringement of copyrights, but after passing of the abovesaid order, many other websites, as disclosed in application, have started violation and these are mirror, redirected or alphanumeric variations of defendants and they are also necessary parties to this suit. It is further stated that details of all proposed defendants have been disclosed in Schedule-A annexed with application and they are also liable to be impleaded as defendants no.51 to 66. It is further argued that even interim order dated 24.07.2019 is also liable to be extended against them and application may be allowed.



I have heard the arguments and perused the record. The Hon'ble High Court in judgment titled *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.* dated 11.04.2019 has dealt with the similar situation and the observation of the Hon'ble Court in para 107 of the judgment is as under:-

107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) 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, 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 copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly.

The plaintiff has filed affidavit of investigator along with sufficient material to prove that proposed defendants/websites are mirror/redirect/alphanumeric websites of defendants which are also



involved in violation of copyrights of plaintiff. In view of the submissions and judgment relied upon by learned counsel for applicant, the websites mentioned in the prayer clause of the application especially Schedule-A are impleaded as defendants no.51 to 66.

Since the newly added defendants are also stated to be involved in violation of copyrights of plaintiff, accordingly ex-parte *ad-interim* injunction dated 24.07.2019 is also extended to newly added defendants no.51 to 66. The DoT, ISP and MEITY are directed to do the needful in terms of the abvoesaid interim order.

I.A. stands disposed of.

Registry is directed to do the needful.

Copy of order be given *dasti*.

Amended memo of parties be filed within a week.

DEVENDER KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)
SEPTEMBER 02, 2019/tp

[Click here to check corrigendum](#)