Government of India Ministry of Communications Department of Telecommunications Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001 (Data Services Cell)

No. 813-07/LM-32/2023-DS-II

Dated: 27.05.2024

04.06.20

To,

All Internet Service Licensee's

Subject: CS(COMM) 469 of 2023 - GRIP INVEST TECHNOLOGIES PRIVATE LIMITED VS. ASHOK KUMAR & ORS., Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated 20.05.2024 on the subject matter.

- 2. Please refer to the para 17.3 of the said court order in respect of blocking of website enumerated in the said para
- 3. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said websites, as above, for compliance of the said court order.

Director (DS-II)
Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) Sh. V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and with request to take action as per Annexure.
- (ii) Kaustubh (kaustubh.rai@apogeelawoffices.com) Plaintiff Advocate for kind information.
 - a) Take action as per Annexure.





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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 469/2023

GRIP INVEST TECHNOLOGIES PRIVATE LIMITED

..... Plaintiff

Through: Mr. Kaustubh Rai, Mr. Ramchandra

Madan and Mr. Prateek Narwal,

Advocates.

versus

ASHOK KUMAR & ORS.

.... Defendants

Through: Mr. Harish Vaidyanathan Shankar,

CGSC with Mr. Srish Kumar Mishra, Mr. Alexander Mathai, Mr. Paikaday, Advocates for newly impleaded D-12

(DoT).

Ms. Hetu Arora Sethi, ASC, GNCTD with Mr. Arjun Basra, Advocate for

Cyber Cell, Delhi Police.

CORAM: HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER 20.05.2024

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I.A. 29717/2024 (filed by Plaintiff under Order I Rule 10 r/w Section 151 CPC for impleadment of proposed Defendant Nos. 11 and 12) and I.A. 29719/2024 (filed by Plaintiff under Order VI Rule 17 r/w Section 151 CPC for amendment of plaint)

- 1. The Plaintiff has filed the instant suit seeking permanent injunction for protecting their copyright over the website www.gripinvest.in.
- 2. At the time of filing of the suit, the Plaintiff was aware of two infringing websites, details whereof were set out in the plaint. On 19th July,

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- 2023, on an application under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC), the Court granted an *ex-parte ad-interim* injunction in favour of the Plaintiff. Pursuant to the said order, the infringing websites were blocked and are no longer accessible.
- 3. Thereafter, upon the Plaintiff discovering further infringing websites, they approached the Court seeking impleadment of such websites as well as their Domain Name Registrars (DNRs). Through order dated 30th October, 2023, the said parties were impleaded and the injunction order was extended to apply to them as well. Accordingly, the said infringing websites were also blocked and are no longer accessible.
- 4. By way of the instant applications, the Plaintiff claims to have discovered yet another infringing website, i.e. 'https://www.eliteedgebrokerage.info'. It is contended that the said website is an exact mirror copy of the Plaintiff's website, and infringes on their trademark and copyright.
- In view of the aforenoted background, through I.A. 29717/2024, the 5. **Plaintiff** seeks implead the infringing website, i.e. to www.eliteedgebrokerage.info as 'Defendant No. 11'. Further, in order to effectively implement the Court's orders, the Plaintiff also seeks to implead the Department of Telecommunication (DoT), Ministry of Communications and IT, as Defendant No. 12. Additionally, through I.A. 29719/2024, the Plaintiff seeks to introduce the necessary amendments in the plaint in respect of the proposed Defendants.
- 6. Having considered the above, the Court is of the opinion that the above-captioned applications are necessary for the effective adjudication of the suit. Accordingly, the applications are allowed.

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- 7. Plaintiff is directed to file amended of parties within a period of one week from today.
- 8. The amended plaint annexed with I.A. 29719/2024 is taken on record.
- 9. With the above directions, the applications are disposed of.

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- 10. Upon filing of process fee, issue summons to the newly impleaded Defendants No. 11 & 12, by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendant Nos. 11 & 12 within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants No. 11 & 12 shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.
- 11. Liberty is given to the Plaintiff to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiff, affidavit(s) of admission/denial of documents of the Defendants No. 11 & 12, be filed by the Plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
- 12. List before the Joint Registrar for marking of exhibits on 8th August, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
- 13. List before Court for framing of issues thereafter.

CS(COMM) 469/2023 Page 3 of 6



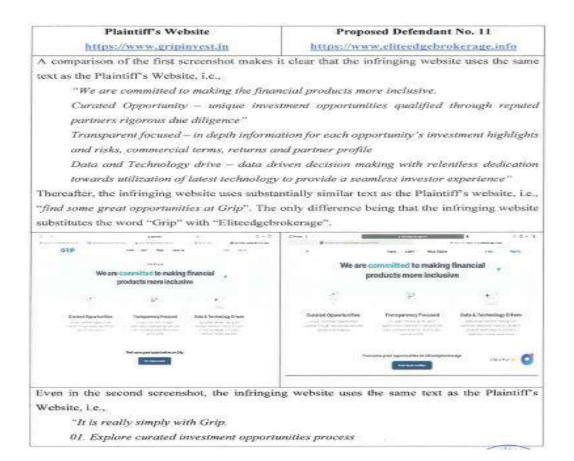


I.A. 29718/2024 (filed by Plaintiff under Order XXXIX Rules 1 and 2 r/w Section 151 CPC)

14. By way of this application, the Plaintiff seeks an interim injunction against the newly impleaded Defendant No. 11, who is alleged to be infringing the Plaintiff's copyright in their website www.gripinvest.in as

well as their registered trademark "

". A comparison of the screenshots of Defendant No. 11's website, www.eliteedgebrokerage.info, with the homepage of the Plaintiff's website is represented as follows:



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- 15. From the above comparison, it is clear that Defendant No. 11's website has the same look, colour and feel as the Plaintiff's website, including the colour scheme and placement of icons and tabs. Further, the impugned website has also copied the text used in the Plaintiff's website, including their testimonials.
- 16. In view of the above, the Plaintiff has made out a *prima facie* case for grant of interim injunction; balance of convenience also lies in favour of the Plaintiff and irreparable loss would be caused in case the Defendants are not injuncted from carrying out their infringing activities.
- 17. Accordingly, till the next date of hearing, the following directions are issued:
- 17.1. Defendant No. 11 and/or anybody acting on their behalf is restrained from operating the domain 'eliteedgebrokerage.info', as well as the website to which the said domain name resolves.
- 17.2. Defendant No. 4 (NameSilo LLC), the Domain Name Registrar of Defendant No. 11's impugned website, is directed to lock and suspend the website resolving on the domain name 'eliteedgebrokerage.info'. Further, they shall file in a sealed cover the necessary information pertaining to the identity of registrant(s) of the said domain name, as is available with them, within a period of four weeks from today.
- 17.3. Defendants No. 2 (MeitY) and 12 (DoT) are directed to issue necessary notifications/ directions to telecom service providers and internet service providers in India, to block/ remove access to the website 'www.eliteedgebrokerage.info'.
- 18. Compliance of Order XXXIX Rule 3 of CPC be done within a period of one week from today. Considering the particular facts of the case,

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compliance via email is permitted.

19. Issue notice to Defendants No. 11 & 12, by all permissible modes, upon filing of process fee, returnable on the next date of hearing. Reply, if any, be filed within a period of four weeks form the date of service. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

20. Re-notify on the date already fixed i.e., 5th September, 2024.

SANJEEV NARULA, J

MAY 20, 2024 *₽*₿

CS(COMM) 469/2023 Page 6 of 6

Email ABHISHEK PANDEY

Fwd: Re: CS (OS) No. 469 of 2023 | GITPL v Ashok Kumar & Ors. | Service of Summons

From: Abhinesh Meena <abhinesh.meena@gov.in>

Mon, May 27, 2024 12:03 PM

Subject: Fwd: Re: CS (OS) No. 469 of 2023 || GITPL v Ashok Kumar & Ors. || Service of Summons

3 attachments

To: ABHISHEK PANDEY <abhishek.pandey95@nic.in>

With Regards,

Abhinesh Meena JTO-2(DS-II), Data Services Cell, Sanchar Bhawan, DOT HQ, New Delhi-110001 Ph. 23036760

======== Forwarded message ========

From: <kaustubh.rai@apogeelawoffices.com>

To: <gdpr@tucows.com>, <dpo@tucows.com>, <compliance@tucows.com>, <legal@enom.com>,

<grievanceofficer@namesilo.com>, <hvscgscdhc@gmail.com>, <invest@upstocksinvest.com>, <invest@stockedges.com>,
<hetuarorasethiadv@gmail.com>, "SHO Cyber Outer"<shocyber.outer@delhipolice.gov.in>, <invest@indiastocksbrokerage.com>,

<invest@MetroStockMarketTrading.com>, <invest@BankniftyIndia-share-marketstockmarketcryptotrading.com>,

<invest@indiastocksexchange.com>, <support@eliteedgebrokerage.info>, "Abhinesh Meena"<abhinesh.meena@gov.in>, "Ram

Kailash Meena"<dirds2-dot@nic.in>

Date: Thu, 23 May 2024 08:58:47 +0530 Subject: Re: CS (OS) No. 469 of 2023 | GITPL v Ashok Kumar & Ors. | Service of Summons

======= Forwarded message ========

Dear Sirs,

We write on behalf of our client, Grip Invest Technologies Private Limited, the Plaintiff in the captioned Suit.

The Suit and the accompanying applications were listed before the Hon'ble Delhi High Court on 20 May 2024, wherein the Hon'ble Delhi High Court was pleased to grant, inter alia, the following reliefs:

- "17.1. Defendant No. 11 and/or anybody acting on their behalf is restrained from operating the domain 'eliteedgebrokerage.info', as well as the website to which the said domain name resolves.
- 17.2. Defendant No. 4 (NameSilo LLC), the Domain Name Registrar of Defendant No. 11's impugned website, is directed to lock and suspend the website resolving on the domain name 'eliteedgebrokerage.info'. Further, they shall file in a sealed cover the necessary information pertaining to the identity of registrant(s) of the said domain name, as is available with them, within a period of four weeks from
- 17.3. Defendants No. 2 (MeitY) and 12 (DoT) are directed to issue necessary notifications/ directions to telecom service providers and internet service providers in India, to block/ remove access to the website 'www.eliteedgebrokerage.info'.'

A copy of the order dated 20 May 2024 is attached to this email for ease of reference.

We accordingly request MeITY and DOT to immediately issue orders to telecom service providers and internet service providers to block access to the website: 'eliteedgebrokerage.info'.

We also request NameSilo LLC to please provide details of the owners and operators of the website: 'eliteedgebrokerage.info', in sealed cover to the Hon'ble Court.

In compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, we are re-serving a copy of the Plaint and the accompanying applications and documents by way of this email. The same can be accessed from the link: https://bestfile.io/p05qg8PDnvt1ihV/file.

Thank you.

Yours sincerely,

Kaustubh Rai





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From: Kaustubh Rai <kaustubh.rai@apogeelawoffices.com>

Date: Friday, 17 May 2024 at 8:58 AM

To: qdpr@tucows.com <qdpr@tucows.com>, dpo@tucows.com <dpo@tucows.com>, compliance@tucows.com

<<u>compliance@tucows.com</u>>, <u>legal@enom.com</u> <<u>legal@enom.com</u>>, <u>grievanceofficer@namesilo.com</u> <<u>grievanceofficer@namesilo.com</u>>, <u>hvscgscdhc@gmail.com</u>>, <u>invest@upstocksinvest.com</u> <<u>invest@upstocksinvest.com</u>>, <u>invest@stockedges.com</u>>, <u>invest@stockedges.com</u>>, <u>hetuarorasethiadv@gmail.com</u> <<u>hetuarorasethiadv@gmail.com</u>>, <u>shocyber.outer@delhipolice.gov.in</u>

<<u>invest@stockedges.com</u>>, netdarorasetniadv@gmair.com <<u>netdarorasetniadv@gmair.com</u>>, <u>snocyber.outer@de</u> <<u>shocyber.outer@delhipolice.gov.in</u>>, <u>invest@indiastocksbrokerage.com</u> <<u>invest@indiastocksbrokerage.com</u>>,

invest@MetroStockMarketTrading.com <invest@MetroStockMarketTrading.com>, invest@BankniftyIndia-share-

marketstockmarketcryptotrading.com <invest@BankniftyIndia-share-marketstockmarketcryptotrading.com>,

invest@indiastocksexchange.com <invest@indiastocksexchange.com>, support@eliteedgebrokerage.info

<support@eliteedgebrokerage.info>, abhinesh.meena@gov.in <abhinesh.meena@gov.in>, dirds2-dot@nic.in <dirds2-dot@nic.in>

Subject: Re: CS (OS) No. 469 of 2023 || GITPL v Ashok Kumar & Ors. || Service of Summons

Dear Sirs,

We are concerned for our client, Grip Invest Technologies Private Limited, the Plaintiff in the captioned Suit.

Please see a link containing copy of applications and additional documents being filed on behalf of the Plaintiff in the captioned matter, as and by way of service upon you: https://bestfile.io/p05qg8PDnvt1ihV/file

We request you to acknowledge receipt of this email.

Yours sincerely,

Kaustubh Rai for Apogee Law Offices
Advocates for Grip Invest Technologies Private Limited

Kaustubh Rai Partner



Second Floor, A-193, Defence Colony, New Delhi – 110 024 011-45573409; +91 – 8765629295

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From: Kaustubh Rai <kaustubh.rai@apoqeelawoffices.com>

Date: Thursday, 16 May 2024 at 11:46 PM

To: <u>gdpr@tucows.com</u> < <u>gdpr@tucows.com</u> >, <u>dpo@tucows.com</u> >, <u>compliance@tucows.com</u> >

<compliance@tucows.com>, legal@enom.com <legal@enom.com>, grievanceofficer@namesilo.com <grievanceofficer@namesilo.com>,
hvscgscdhc@gmail.com <hvscgscdhc@gmail.com>, invest@upstocksinvest.com <invest@upstocksinvest.com>, invest@stockedges.com
<invest@stockedges.com>, hetuarorasethiadv@gmail.com <hetuarorasethiadv@gmail.com>, shocyber.outer@delhipolice.gov.in

<<u>invest@stockeages.com>, netuarorasetniadv@gmail.com</u> <<u>netuarorasetniadv@gmail.com>, snocyber.outer@delnipolic</u> <<u>shocyber.outer@delhipolice.gov.in>, invest@indiastocksbrokerage.com</u> <<u>invest@indiastocksbrokerage.com</u>>,

invest@MetroStockMarketTrading.com <invest@MetroStockMarketTrading.com>, invest@BankniftyIndia-share-

marketstockmarketcryptotrading.com <invest@BankniftyIndia-share-marketstockmarketcryptotrading.com>,

invest@indiastocksexchange.com <invest@indiastocksexchange.com>, support@eliteedgebrokerage.info

<support@eliteedgebrokerage.info>, abhinesh.meena@gov.in <abhinesh.meena@gov.in>, dirds2-dot@nic.in <dirds2-dot@nic.in>

Subject: Re: CS (OS) No. 469 of 2023 || GITPL v Ashok Kumar & Ors. || Service of Summons

Dear Sirs,

We are concerned for our client, Grip Invest Technologies Private Limited, the Plaintiff in the captioned Suit.

Please see attached copy of applications and additional documents being filed on behalf of the Plaintiff in the captioned matter, as and by way of service upon you.

We request you to acknowledge receipt of this email.

Yours sincerely,

Kaustubh Rai for Apogee Law Offices
Advocates for Grip Invest Technologies Private Limited



Law Offices Partner

> Second Floor, A-193, Defence Colony, New Delhi – 110 024

011-45573409; +91 - 8765629295

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From: Kaustubh Rai < kaustubh.rai@apogeelawoffices.com >

Date: Thursday, 7 December 2023 at 7:29 PM

To: gdpr@tucows.com <gdpr@tucows.com>, dpo@tucows.com <dpo@tucows.com>, compliance@tucows.com

<compliance@tucows.com>, legal@enom.com <legal@enom.com>, grievanceofficer@namesilo.com <grievanceofficer@namesilo.com>, hvscqscdhc@gmail.com <hvscqscdhc@gmail.com>, invest@upstocksinvest.com <invest@upstocksinvest.com>, invest@stockedqes.com $<\!\!\underline{invest@stockedges.com}\!\!>\!, \underline{mail@lawlinks.com}<\!\!\underline{mail@lawlinks.com}\!\!>\!, \underline{hetuarorasethiadv@gmail.com}<\!\!\underline{hetuarorasethiadv@gmail.com}\!\!>\!, \underline{hetuarorasethiadv@gmail.com}\!\!>\!, \underline{hetuaroras$ shocyber.outer@delhipolice.gov.in <shocyber.outer@delhipolice.gov.in>, invest@indiastocksbrokerage.com

<invest@indiastocksbrokerage.com>, invest@MetroStockMarketTrading.com <invest@MetroStockMarketTrading.com>,

invest@BankniftyIndia-share-marketstockmarketcryptotrading.com <invest@BankniftyIndia-share-

marketstockmarketcryptotrading.com>, invest@indiastocksexchange.com <invest@indiastocksexchange.com>

Subject: CS (OS) No. 469 of 2023 || GITPL v Ashok Kumar & Ors. || Service of Summons

Dear Sirs,

We are concerned for our client, Grip Invest Technologies Private Limited, the Plaintiff in the captioned Suit.

Please see attached the Court Summons to all the Defendants in the Suit, as and by way of service upon you.

We request you to acknowledge receipt of this email.

Yours sincerely,

Kaustubh Rai for Apogee Law Offices Advocates for Grip Invest Technologies Private Limited



Kaustubh Rai Partner

> Second Floor, A-193, Defence Colony, New Delhi - 110 024 011-45573409; +91 - 8765629295

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Order [20.05.2024].pdf 373 KB