

BY EMAIL & DoT website

**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-58/2024-DS-II

Dated:23-12-2024

To,

All Internet Service Licensee

Subject: CS (COMM) 563 of 2024 - Asian Paints Limited vs. John Doe and Ors. before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated **13.12.2024** on the subject matter.

2. Please refer to the **para 15(e)** of the said court order in respect of blocking of **websites** enumerated in paragraph 19 of the present application as well as the domain asianpaints.com.br (of defendant no.25).
3. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.

Digitally signed by

Shashi Kumar

Date: 23-12-2024 09:53:14

Dir (DS-II)

Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- i. DGT, DoT for necessary action w.r.t blocking of Telephone Nos [Para 25(f)] of the court order.
- ii. DDG(AS), DoT for kind information pl.
- iii. 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**.
- iv. Sh. Rohan Krishna Seth <rohan@fiduslawchambers.com> Plaintiff Advocate for kind information.[Pl. take action as per Annexure]
- v. Smt. Nidhi Raman, Senior Penal Counsel for kind information.
- vi. IT wing of DoT for uploading on DoT websites please.



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

+ **CS(COMM) 563/2024 with I.A. 32962/2024, I.A. 46351/2024**

ASIAN PAINTS LIMITED

.....Plaintiff

Through: Mr. Prithvi Singh, Mr. Rohan Krishna
Seth, Mr. Ritwik Marwaha,
Advocates.

versus

JOHN DOE AND OTHERS

.....Defendants

Through: Mr. Mrinal Ojha, Mr. Debarshi Dutta,
Ms. Nikita Rathi, Mr. Rishabh
Agarwal, Mr. Arjun Mookhrjee,
Advocates for D-2.
Mr. Abhinav Kumar, Advocate for
D-4.
Ms. Nidhi Raman, CGSC with Mr.
Akash Mishra, Ms. Rashi Kapoor and
Mr. Chetan Jadon, Advocates for R-7
and R-8.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **13.12.2024**

CS(COMM) 563/2024

1. Pursuant to the order passed on 27th November, 2024, an amended memo of parties along with amended plaint has been filed on behalf of the plaintiff.
2. Issue summons in the suit to the newly impleaded defendants no.12 to 17, 20, 22 through all permissible modes including e-mail and the remaining defendants no. 18, 19, 21, 23, 24 and 25 be served through e-mail.

CS(COMM) 563/2024

Page 1 of 5

This is a digitally signed order.

1

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

File No. Order 764 of 2024, Del. HC, Dated 16/12/2024 at 19:41:40

Generated from eOffice by Shashank Kumar, STENO(SK) - ADMIN II, STENO GR- D, Department of Telecommunication on 21/01/2025 02:47 pm



3. The summons shall state that the written statement(s) shall be filed by the defendants within statutory time limits. Liberty is also given to the other defendants to file an amended written statement(s).
4. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s).
5. List before the Joint Registrar on 17th February, 2025 for completion of service and pleadings.
6. List before the Court on 28th March, 2025.

I.A. 46351/2024 (under Order XXXIX Rules 1 and 2 CPC)

7. This application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908 ('CPC') seeking relief of injunction against the newly impleaded defendants no.12 to 25.
8. To be noted, *vide* Order dated 11th July, 2024, an injunction order was passed in favour of the plaintiff, restraining the defendants from using the registered trademarks of the plaintiff. Moreover, *vide* the said order, the multiple websites of the defendants that were being used to carry out fraudulent activities were directed to be suspended and blocked.
9. Subsequently, the plaintiff has come to know about additional websites, phone numbers, e-mail IDs and bank accounts owned and operated by defendants no.12 and 25 through which the defendants are continuing to defraud innocent customers by using the plaintiff's trademarks, logos and ad campaigns. The defendants are attempting to impersonate the brand/business of the plaintiff by using its trade name, content, products, and other intellectual property to scam potential dealers/consumers of the plaintiff.
10. The plaintiff has provided the details of ten victims, who were seeking a new dealership of Asian Paints in paragraph 13 of the application. The



victims, while searching online for Asian Paints dealerships, were misled by fraudulent websites using the plaintiff's trademark. The said victims were deceived by unknown parties into paying money based on false promises of the plaintiff's dealership.

11. The defendants no.12 and 25 are falsely claiming to be associated with the plaintiff and are fraudulently offering fake franchises /distributorships purportedly on the plaintiff's behalf.

12. In view of the above, the present application has been filed for freezing the bank accounts, blocking telephone numbers as well as suspending the domain names of defendants no.12 and 25.

13. Based on the averments made in the application and submissions advanced by the counsel, a *prima facie* case has been made out in favour of the plaintiff. Clearly, the defendants are using the plaintiff's trademarks, logos, and ad campaigns to dupe innocent customers into paying money under false promises of dealership opportunities.

14. Balance of convenience is in favour of the plaintiff and against the defendants. Irreparable injury would be caused to the plaintiff if the defendants continue to use the impugned marks/labels. Prejudice would also be caused to the public as the marks/labels/ad campaigns being used by the defendants are that of the plaintiff.

15. Consequently, the application is allowed and an *interim* injunction is passed in favour of the plaintiff till the pendency of the present suit in the following terms:

- (a) The defendants no. 12 and 25, their employees, their employees, servants, agents, representatives and all others in active concert or participation with them are restrained from illegally using,



in any, form or manner, the plaintiff's Asian Paints trademarks or any other deceptively similar marks and/or its variants either on their websites or in any other manner.

(b) The defendants no. 4 and 13 to 15 are directed to freeze the bank accounts associated with them as mentioned in paragraph 17 of the present application and disclose the KYC details of the owner and/or beneficiary of the said bank accounts under an affidavit.

(c) The defendants no.9, 16 and 17 are directed to block/suspend the phone numbers mentioned in paragraph 18 of the present application and disclose the complete KYC information pertaining to the owner/operator of the said phone numbers.

(d) The defendants no. 2, 3, and 18 to 24 are directed to suspend and lock their respective domains (during the pendency of the suit) mentioned in paragraph 19 of the present application and furnish all the information, including but not limited to the full name, address, account details and email addresses of the Registrants of their respective domains.

(e) The defendants no. 7 and 8 are directed to issue a notification, calling upon all the internet service providers to suspend access to the websites/ domains mentioned in paragraph 19 of the present application as well as the domain asianpaints.com.br (of defendant no. 25).

(f) The defendant no.8 is directed to issue a notification, calling upon the telecom service providers (defendants no. 9, 16 and 17) to block the phone numbers mentioned in paragraph 18 of the present



application.

16. Issue notice.
17. Notice is accepted on behalf of defendants no. 2, 4, 7 and 8 by their respective counsel.
18. Notice be issued to the newly impleaded defendants no.12 to 17, 20, 22 through all permissible modes including e-mail and the remaining defendants no. 18, 19, 21, 23, 24 and 25 be served through e-mail.
19. Reply(ies) be filed within four (4) weeks.
20. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
21. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) shall be filed within one (1) week from today.
22. List before the Joint Registrar on 17th February, 2025 for completion of service and pleadings.
23. List before the Court on 28th March, 2025.

AMIT BANSAL, J

DECEMBER 13, 2024

PB

- iv. +91 9062823806 - Proposed Defendant No. 16 (Vodafone Idea Ltd.)
- v. 022 69198998 - Proposed Defendant No. 17 (TATA Tele Business Services)
- vi. +91 7596097375 - Defendant No. 9 (Bharti Airtel Ltd.)
- vii. +91 8583063897 - Defendant No. 9 (Bharti Airtel Ltd.)
- viii. +91 8582916538 - Defendant No. 9 (Bharti Airtel Ltd.)
- ix. +91 8583938168 - Defendant No. 9 (Bharti Airtel Ltd.)
- x. +91 7604062884 - Defendant No. 9 (Bharti Airtel Ltd.)
- xi. +91 9981438235 - Defendant No. 9 (Bharti Airtel Ltd.)
- xii. 022 48931201 - Defendant No. 9 (Bharti Airtel Ltd.)

The limited relief being claimed from Defendant No. 9 and Proposed Defendant Nos. 16 and 17 is to block the above-mentioned mobile numbers and to reveal the KYC documents submitted in connection with these phone numbers. Additionally, relief being claimed against Defendant No. 8 (Department of Telecommunications) is with respect to blocking of the aforementioned phone numbers.

9. It is submitted that the fraudsters are using the following domains, and the details of the Domain Name Registrar are mentioned below –

- i. asianpaintsshare.club, asianpaintpartner.com,
asianpaintsltd.com, asianpainter.in, asianpaintdealership.in,
asianpaintsdealers.in, asianpaints.ltd,
asianpaintspartner.co.in, asianpaints.top,
asianpaintspartners.co.in, asianpaintdealership.online,
asianpaintpartnership.com,
asianpaintingandcleaning.services,
paintsdealershipasian.online, asiandpaintdealership.in,

- asianpaintslimited.in, asianpaints.life,
 asianpaintslimited.co.in, asianpaintss.com,
 asianpaintpartner.in, asianpaintsdealer.co.in,
 asianpaintsdealership.co, asianpaintsltd.in, asian-paint.com
 and asianpaintpartnership.com - Defendant No. 2
 (GoDaddy.com LLC)
- ii. asian-paints.co.in - Defendant No. 3 (Endurance Domains
 Technology LLP)
- iii. asianpaintshouse.com - proposed Defendant No. 18 (GMO
 Internet Group, Inc. d/b/a Onamae.com)
- iv. asianpaint.in, asianpaintsindia.online, asianpaintpartners.in,
 asianpaintsdealeragency.in, dealershipsasianpaints.com,
 dealershipsasianpaint.com. asianpaintsdealerships.com,
 asianpaintfranchise.in, asianpaintsdealership.shop,
 paintsfranchiseasian.online, paintsfranchiseasian.in, asians-
 paints.com, asianpaintlimited.in, asianspaintsdearlership.in
 and paintfranchiseasian.online - proposed Defendant No. 19
 (Hostinger Operations, UAB)
- v. asianpaintscivilservicewaterproofmg.org - proposed
 Defendant No. 20 (PDR Ltd. d/b/a)
- vi. paint-asian88.com - proposed Defendant No. 21
 (Gname.com Pte. Ltd.)
- vii. career-asianpaint.com and paintsdistributorship.com -
 proposed Defendant No. 22 (BigRock Solutions Ltd.)
- viii. asianpaintsdistributorship.com - proposed Defendant No. 23
 (Realtime Register B.V.)
- ix. onlinepaintsdealership.com - proposed Defendant No. 24
 (Wix.com Ltd.)

The limited relief being claimed from Defendant No. 2, 3 and proposed Defendant Nos. 18 to 24 is to unmask the identities under which the above-mentioned domains are registered, as also suspend their respective domains. Additionally, the relief being claimed against Defendant Nos. 7 (Ministry of Electronics and Information Technology) and 8 (Department of Telecommunications) is with respect to blocking access of the aforementioned domains.

10. It is submitted that the WHOIS records for the domain asianpaints.com.br did not contain any details of a Registrar, but did contain the name and email address of the Registrant, i.e., Antonio Marcos da Silva, which has been impleaded as Proposed Defendant No. 25.

11. In light of the above acts, the Plaintiff wishes to implead the following in the present suit –

A. John Doe, owner of Bank Account Nos. 19230100049511, 60498846458, 177401000018636, 12370100388712, 60494962784, 045701000027161, 011201000023147, 236201000007526, 60501447442, 142601000011918 and 019050700002945; owner and operator of phone Nos. +91 8582973722, +91 7479655749, +91 9831570736, +91 9062823806, 020 69198998, +91 7596097375, +91 8583063897, +91 8582916538, +91 8583938168, +91 7604062884, +91 9981438235, and 022 48931201; owner and operator of email IDs dealership@asianpaintsdealership.co, dealership@asianpaintsltd.in, dealership@asian-paint.com and support@asianpaintspartnership.com; owner and

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY COMMERCIAL JURISDICTION)
CS (COMM) No. 563 of 2024
Code No. 50000; 50000.04

In the Matter of:

Asian Paints Limited
Asian Paints House
6A, Shantinagar, Santacruz (E),
Mumbai - 400 055, India
Email: litigation@fiduslawchambers.com

... Plaintiff

Versus

John Doe
(Owner and operator of the domains paintsfranchises.com,
asianpaintsfranchise.in, asian-paints.biz, paintsdealerships.co.in,
asianpaintspartner.in and paintspartnerdealership.in
(Owner and operator of mobile No. - +91-9007805475)

... Defendant No. 1

GoDaddy.com LLC
14455 North Hayden Road
Suite 219
Scottsdale, Arizona 85260
United States of America
Email: grievanceofficer@godaddy.com

Also at:
GoDaddy India Web Services Private Limited
First Floor, 01A167, WeWork Bristol Chowk,
Platina Tower, MG Road,
Sector-28, Gurgaon,
Haryana – 122002
Email: grievanceofficer@godaddy.com ... Defendant No. 2

Endurance Domains Technology LLP
Unit No. 501, 5th Floor & Unit IT Building No. 3
Nesco IT Park, Nesco Complex
Western Express Highway, Goregaon (East)
Mumbai, Maharashtra 400063, India

Email: compliance@edtpl.in
abuse@publicdomainregistry.com ... Defendant No. 3

Indian Overseas Bank
 762/763, IOB, Anna Salai,
 Chennai – 600002
 Tamil Nadu
 Email: cybercell@iob.in;
csd@iobnet.co.in ... Defendant No. 4

Central Bank of India
 Chander Mukhi, Nariman Point
 Mumbai – 400 021
 Email: zmmmzo@centralbank.co.in ... Defendant No. 5

Canara Bank
 Head Office No.112
 J C Road Bengaluru - 560 002
 Phone : 080 - 22100250
 E-mail: hosecretarial@canarabank.com ... Defendant No. 6

Ministry of Electronics and Information Technology
 Through the Director General (DIT) Cyber Laws
 Electronics Niketan, 6-CGO Complex,
 Lodhi Road, New Delhi-110003
 E-mail: cyberlaw@meity.gov.in;
gccyberlaws@meity.gov.in;
pkumar@meity.gov.in;
uoidhc@gmail.com ... Defendant No. 7

Department of Telecommunications
 Through its secretary,
 Ministry of Communications and IT,
 20, Sanchar Bhawan, Ashoka Road,
 New Delhi-110001,
 E-mail: secy-dot@nic.in;
dirds2-dot@nic.in;
uoidhc@gmail.com ... Defendant No. 8

Bharti Airtel Ltd.
 Airtel Centre, Tower – A, 6th floor,
 ‘A’ Wing, Plot No. L6, Udyog Vihar,
 Phase IV, Gurgaon – 122016
 Email: amit.bhatia@airtel.com

Contact No. – NA ... Defendant No. 9

Own Web Solution Pvt. Ltd.
602, Avior Nirmal Galaxy, Lbs Road,
Johnson & Johnson, Mulund West
Mumbai, 400080
Email: compliance@vertoz.com ... Defendant No. 10

Tucows Inc.
96 Mowat Avenue Toronto, On M6K 3M1
Canada
Email: info@tucows.com ... Defendant No. 11

John Doe
(Owner and operator of the domains asianpaintsshare.club,
asianpaintpartner.com, asianpaintsltd.com, asianpainter.in,
asianpaintdealership.in, asianpaintsdealers.in, asianpaints.ltd,
asianpaintspartner.co.in, asianpaints.top,
asianpaintspartners.co.in, asianpaintdealership.online,
asianpaintspartnership.com, asianpaintingandcleaning.services,
paintsdealershipasian.online, asiandpaintdealership.in,
asianpaintslimited.in, asianpaints.life, asianpaintslimited.co.in,
asianpaintss.com, asianpaintpartner.in, asianpaintsdealer.co.in,
asianpaintsdealership.co, asianpaintsltd.in, asian-paint.com,
asianpaintspartnership.com, asian-paints.co.in,
asianpaintshouse.com, asianpaint.in, asianpaintsindia.online,
asianpaintspartners.in, asianpaintsdealeragency.in,
dealershipsasianpaints.com, dealershipsasianpaint.com,
asianpaintsdealerships.com, asianpaintfranchise.in,
asianpaintsdealership.shop, paintsfranchiseasian.online,
paintsfranchiseasian.in, asiand-paints.com, asianpaintlimited.in,
asiandpaintsdearlership.in, paintfranchiseasian.online,
asianpaintscivilservicewaterproofing.org, paint-asian88.com,
career-asianpaint.com, paintsdistributorship.com,
asianpaintsdistributorship.com and onlinepaintsdealership.com)
(owner of Bank Account Nos. 19230100049511, 60498846458,
177401000018636, 12370100388712, 60494962784,
045701000027161, 011201000023147, 236201000007526,
60501447442, 142601000011918 and 019050700002945)
(Owner and operator of phone Nos. +91 8582973722, +91
7479655749, +91 9831570736, +91 9062823806, 020 69198998,

+91 7596097375, +91 8583063897, +91 8582916538 and +91 8583938168)

... Defendant No. 12

Federal Bank

Federal Towers, P B NO. 103,

Ernakulam- 683101, Kerala

Email: support@federalbank.co.in;

contact@federalbank.co.in

secretarial@federalbank.co.in

... Defendant No. 13

Bank of Maharashtra

First Floor, Pocket A-2,

DDA Market, Main Bazar Rd,

Nearby Shiv Mandir Road,

Pocket A 2, Mayur Vihar,

Gharoli, New Delhi, Delhi, 110096

Served through Nominated Counsel:

Mr. Santosh Kumar Rout

Email: skrlawfirms@gmail.com;

advskrout@yahoo.com

Mobile: 9990432878

... Defendant No. 14

Yes Bank Ltd.

Yes Bank House,

Off Western Express Highway,

Santacruz (East), Mumbai - 400055

Email: head.grievanceredressal@yesbank.in;

principal.nodalofficer@yesbank.in

... Defendant No. 15

Vodafone Idea Ltd.

Vodafone House,

Peninsula Corporate Park, Ganpatrao Kadam Marg,

Lower Parel, Mumbai-400013

Email: lavati.sairam@vodafoneidea.com;

sanjeet.sarkar@vodafoneidea.com;

sanjeev.srivastava@vodafoneidea.com

... Defendant No. 16

TATA Tele Business Services
Jeevan Bharati, Tower I,
10th Floor, 124 Connaught Circus
New Delhi - 110001
Email: grievance@tatatel.co.in;
dobig@tatatel.co.in ... Defendant No. 17

GMO Internet Group, Inc. d/b/a Onamae.com
Cerulean Tower 4F-14 F,
26-1 Sakuragaoka-cho,
Shibuya-ku, Tokyo 150-8512
Email: abuse@gmo.jp ... Defendant No. 18

Hostinger Operations, UAB
Švitrigailos str. 34, Vilnius 03230 Lithuania
Phone: +37064503378
Email: abuse@hostinger.com ... Defendant No. 19

PDR Ltd. d/b/a
HD 016 Wework Bldg
4 Nesc Western Exp
Highway Goregaon East Mumbai 400063
Email: grievance-officer@publicdomainregistry.com
compliance@publicdomainregistry.com ... Defendant No. 20

Gname.com Pte. Ltd.
6, Battery Road, # 29-02/03,
Six Battery Road, Singapore- 049909
Email: email@gname.com
abuse@gname.com
legal@gname.com
compliant@gname.com ... Defendant No. 21

BigRock Solutions Ltd.
UM House, II Floor Plot No. 35,
Sector 44, Gurugram,
Haryana 122003
Email: grievance-officer@bigrock.com ... Defendant No. 22

Realtime Register B.V.

Burgemeester Drijbersingel 51
8021 JB Zwolle
The Netherlands
Phone: +31 38 453 0759
Email: abuse@realtimeregister.com ... Defendant No. 23

Wix.com Ltd.
40 Namal Tel Aviv Street,
Tel Aviv, 6350671, Israel
Email: domain-abuse@wix.com ... Defendant No. 24

Antonio Marcos da Silva
Email: amsadvocacia@uol.com.br
(Registrant of the domain asianpaints.com.br)
... Defendant No. 25

Filed by:



Prithvi Singh | Rohan Seth | Ritwik Marwaha
[D/2066/2011] | [D/2172/2017] | [D/7877/2024]
Fidus Law Chambers
Advocates for the Plaintiff
F –12, Sector – 8, Noida – 201301
Mob. No.: +91 – 9911167179
litigation@fiduslawchambers.com

Place: New Delhi
Date: 04th December 2024

Annexure

Subject: Action requested to be taken by MEITY and Plaintiff for effective removal of content for viewing by public at large within India as per the said orders of Hon'ble Court.

It is observed that a number of orders of Hon'ble Court are issued for blocking of websites every month. There are around more than 2700 ISPs in India and these ISPs are connected among themselves in a mesh network. DOT is instructing each of the ISPs through emails/through its website for blocking of the websites as ordered by the Hon'ble Courts. Ensuring compliance of the orders by each of the ISPs is a time-consuming and complex task especially in view of multiplicity of orders of Hon'ble Courts, multiplicity of websites to be blocked and multiplicity of ISPs.

2. Allocation of Business Rules inter-alia states thus:-

'Policy matters relating to information technology; Electronics; and Internet (all matters other than licensing of Internet Service Provider).'

3. In view of above and in order to ensure effective removal by content for viewing by public at large, the plaintiff is requested to do a trace route of the web server hosting the said website. In case the web server happens to be in India, the plaintiff may inform the same to Meity who may direct the owner of such web server to stop transmission of content as per IT Act and as directed by the Hon'ble Court so that the content would be blocked from the source itself and the exercise of blocking by 2700 ISPs would not be required.

4. In case such server is located abroad i.e. outside India then access to such URL/website can be blocked through the international internet gateways which are much less in number. This would result in timely and effectively removal of undesirable content for viewing by public at large as is the requirement as per the orders of Hon'ble Court.