

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-43/2024-DS-II

Dated:24-10-2024

To,

All Internet Service Licensee's

Subject: CS(COMM) NO. 734 of 2024 Compagnie des Cristalleries de Saint Louis Vs. Samir alias Elsa alias Aisha alias Anna alias Lindsay alias Stephanie alias Emily alias Sanjay Enterprise operating as www.saint-louiu.com & Ors. Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **29.08.2024** on the subject matter.

2. Please refer to the **para 43(ii)** of the said court order in respect of blocking of website enumerated in the said para.
3. Accordingly, 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.

Digitally signed by
Ram Kailash Meena
DN: **Dir: DSII**, 2024.10.24 16:41:02
Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- i. DGT for Necessary action w.r.t blocking of Telephone Nos.
- ii. DDG(AS) for kind information
- 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. Shri Anand and Anand (email2@anandandanand.com) Plaintiff Advocate for kind information.

- a. Take action as per Annexure.
- v. IT wing of DoT for uploading on DoT websites please.



§~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
 + CS(COMM) 734/2024
 COMPAGNIE DES CRISTALLERIES DE SAINT LOUIS

.....Plaintiff

Through: Mr. Pravin Anand, Ms. Tusha
 Malhotra and Ms. Sugandha Yadav,
 Advocates

versus

SAMIR ALIAS ELSA ALIAS AISHA ALIAS ANNA ALIAS
 LINDSAY ALIAS STEPHANIE ALIAS EMILY ALIAS SANJAY
 ENTERPRISE OPERATING AS WWW.SAINT-LOUIU.COM &
 ORS.Defendants

Through: None

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **29.08.2024**

I.A. 37708/2024 (*pre-litigation mediation*)

1. The plaintiff vide the present application seeks exemption from instituting pre-litigation mediation.
2. Considering the averments made in the present application wherein the plaintiff seeks urgent ad-interim reliefs and in view of *Yamini Manohar vs. T.K.D. Krithi 2023 SCC OnLine 1382* and *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited 2022:DHC:4454-DB*, the plaintiff is exempted from instituting pre-litigation mediation.
3. Accordingly, the present application is allowed and disposed of.

I.A. 37707/2024 & I.A. 37711/2024 (*exemption*)

4. Exemption allowed as sought, subject to all just exceptions.
5. The applications stand disposed of.

I.A. 37709/2024 (*exemption from advance service through email to D-1*)

CS(COMM) 734/2024

Page 1 of 12



and permission to serve them on WhatsApp)

6. The plaintiff vide the present application seeks exemption from advance service upon the defendant no.1 through email and permission to serve defendant no.1 through WhatsApp.

7. For the reasons stated in the application as also taking into account the aforesaid factors and in the interest of justice, the plaintiff is granted exemption from effecting advance service upon the defendant no.1 through email and permission to serve defendant no.1 through WhatsApp.

8. Accordingly, the present application is allowed and disposed of.

I.A. 37710/2024 (*Section 149 CPC for extension from filing court fees*)

9. The plaintiff vide the present application seeks a further period of four weeks for filing the requisite court fee.

10. For the reasons stated in the present application, the plaintiff is granted four weeks as sought for to file the requisite court fee.

11. The Registry is directed to list the matter before the Court, if the requisite court fee is not filed within the stipulated period as aforesaid.

12. Accordingly, the present application is allowed and disposed of.

I.A. 37706/2024 (*additional documents*)

13. The plaintiff vide the present application seeks time of thirty days to file additional documents.

14. The plaintiff will be at liberty to file additional documents within thirty days, *albeit*, strictly as per the provisions of the Commercial Courts Act, 2015 and Delhi High Court (Original Side) Rules, 2018.

15. Accordingly, the present application is disposed of.

I.A. 37712/2024 (*exemption from 2 months notice to the Govt. of India*)

16. The plaintiff vide the present application seeks exemption from

CS(COMM) 734/2024

Page 2 of 12



instituting the present suit without serving two months notice to the Government of India.

17. For the reasons stated in the application, the present application is allowed and disposed of.

CS(COMM) 734/2024

18. The plaintiff by way of the present suit seeks permanent injunction restraining infringement of trade mark, passing off, infringement of copyright, delivery and rendition of accounts against the defendants.

19. Let the plaint be registered as a suit.

20. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 28.11.2024.

21. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiff, without which the written statement(s) shall not be taken on record.

22. Replication(s) thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The said replication, if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

23. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

24. List before the Joint Registrar for completion of pleadings on

CS(COMM) 734/2024

Page 3 of 12




28.11.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

25. List before the Court on 13.01.2025.

I.A. 37705/2024 (Order XXXIX rule 1 & 2 CPC, 1908)

26. By the present application the plaintiff is seeking an injunction restraining the defendant nos.1 and 2 from using plaintiff's trademark 'St Louis'/ 'Sant Louis'.

27. The plaintiff is carrying a business *inter alia* as manufacturers, dealers, exporters and marketers of a wide range of crystalware, decorative objects and lighting collections since 1976, and 1991 in India with the trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/

'ST LOUIS' ,  , 'SAINT-LOUIS FRANCE 1586

(DEVICE)'/ 'SAINT LOUIS (DEVICE)'/ 'SAINT-LOUIS'. The said trademarks are individually registered in its favour worldwide as also in India under various Class(s) 6, 8, 11, 14, 16, 21 and 34 as per details entailed in paragraph(s) 22 and 23 of the present suit. The plaintiff, under those trademarks has had extensive sales of 45,000 Euros in India for the year 2024 and 10-50 million Euros worldwide for the year 2023 as per details entailed in paragraph 39 of the plaint.

28. Learned counsel for plaintiff submits that in April, 2024, the customers of the plaintiff all over India were contracted by defendant no.1 through various fake names, namely, Samir *alias* Elsa *alias* Aisha *alias* Anna *alias* Lindsay *alias* Stephanie *alias* Emily, and through a fake

CS(COMM) 734/2024

Page 4 of 12



website www.saint-louiu.com as well, and also through several mobile numbers +91 7558181131, +91 8868013624, + 91 70928 05097, +91 98944 94331, +91 74184 69433, +91 95619 66274, +91 81051 95240, +91 83033 84456, +91 89818 61648, +91 87559 44385, +919791040966, and +91 90651 01262, with certain offers for investing money in products purported to be the plaintiff's products and return cycle, without any authorization from the plaintiff. A pictorial representation of which is reproduced below:-





the customers they wished to solicit. The defendant no.1 even shared the picture of the CEO of the plaintiff, Mr. Jerome de Lavernolle with one of the customers. In effect, the defendant no.1 is left no stone unturned to project that the defendant no.1 is in fact the extended arm of the plaintiff, furthermore, the defendant no.1 has also shared a 'Certificate of Authorization' with the unwary customers of the plaintiff. A pictorial representation of which is reproduced below:-



30. Learned counsel then submits that the defendant no.1 is also using a confusingly similar domain name, namely, www.saint-louiu.com, whereunder it is advertising products purported to be originating from the plaintiff using the trademarks and copyrighted material of the plaintiff and approaching the customers of the plaintiff through WhatsApp and inducing certain innocent public to deposit/ invest certain sums of money into such products which are fraudulently advertised on its website.

CS(COMM) 734/2024

Page 7 of 12



31. Learned counsel further submits that the defendant no.2 is inviting public at large to login/ access the website of defendant no.1 by issuing 'One Time Password' to the members of the public who register with defendant no.1 website.

32. Learned counsel for the plaintiff submits that the defendant nos.3 to 7 are all relevant parties since the defendant no.3 is domain name registrar and his/ her role is relevant for adjudication of the present matter, and the defendant no.4 is a search engine and searching the domain name of the defendant no.1 on its website directs the unwary persons to website of defendant no.1, and the defendant no.5 is the correct authority to block the phone numbers used in the commission of fraud by defendant no.1, and the defendant no.6 is the correct and relevant authority to block defendant no.1 website, and the defendant no.7 is a social media platform where the defendant no.1 contacts the unwary persons to commit fraud, and lastly the defendant no.8 is/ are John Doe/ unknown persons, whose whereabouts/ phone numbers are impossible for plaintiff to keep track of since, the defendant no.1 and its representatives are involved in investment fraud scheme.

33. This Court has heard the learned counsel for plaintiff and also gone through the pleadings as also the documents filed along with it.

34. In essence, the plaintiff herein is an established entity engaged in dealing with, offering and selling products of varied nature falling in different Class(s) under the trademarks/ devices i.e. 'St Louis'/ 'Saint

Louis'/ 'ST*LOUIS' /  / 'SAINT-LOUIS FRANCE 1586

CS(COMM) 734/2024

Page 8 of 12



(DEVICE)'/ 'SAINT LOUIS (DEVICE)'/ 'SAINT-LOUIS' worldwide and also in India solely by itself, to the exclusion of others. The plaintiff being one of the oldest brands in the World, cannot certainly be a fly by night operator.

35. In view of the aforesaid and considering that the defendant no.1 has ventured into dealing with, offering and selling the very same products in social media as well as also by impersonating as the plaintiff and also displaying/ advertising the said products on WhatsApp or via phone calls or its website www.saint-louiu.com, in the considered opinion of this Court, it is not wrong to infer that the defendant no.1 was fully aware of the plaintiff, its trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/

'ST⁺LOUIS' ,/ ,  ,/ 'SAINT-LOUIS FRANCE 1586 (DEVICE)'/

'SAINT LOUIS (DEVICE)'/ 'SAINT-LOUIS' as also its products. More so, since all that the defendant nos.1 and 8 are offering and selling the very products of the plaintiff. The sole difference being that the defendant nos.1 and 8 are doing so in another platform, which does not belong to the plaintiff.

36. In doing so, the defendant nos.1 and 8 are blatantly asking the general public to believe that it/ they are the plaintiff and assuring them of providing services/ schemes which the plaintiff is not engaged in. The defendant nos.1 and 8 are actually enticing general public falling into a trap to which the plaintiff is not a party to, as it has no role to play therein.

37. Since the defendant no.1 has also openly circulated the identity/



shared the photograph of its afore-named CEO to reap unjust commercial benefits by claiming to be associated with him without any authority/ permission/ sanction from either the plaintiff or him and also despite there being no connection and/ or basis for doing so, reflects that the same is with the sole aim of making the general public imagine that they are dealing with none other than the plaintiff.

38. The acts of the defendant nos.1 and 8 in choosing to adopt and use the website “www.saint-louiu.com” whence the official website of the plaintiff is “www.saint-louis.com” is also reflective of the fact that it/ they is/are very much interested in being or showing to be as close as possible to the plaintiff. Further, that the defendant nos.1 and 8 also has brazenly shared a ‘Certificate of Authorization’ with an official seal of the plaintiff with one of its customers and that it/ they are sharing digital brochures as well shows that it/ they are taking things to a different level.

39. All the above lead to the conclusion that the defendant nos.1 and 8 is/ are only here to piggybank ride upon the plaintiff, its name, goodwill and repute with the sole motive of reaping the benefits as well take the utmost benefit of the trademarks/ devices i.e. ‘St Louis’/ ‘Saint Louis’/

‘ST⁺LOUIS’ ,/ ,  ,/ ‘SAINT-LOUIS FRANCE 1586 (DEVICE)’/

‘SAINT LOUIS (DEVICE)’/ ‘SAINT-LOUIS’ without any investment and simply clandestinely cheating/ defrauding/ misleading/ confusing/ deceiving the public at large.

40. The aforesaid acts are done without seeking and/ or obtaining any permission/ authority/ sanction from the plaintiff. Therefore, there is every



likelihood of the confusion for the public into believing that the defendant nos.1 and 8 are indeed part or arising out of the plaintiff.

41. The same is resulting in diluting and tarnishing of the plaintiff and

its trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/ 'ST[®] LOUIS',



'/ 'SAINT-LOUIS FRANCE 1586 (DEVICE)'/ 'SAINT LOUIS



(DEVICE)'/ 'SAINT-LOUIS'. At the end of the day, the defendant no.1 has

violated the intellectual property rights as it/ they has/have taken incessant benefits of the trademarks and copyrights of the plaintiff by wrongly using

the trademarks/ devices i.e. 'St Louis'/ 'Saint Louis'/ 'ST[®] LOUIS',



'/ 'SAINT-LOUIS FRANCE 1586 (DEVICE)'/ 'SAINT LOUIS



(DEVICE)'/ 'SAINT-LOUIS' of the plaintiff as also the photograph of its
aforenamed CEO.

42. All in all, this Court finds that the, the plaintiff has been able to make out a *prima facie* case with *balance of convenience* in its favour.

Resultantly, if the defendant nos.1 and 8 are allowed to flourish, the plaintiff will suffer *irreparable harm and injury*.

43. Accordingly till the next date of hearing:-

- i. the defendant nos.1, 2 and 8 and other such mirror/ redirect/ alphanumeric websites as well as their owners as also any associated/ related mobile numbers in use by them or used by them



for providing additional means of accessing the website of defendant no.1 and other domains/ domain owners/ website operators/ entities, who have not been authorised by the plaintiff, are restrained from advertising, selling, using, reproducing in any form or manner the registered trademark/ copyright of the plaintiff in any way whatsoever;

- ii. defendant nos. 3, 4, 5 and 6 are directed to block and suspend the operation of defendant no.1's domain www.saint-louiu.com or other similar/ mirror websites as and when provided by the plaintiff to the aforesaid defendants, within a period of four week.
- iii. defendant nos. 5 and 7 are directed to block and suspend the operation of phone numbers +91 7558181131, +91 8868013624, +91 70928 05097, +91 98944 94331, +91 74184 69433, +91 95619 66274, +91 81051 95240, +91 83033 84456, +91 89818 61648, +91 87559 44385, +91 97910 40966 and +91 90651 01262, within a period of four weeks.

44. Provisions of Order XXXIX Rule 3 of the CPC be complied with within a period of one week on receipt of this order.

45. Upon filling fee issue notice to all the defendants through all permissible modes returnable before the Joint Registrar 28.11.2024.

46. Reply, if any be filed within a period of four weeks. Rejoinder thereto, if any be filed within fifteen days thereafter.

47. List before the Court on 13.01.2025.

SAURABH BANERJEE, J

AUGUST 29, 2024/So

CS(COMM) 734/2024

Page 12 of 12

IN THE HIGH COURT OF DELHI AT NEW DELHI
(*Ordinary Original Commercial Jurisdiction*)

CS (COMM.) No. _____ of 2024
Code No: 50000 and 50000.01

Compagnie des Cristalleries de Saint Louis ...PLAINTIFF

VERSUS

Samir *alias* Elsa *alias* Aisha *alias*
Anna *alias* Lindsay *alias* Stephanie
alias Emily *alias* Sanjay Enterprise
operating as www.saint-louiu.com & Ors. ...DEFENDANTS

MEMO OF PARTIES

Compagnie des Cristalleries de Saint Louis
57620 Saint-Louis-les-Bitche,
France
Email: tusha@anandandanand.com

...Plaintiff

VERSUS

1. **Samir *alias* Elsa *alias* Aisha *alias*
Anna *alias* Lindsay *alias* Stephanie
alias Emily *alias* Sanjay Enterprise
Operating as www.saint-louiu.com
805, Level 8, Tower A, DLF Building N.5
DLF Phase 3 DLF, Gurugram,
Haryana, 122002, India
Available at: +91 7558181131,
+91 88680 13624, + 91 70928 05097,
+91 98944 94331, +91 74184 69433,
+91 95619 66274, +91 81051 95240
+91 83033 84456, +91 89818 61648
+91 87559 44385, +91 97910 40966
+91 90651 01262** ...Defendant No. 1

2. **HRISHI CABLE NETWORK LLP**
53, B Wing, Deepanjali Building No. 3,
Marve Road Malad West,
Near Malwani Fire Bridge,
Kharodi Mumbai, Mumbai City,
Mumbai, Maharashtra, India, 400095
Email: camanjusjoshi@gmail.com

Phone No.: +91 99673 32277 ...Defendant No. 2

3. Registrar of Domain:

Gname.com Ptd. Ltd.

Website: <https://www.gname.com/>

Email: service@gname.com

Address: 6, BATTERY ROAD, #29-02/03, SINGAPORE

Ph. Nos.: +65-65189986 ...Defendant No. 3

4. Google LLC.

1600 Amphitheatre Parkway Mountain View,
California, USA – 94043

Email: registrar-domains@google.com

Ph. No. 18772376466

Also at:

*Google India Pvt Ltd,
Unitech Signature Tower-II,
Tower-B, Sector-15,
Part-II Village Silokhera,
Gurgaon, India 122001.*

...Proforma Defendant No. 4

5. Department of Telecommunications

Sanchar Bhawan, 20 Ashoka Road,
New Delhi – 110001.

Email: moc-office@gov.in ...Proforma Defendant No. 5

6. Ministry of Electronics and Information Technology

Through its Nodal Officer Mr. Rakesh Maheshwari
Electronics Niketan, 6,
CGO Complex, Lodhi Road,
New Delhi: 110003

Email: rakesh@meity.gov.in ...Proforma Defendant No. 6

7. WhatsApp LLC

WhatsApp Legal Department
1601 Willow Road
Menlo Park, California 94025
United States of America

Email: businesscomplaints@support.whatsapp.com

...Proforma Defendant No. 7

And

8. Ashok Kumar (s)/John Doe(s) (Unknown Persons)

...Defendant No. 8

Defendant No.1 and 2 are the Contesting Defendants and Defendant No.3 is also the contesting Defendant. However Defendant Nos.4 to 7 are the pro-forma Defendants and Defendant No.8 is John Doe in the present suit.



Tusha Malhotra / Sugandha Yadav
(D/1274/2008) / (D/9649/2022)

Email: tusha@anandandanand.com;

ANAND AND ANAND

Advocates for the Plaintiff

B-41, Nizamuddin East,

New Delhi- 110013

Mob. Nos. 9810383514

Place: New Delhi

Dated: August 28, 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.