

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-30/2024-DS-II

Dated: 19.08.2024

To,

All Internet Service Licensee

**Subject: CS (COMM) No. 578 of 2024 Dabur India Limited. VS. Ashok Kumar & Ors before the High Court of Delhi**

Kindly find the enclosed Hon'ble Delhi High Court order dated 18.07.2024 on the subject matter.

2. Please refer to the **para 43** of the said court order in respect of blocking of **websites** 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 website, as above, for compliance of the said court order.

  
Dir (DS-II)

Email: [dirds2-dot@nic.in](mailto: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) Christopher Thomas <christopher@ashwathhlegal.com> Plaintiff Advocate for kind information.
  - a) Take action as per Annexure.
- (iii) 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) 578/2024 & I.A. Nos. 33406/2024, 33407/2024,  
33408/2024, 33409/2024, 33410/2024 & 33411/2024

DABUR INDIA LIMITED .....Plaintiff

Through: Mr. Prabhu Tandon with Ms. Kripa  
Pandit, Mr. Christopher and  
Ms. Visheshta Kalra, Advocates.

versus

ASHOK KUMAR AND OTHERS .....Defendants

Through: None.

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**18.07.2024**

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**I.A. No. 33410/2024 (Exemption from filing clearer copies)**

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC") seeking exemption from filing translated copies, clearer copies/documents, with correct margins.
2. Exemption is granted, subject to all just exceptions.
3. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance, within four weeks from today, or before the next date of hearing.
4. Accordingly, the present application is disposed of.

**I.A. No. 33409/2024 (Application to file additional documents)**

5. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the CPC, 1908 as amended by Commercial Courts

Act, 2015 read with Section 151 CPC, seeking liberty to file additional documents at the appropriate stage.

6. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

7. Accordingly, the present application is disposed of.

**I.A. No. 33408/2024 (Application for exemption from Pre-Institution Mediation)**

8. The present is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of the CPC for exemption from instituting Pre-Institution Mediation.

9. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of *Yamini Manohar versus T.K.D. Keerthi, 2023 SCC OnLine SC 1382*, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption from attempting Pre-Institution Mediation, is granted.

10. Accordingly, the application stands disposed of.

**I.A. No. 33407/2024 (Application under Section 149 CPC seeking extension of time for filing Court Fees and one time Process Fees)**

11. The present is an application under Section 149 CPC seeking extension of time for filing Court Fees and one time Process Fees.

12. Learned counsel appearing for the plaintiff submits that Court Fees shall be deposited within a period of two weeks from today.

13. Liberty is so granted.

14. Recording the aforesaid, the present application is disposed of.

**I.A. No. 33411/2024 (Application under Section 151 CPC seeking exemption from serving defendants in Advance)**

15. Since there is urgency in the matter and the same is being heard today, plaintiff is exempted from serving advance notice on the defendant(s) herein.

16. For the reasons stated in the application, the same is allowed and disposed of.

**CS(COMM) 578/2024**

17. Let the plaint be registered as suit.

18. Upon filing of the process fee, issue summons to the defendant by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

19. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

20. List before the Joint Registrar (Judicial) for marking of exhibits on 13<sup>th</sup> August, 2024.

21. List before the Court on 05<sup>th</sup> November, 2024.

**I.A. No. 33406/2024 (Application under Order XXXIX Rules 1 and 2 read with Section 151 for interim injunction)**

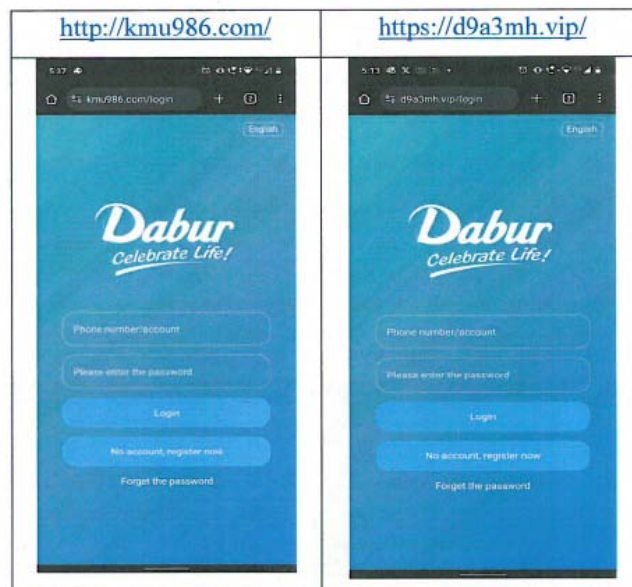
22. The present suit has been filed for permanent injunction and damages for infringement of copyright, infringement of trademark, passing off and unfair competition under Section 20 of the CPC read with Section 27 and 29 of the Trade Marks Act, 1999.

23. Learned counsel appearing for the plaintiff submits that the present suit has been filed against the illegal and unauthorized adoption and use of the trademark by unknown defendant no. 1 and the violation of the copyright of the plaintiff for the purpose of deceiving and/or duping members of the general public and trade by impersonating the plaintiff and/or agents/partners/associates. It is submitted that the plaintiff came to know that the unknown defendant no. 1 are currently running and operating fake domains being:

- a) <https://yvmwle.vip/login>
- b) <https://a2aulr.vip/index>
- c) <http://kmu986.com/>
- d) <https://d9a3mh.vip/>

24. It is submitted that defendant no. 1 is imitating and infringing the plaintiff's prior and registered trademark "DABUR", without any authorization and permission. The defendant no. 1 specifically are hosting the infringing websites and communicating to the public using the plaintiff's registered trademarks in order to solicit customers into believing that the impugned websites are the legitimate website/links for accessing the plaintiff's services in India.

25. It is submitted that the impugned website/URLs are not only imitating the plaintiff's brand, but are also duping innocent customers by sending misleading WhatsApp messages and/or Telegram messages claiming to be a recruiter and/or representative from the plaintiff company. A screenshot of the impugned websites, as given in the plaint, are reproduced as under:-



26. The details of the impugned websites, as given in the plaint, are as

under:-




<b>DOMAIN</b>	<b>UNIFORM RESOURCE LOCATOR (URL)</b>	<b>INTERNET PROTOCOL ADDRESS (IP)</b>
<a href="https://yvmwle.vip/">https://yvmwle.vip/</a> Registry Domain ID: DEBAC32F94D3645 928144474C1561E77 D-GDREG	<a href="https://yvmwle.vip/login">https://yvmwle.vip/login</a>	172.67.173.106; 104.21.72.12
<a href="https://a2au1r.vip">https://a2au1r.vip</a> Registry Domain ID: D772D70A678CC4A	<a href="https://a2au1r.vip">https://a2au1r.vip</a>	104.21.40.219; 172.67.157.36

6C84763D1A8EABC E53-GDREG		
<a href="http://kmu986.com/">http://kmu986.com/</a> Registry Domain ID: 2817625024_DOMA IN COM-VRSN	<a href="http://kmu986.com/">http://kmu986.com/</a>	104.21.41.175; 172.67.148.244
<a href="https://d9a3mh.vip/">https://d9a3mh.vip/</a> Registry Domain ID: D060DFA17DF3A4F 2BAED3C160BBEC D123-GDREG	<a href="https://d9a3mh.vip/">https://d9a3mh.vip/</a>	104.21.63.151 172.67.147.33

27. It is submitted that defendant no. 1 is impersonating the plaintiff, by offering false work from home job opportunities to unsuspecting members of the public by using the image of the plaintiff's well-known trademark "DABUR" along with the tag line "Celebrate Life". Thus, it is submitted that members of the public are being defrauded and duped on daily basis,

since they believe that the job opportunities are in fact being provided by the plaintiff.

28. It is submitted that the plaintiff is the registered trademark owner of the brand/trademark “DABUR” and/or formative “DABUR” trademarks as well as the “DABUR” logo in various classes. The table with respect to the same, is reproduced as under:-

Trade Mark	Application No.	Class	User Claimed	Date of registration	Valid Upto
	100093	05	Proposed to be used	08/08/1944	08/08/2028
	1299362	05	01/07/2004	29/07/2004	29/07/2024
	1299366	5	01/07/2004	28/10/2005	29/07/2024

29. It is submitted that the above mentioned registrations have been renewed from time to time and are valid and subsisting as of date. Thus, it is submitted that by virtue thereof and by virtue of provision of Section 28 of the Trade Marks Act, 1999, the plaintiff and its licensees have exclusive right to use the aforesaid trademarks, *inter alia*, in respect of the goods for which the aforesaid trademarks are registered.

30. It is submitted that the trademark/label of the plaintiff bears the original artistic features of the placement, distinctive getup, makeup, lettering style etc., and the said trademark/label, includes its artistic features.



Thus, it is submitted that the tradename, trademark “DABUR” as well as the artistic features in its formative trademarks/labels are all individually, collectively as well as whole are essential, material and distinguishing feature of the said trademark/label as follows:-



31. It is submitted that the plaintiff displays its various products under the tradename, trademark “DABUR” on the internet through its domain name namely [www.dabur.com](http://www.dabur.com).

32. It is submitted that as per Section 55(2) of the Copyright Act, 1957, since the name of the plaintiff appears on the plaintiff’s website/domain name, it is presumed that the plaintiff is the publisher of all the literary and artistic works that are uploaded on the said website. Thus, it is submitted that plaintiff being owner of the copyright of the plaintiff’s original content, is entitled to all the exclusive rights flowing from such ownership, as set out in Section 14 of the Copyright Act, 1957.

33. It is submitted that upon investigation, the WHOIS.COM information has revealed that the details of the owner/operator of the said impugned websites remains hidden, making the ownership of these impugned websites unknown and therefore, they are designated as unknown defendant no. 1 in the present suit. As per the plaintiff’s knowledge, these websites are anonymous in nature. Thus, it is submitted that unless the Domain Name Registrar of the respective websites, which use such domain privacy

services, are directed to disclose the details of the owners of the defendant no. 1 websites, it would be impossible to get the address, location and contact details of the owners of the impugned websites.

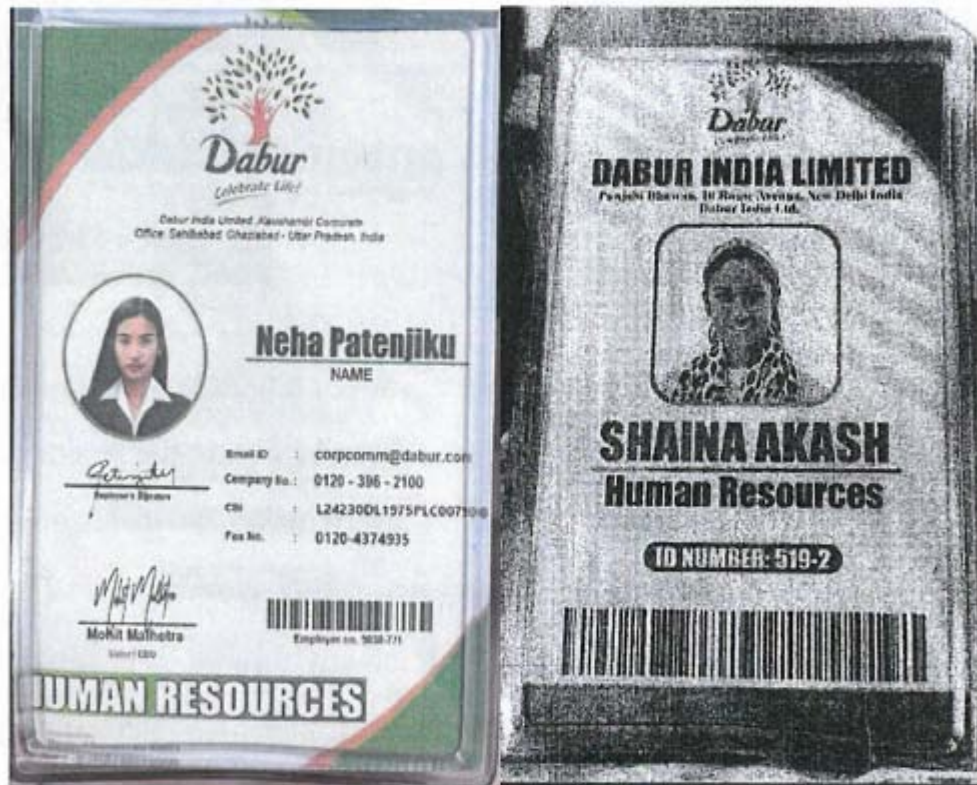
34. It is submitted that in an effort, to gain the trust of these individuals, the defendant no.1 sends a pre-recorded video tutorial that incorporates the plaintiff's house brand "DABUR" along with its logo. The tutorial videos lay down the steps that the targeted individual has to undertake to successfully navigate a web-based application available on the impugned website. The screenshots as filed in the plaint, are reproduced as under:-



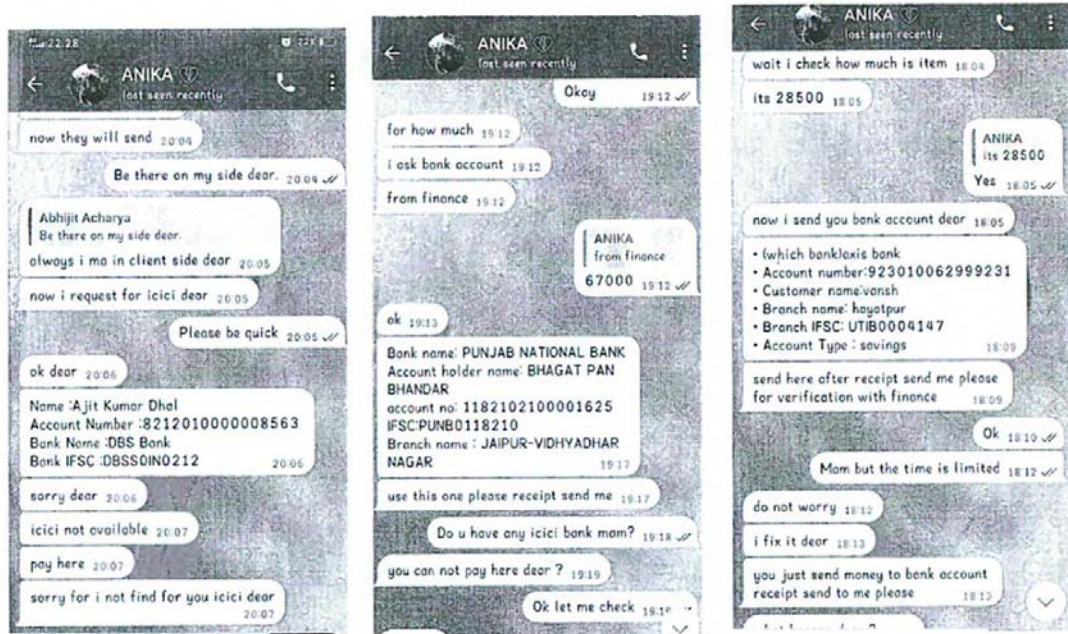


35. It is submitted that the defendant no. 1 is running a sham scheme, thereby committing a fraud by falsely imitating and impersonating the plaintiff. In some instances, it has been found that forged employee identity cards displaying the plaintiff company's logo and trademark, are being shown to targeted individuals in an effort to gain their trust. The public at large is led to believe that the scheme is being run by the plaintiff, and the public believing so, is making payments to the defendant no. 1, and thereby being duped on continuing basis. The screenshots of the forged identity cards incorporating the plaintiff's company "DABUR" tree logo with the tag

line “Celebrate Life” , as given in the plaint, are reproduced as under:-



36. It is submitted that as per the plaintiff’s knowledge and as per the information received through numerous complaints made by individuals, the plaintiff company became aware of the multiple bank accounts through which defendant no. 1 appears to be receiving payments from individuals for the jobs/tasks. The screenshots as given in the plaint, are reproduced as under:-



37. The details of the bank accounts extracted from the WhatsApp messages, have also been given in the plaint, as follows:-

Bank Name	DBS Bank India Limited
Name:	Ajit Kumar Dhal
Account Number:	821201000008563
IFSC Code:	DBSS0IN0212

Bank Name	Punjab National Bank
Name:	Bhagat Pan Bhandar
Account Number:	1182102100001625
IFSC Code:	PUNB0118210
Bank Name	Axis Bank Limited
Name:	Vansh
Account Number:	923010062999231
IFSC Code:	UTIB0004147

38. It is submitted that in addition, the defendant no. 1 also uses multiple Unified Payments Interface (“UPI”) ID’s, through which it received payments from unsuspecting individuals. In some instances, defendant no. 1 has shared UPI QR codes that incorporates the plaintiff’s “DABUR” tree logo, and have asked individuals to send their money through these QR codes. The screenshot of the UPI QR code, is reproduced as under:-



39. It is further submitted that majority of these misleading WhatsApp messages, are coming from numbers that have calling codes, which originate from different countries, as follows:-

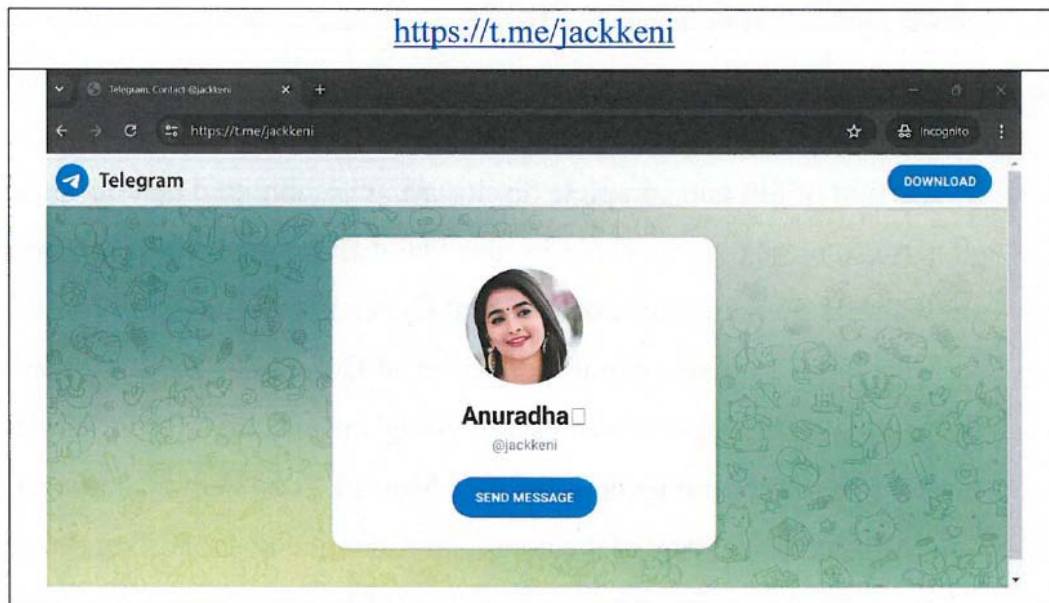
<b>WhatsApp Numbers</b>	<b>Extension code</b>
+27660734132	+27 – South Africa
+27660919416	+27 – South Africa
+92 3376480915	+92 – Pakistan
+92 3352718713	+92 – Pakistan

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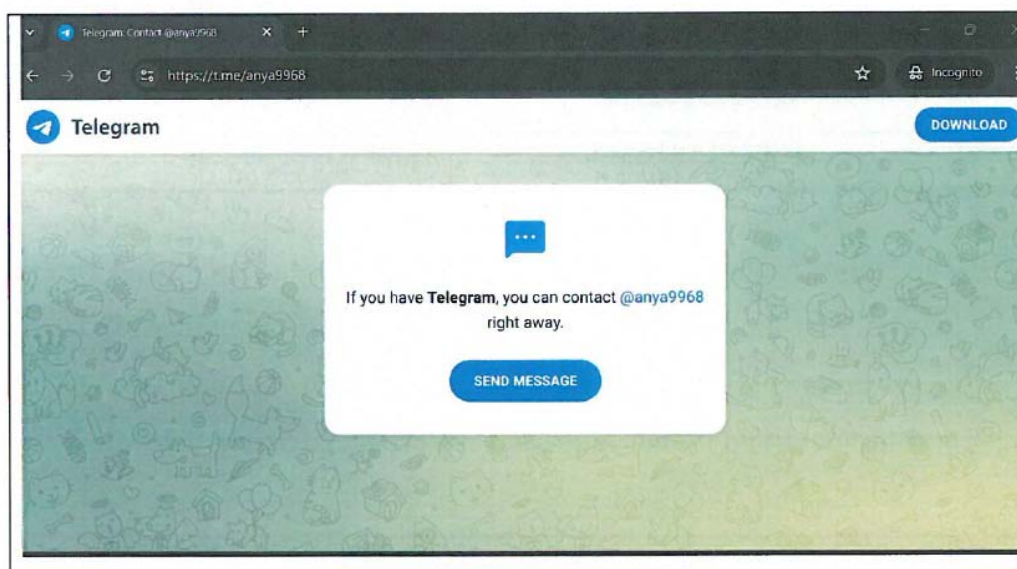
+639306208568	+63 – Philippines
+639955162736	+63 – Philippines
+8801615910415	+880 – Bangladesh

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40. It is submitted that the defendant no. 1 has also been using Telegram as its preferred mode of messaging platform, in terms of the recent complaints filed by the aggrieved customers. The screenshot of some of the Telegram profiles, as given in the plaint, are reproduced as under:-



<https://t.me/anya9968>



41. Accordingly, in view of the aforesaid, the plaintiff has been able to make a *prima facie* case in its favour. It is manifest from the submissions, as



noted above, that the plaintiff is suffering irreparable damage and injury on account of maligning of its goodwill and reputation. Thus, if interim injunction order restraining the defendants from their illegal activities is not passed, the plaintiff shall suffer irreparable damage. Balance of convenience is also in favour of the plaintiff.

42. Accordingly, it is directed that the defendants, its associates, business partners, legal heirs or any person involved with defendant no. 1, are restrained from running the impugned websites/domains,

<https://yvmwle.vip/login> ; <https://a2au1r.vip/index>  
<http://kmu986.com/>; <https://d9a3mh.vip> containing the plaintiff's



registered trademark/tradename/logo trade dress/domain name or content or any other tradename/domain name as may amount to trademark/copyright infringement/passing off and misappropriation of the



plaintiff's registered trademark/copyright/tradename/logo and its products.

43. The defendant nos. 2, 6 and 7 are directed to take down/block the domain URLs i.e., <https://yvmwle.vip/login>; <https://a2au1r.vip/index>; <http://kmu986.com/>; <https://d9a3mh.vip>. It is further directed that in case the plaintiff finds any other infringing website/domain/URL, the same shall be brought to the notice of this Court, for seeking appropriate orders.

44. Further, defendant nos. 3, 4 and 5 are directed to block the telephone numbers/WhatsApp numbers and Telegram links, as reproduced hereinabove.
45. Further, direction is issued to defendant nos. 8, 9 and 10 to block/suspend/freeze the bank accounts, as noted hereinabove.
46. Issue notice to the defendants by all permissible modes, upon filing of process fees, returnable on the next date of hearing.
47. Reply, if any, be filed within a period of four weeks from the date of service.
48. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
49. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of 10 days, from today.
50. List on 05<sup>th</sup> November, 2024.

**MINI PUSHKARNA, J**

**JULY 18, 2024**

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**THE HIGH COURT OF DELHI AT NEW DELHI***[Original Civil Commercial Jurisdiction]*C.S. (Comm.) No. 578 of 2024

Case Category No.50000;50000.01

**IN THE MATTER OF:**

Dabur India Limited ...Plaintiff

Versus

Ashok Kumar and Ors. ...Defendants

**MEMO OF PARTIES**

DABUR INDIA LIMITED

Having registered office at

8/3, Asaf Ali Road,

New Delhi – 110 002

E-mail: [vishesh.kumar@dabur.com](mailto:vishesh.kumar@dabur.com)

...Plaintiff

Versus

1. Ashok Kumar ...Defendant No.1

2. Gname.com Pte. Ltd.

6, BATTERY ROAD,

#29-02/03, SINGAPORE

Email: [service@gname.com](mailto:service@gname.com)

...Defendant No.2

3. WhatsApp, LLC

Unit B8 and B10

The Executive Center Level 18,

DLF Cyber City, Building No. 5,

Tower A, Phase III Gurgaon – 122002

Email: [grievance\\_officer\\_wa@support.whatsapp.com](mailto:grievance_officer_wa@support.whatsapp.com)

...Defendant No.3

4. Meta Platforms, Inc  
Unit 28 and 29 The Executive Centre,  
Level 18, DLF Cyber City,  
Building No. 5, Tower A,  
Phase III Gurgaon 122002, India  
Email: [fbgoindia@support.facebook.com](mailto:fbgoindia@support.facebook.com) ...Defendant No.4
5. Telegram Messenger LLP  
Business Central Towers, Tower A,  
Office 1003/1004,  
Dubai, 501919, AE  
Email : [abhimanyu@telegram.org](mailto:abhimanyu@telegram.org) ...Defendant No.5
6. Department of Telecommunication  
Through Secretary,  
Ministry of Communications and IT,  
20, Sanchar Bhawan, Ashoka Road,  
New Delhi – 110001  
E-mail IDs: [secy-dot@nic.in](mailto:secy-dot@nic.in); and  
[dirids2-dot@nic.in](mailto:dirids2-dot@nic.in) ...Defendant No.6
7. Ministry of Electronics and Information Technology  
Through the Director General (DIT) Cyber Laws & e-security),  
Electronics Niketan, 6, CGO Complex,  
Lodi Road, New Delhi – 110003  
E-mail IDs: [cyberlaw@meity.gov.in](mailto:cyberlaw@meity.gov.in) ,  
[gccyberlaws@meity.gov.in](mailto:gccyberlaws@meity.gov.in), [pkumar@meity.gov.in](mailto:pkumar@meity.gov.in),  
[sathya.s@meity.gov.in](mailto:sathya.s@meity.gov.in); [webmaster@meity.gov.in](mailto:webmaster@meity.gov.in) ...Defendant No.7
8. Punjab National Bank  
Plot No 4, Sector -10 Dwarka  
New Delhi -110075  
Email: [pno@pnb.co.in](mailto:pno@pnb.co.in) ...Defendant No.8

## 9. Axis Bank Limited

“Axis House”,  
7th Floor, C-2, Wadia International Centre,  
Pandurang Budhkar Marg,  
Worli, Mumbai - 400 025  
Email : [nodal.officer@axisbank.com](mailto:nodal.officer@axisbank.com)

...Defendant No.9

## 10. DBS Bank India Limited

1st Floor, Express Towers,  
Nariman Point, Mumbai 400021.  
Email : [customercareindia@dbs.com](mailto:customercareindia@dbs.com)

...Defendant No.10

**Note:-**

Defendant No. 1's address is not known.

Defendant No. 1 is the main contesting party.

Plaintiff

Through

New Delhi

Dated:12.07.2024



Kripa Pandit D/1853/2007

**ASHWATHH LEGAL**

Advocates for Plaintiff

C-504, Defence Colony,

New Delhi – 110024

[Kripa@ashwathhlegal.com](mailto:Kripa@ashwathhlegal.com)[litigation@ashwathhlegal.com](mailto:litigation@ashwathhlegal.com)

Mob: 9818499323

## **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.