

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-15/2021-DS-II

Dated: 19.08.2024

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To,

All Internet Service Licensees'

Subject: CS (Comm) No. 78 of 2018; Indiamart Intermesh Limited Vs Ankit & Ors, before Hon'ble Calcutta High Court.

Kindly refer to the following:

- (i) Hon'ble Calcutta High Court order dated 18.03.2019 on the subject.
- (ii) MeitY letter dated 13.08.2023 to DOT to block the for infringing website enumerated in MeitY Letter.

(Copies enclosed for ready reference)

2. In view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking, above websites for compliance of the said Court order.



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

Encl: A/A

Copy to:

- (i) 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) Cyber Law Legal (Cyberlaw-legal@meity.gov.in), Ministry of Electronics and IT for kind information.
- (iii) IT wing of DoT for uploading on DoT website.

File No. 4(1)/2024-CL
Government of India
Ministry of Electronics and Information Technology

Electronic Niketan, 6, CGO Complex
Lodhi Road, New Delhi – 110 003

Dated: 13th Aug, 2024

Office Memorandum

Subject: Order dated 18.3.2019 of the Hon'ble High Court of Calcutta in CS 78 of 2018, Indiamart Intermesh Limited Vs Ankit &Ors

1. M/s Indiamart Intermesh Limited, the plaintiff in the court case *vide* email dated 12.08.2024 from legal@indiamart.com addressed to this Ministry, have requested that the link <https://indiamart.rf.gd/> be blocked in pursuance of the order dated 18.3.2019 of the Hon'ble High Court of Calcutta in the said case. A copy each of the said email and order are enclosed herewith.
2. In the said order dated 18.3.2019, the Hon'ble High Court had passed *ad interim* orders in terms of the plaintiff's prayer to restrain the defendants and such other websites/entities which are discovered during the course of the proceedings to have been engaging in infringing the petitioner's exclusive rights, or any one claiming through by or under it, from using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of petitioner in any manner. Attention is invited to the following extract from the said order:

“An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to **make defunct and take down the links provided by the petitioner to the ministry from the world wide web** and the domain names which are deceptively similar to the trademark of the petitioner as could be identified by the petitioner to the Ministry through email address - **legal@indiamart.com** from time to time.”

3. In view of the above, the undersigned has been directed to request the Department of Telecommunications to take necessary action to give effect to the direction contained in the Hon'ble High Court's said order by blocking the said website(s) for the infringement as represented by the plaintiff.

Encl.: As above

नागराजन एन / NAGARAJAN N
वैज्ञानिक 'सी' / Scientist C
भारत सरकार / Government of India
इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय
Ministry of Electronics and Information Technology
इलेक्ट्रॉनिक्स निकेतन, 6, सीजीओ कॉम्प्लेक्स, लोधी रोड
Electronics Niketan, 6, CGO Complex, Lodhi Road
नई दिल्ली-110003 / New Delhi-110003

N
13/08/24

(Nagarajan.N)
Scientist C

Email: nagarajan.n@meity.gov.in

To:

Secretary
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road
New Delhi – 110 001

G. A. No. 604 OF 2019
G. A. N.D. 03 OF 2019
C. S. No. 78 OF 2018

IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION

CALCUTTA

Indiamart Intermesh Limited, a company incorporated under provisions of the Companies Act, 1956 and an existing company within the meaning of the Companies Act, 2013, having its registered office at 1st Floor, 29 – Daryaganj, Netaji Subhash Marg, New Delhi – 110002 and also carrying on business from Rowdon Chamber, 3rd floor, 11A, Rowdon Street, Kolkata, within the aforesaid jurisdiction. ...Plaintiff

-Versus-

1. Ankit, operating <http://greatindiamart.in> and carrying on business from and/or residing at 352, Dadabari Ext., Kota – 324009;
2. Srinivas Balmoori, operating <http://kcimart.com> and carrying on business from and/or residing at 16004, Ballentine Street, Overland Park, Kansas, United States of America – 66062;
3. ShanmugaKavitha Subramanian, operating <http://usindiamart.com> and carrying on business from and/or residing at 1122, Winter Storm, Dr. Henderson, Nevada, United States of America – 89052;
4. [Http://www.onlineindiamart.com](http://www.onlineindiamart.com), operated from 14455, N. Hayden Road, Scottsdale Arizona, United States of America – 85260;



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5. Amit, operating <http://www.kemits.biz> and having a mobile number being +919998010455 and email ID being amit 99988@gmail.com, carrying on business from and/or residing at Vishwakarma Consultancy, A – 8, Jivan Park, Nr. Samratnagar, Isanpur, Ahmedabad, Gujrat – 382443;

6. Prince Rajput, operating <http://www.digitalgateway.in> having a mobile number being +917073161736 and an email ID being sales@digitalgateway.in and rajputagra2010@gmail.com, carrying on business from and/or residing at Elaboration Corporation, 375 C, Omicron 2, Greater Noida – 201310, Uttar Pradesh;

7. Jacob Michael, operating <http://www.marketsutra.com> and having a mobile number being +91990990990 and an email ID being n91.jacob@gmail.com, carrying on business and/or residing at Market Sutra, Gurgaon, Delhi – 110012;

8. IT Manage, operating <http://www.softwebtechnology.co.in> and having a mobile number being +919986660960 and an email ID being it@softwebtechnology.co.in, carrying on business from Sultan Palya, Bangalore, - 560032, Karnataka;

9. jSMTP, operating <http://www.jsmtip.com> and having a mobile number being +919310612312 and an email ID being info@jsmtip.com, carrying on business from Sec – 16, Noida – 201301, Uttar Pradesh;

10. Rajbir Vats, operating <http://www.smtpserver.in> and having a mobile number being +0911120473140 and an

email ID being smtpserver.in@gmail.com, carrying on

company and from B 4-5, Alipur, Delhi – 110036;

11. Hemant, operating <http://www.bol7.com> and having an email ID being hemant@bol7.com and hemant@smsshesms.com, carrying on business from and/or residing at F -7, B- 5, Rainbow Building, Sec – 10, Vashi, Navi Mumbai – 400703;
12. Nakul, operating <http://www.Mp3eg.com> and having an email ID being kavitarangani536@gmail.com, carrying on business from and/or residing at PipariyaVadi, Latipur, Ta – Dhrol, Di – Jamanagar, Rajkot – 361220;
13. AbhinavGulyani, operating <http://www.gulyani.com> and having an email ID being aby@gulyani.com, carrying on business from and/or residing at C – 217, PreetVihar, Near Clock Tower, Delhi – 110055;
14. <http://www.dataenginesoft.com/>, having email ID being main.dataengine@gmail.com and privacy@1and1.com, operated from 1 &1, Internet Inc., 701, Lee Road Suite 300, ATTN, Chesterbrook, PA – 19087;
15. <http://www.localextractor.com>, having email ID being c62de054282e4b8fa70cfb1657708ba8.protect@whoisguard.com and ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com, operated from Whoisguard Inc., Panama, PA, P. O. Box – 0823-03411;
16. <http://jusdialextractor.com>, having email ID being ac2cf48f14a14191b0c841f2cd973f92.protect@whoisguard.com, operated from Whoisguard Inc., Panama, P.A., P. O. Box – 0823-03411;

17. <http://www.vtzmp3.com>, having an email ID being [ad914e080e91460bbe932f4e2412d2f4](mailto:ad914e080e91460bbe932f4e2412d2f4@protect.whoisguard.com).
protect@whoisguard.com, operated from Whoisguard Protected, Panama, P.A., P. O. Box – 0823-03411;
18. <http://www.vimeo.com>, having an email ID being support@vimeo.com, operated from Vimeo Inc., 555, West 18th Street, 2nd Floor, New York – 10011, United States of America;
19. AlexandrSlozhenikin, having an email Id being aleksandrov_alek@list.ru, operating as www.flave.online, carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
20. AlexandrSlozhenikin, having an email Id being aleksandrov_alek@list.ru, operating as www.amirapress.com, carrying on business from and/or residing at INA 57, Kostanay – 110000, Kazakhstan;
21. <http://www.dailymotion.com>, a domain manager, having an email ID being whois@dailymotion.com, operated from 140, Boulevard Malesherbes, Paris – 75017, France;
22. <http://www.leadstoolmarketing.com>, operated by Domains By Proxy, LLC, having an email ID being leadstoolmarketing@gmail.com, carrying on business from 14455, N. Hayden Road, Scottsdale, Arizona – 85260, United States of America;
23. <http://www.pose.newfloats.com>, having an email ID being ceramicpose@gmail.com;
24. <http://www.datawali.com>, domaincontrol.com, ns18.domaincontrol.com;

25. Aryan Chopra, carrying on business in the name and style of Webposh Infotech, operating as <http://www.travelsindiamart.com/home>, having its place of business at Main Dadri Road, Sector 44 Noida, Uttar Pradesh 201301, outside the jurisdiction aforesaid;

26. Ashil Shah, carrying on business and/ or operating as <https://indianmart.com/about/>, having his place of business at 9, Valley Road, Markfield, LE679, QS, United Kingdom, outside the jurisdiction aforesaid.

27. Ashok Kumars;

All carrying on business and/or operated from and/or residing at, as the case may be, outside the jurisdiction aforesaid.

...Defendants/Respondents

I certify that the supplied cause title in the GA. NO. 604 of 2019 with CS. NO. 78 of 2018 is true and correct to the best of my knowledge and belief.

S. Mankul

Advocate

S. Mankul

01-4-19

"Cause title Checked & Verified"

ORDER SHEET

GA 604 of 2019
WITH
CS 78 of 2018



IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

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INDIAMART INTERMESH LIMITED
Versus
ANKIT & ORS

BEFORE:
The Hon'ble JUSTICE ARIJIT BANERJEE
Date : 18th March, 2019.

Appearance:
Mr. S.K. Bajoria, Adv.
Mr. S. Dasgupta, Adv.
Mr. Kanakendu Chatterjee, Adv.

The Court: The plaintiff has filed this suit for alleged infringement of its trademark "INDIAMART". Being prima facie satisfied by the plaintiff's case, an order dated 16th May, 2018 was passed by a learned Judge in terms of prayer (b) and (e) of the notice of motion which read as follows :-

"(b) An order of injunction restraining the Respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its 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 using a mark and/or domain name which is

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identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.”

“(e) An order directing the Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner.”

The said interim order was confirmed and GA 1020 of 2018 was disposed of by an order dated 17th September, 2018.

The present application has been taken out by the plaintiff praying ^{for}, amongst others, the following order :-

“(a) An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry through email address - legal@indiamart.com from time to time.”

Learned Counsel submits that this has become necessary in view of the report of the Ministry of Electronics and Information Technology, a copy whereof is Annexure-B to the present application. It is submitted that the said Ministry ✓

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has informed the petitioner that without a specific order of Court, necessary measures cannot be taken by the Ministry.

Having heard learned Counsel for the parties, I pass an order in terms of prayer (a) of the application.

No useful purpose will be served by keeping the application pending.

GA 604 of 2019 is, accordingly, disposed of. ✓

Sd/- A. Banerjee, J.
(ARIJIT BANERJEE, J.)

R.Bhar
Rbhar

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Exd
S. Sengupta
08/2/19

CERTIFIED TO BE A TRUE COPY

Omkar Bal chowdhry 8/4/19

Authorised under Section 76 of
the Indian Evidence Act. 1872
Act- 1 of 1872)

GA NO.	604	OF 2019
GA NO.		OF 201
AP NO.		OF 201
CA NO.		OF 201
CP NO.		OF 201
CS NO.	78	OF 2018
WF NO.		OF 201
AS NO.		OF 201
EOS NO.		OF 201
CC NO.		OF 201
TS NO.	8	OF 201
PLA NO.		OF 201
EC NO.		OF 201

- i) Date of application for Copy 19.03.19
- ii) Date of notifying the charges. 01.04.19
- iii) Date of putting in the Charges 01.04.19
- iv) Date on which the copy is ready for delivery. 08.04.19
- v) Date of Making over the copy to the applicant. 09/04/19

Indiamart Intermesh Limited

Gautam Das
 Section Officer 8/4/19
 (Group-A Service)
 High Court, Original Side
 Calcutta

Ahussan
 08/4/19

.....VS.....

Ankit & ORS.

ORDER/JUDGMENT PASSED BY
THE HON'BLE JUSTICE

ARIJIT BANERJEE

ON

18/03/2019

FILED THIS 18th DAY OF April 2019

S.K. Bajoria (Adv)



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Fwd: <https://indiamart.rf.gd/> : In reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court

CL Cyber Law Legal <cyberlaw-legal@meity.gov.in>
Tue, 13 Aug 2024 2:49:39 PM +0530
To "Abhinesh Meena" <abhinesh.meena@gov.in>
Cc "Group Coordinator,CLDG Division, Meity" <gccyberlaw@meity.gov.in>, "V Chinnasamy" <chinnasamy.v@meity.gov.in>, "Avneet Toor Gupta" <avneett.g@nic.in>, "Nagarajan N" <nagarajan.n@meity.gov.in>

Dear Sir,

Request your attention to the trailing email as under. Would appreciate, if you could review it and take necessary action, as required.

Copy of the order has been annexed, for your convenience. A letter from MeitY has also been annexed. Kindly inform us once the needful has been done.

Regards
Nagarajan. N
Scientist C
Cyberlaw Division
Ministry of Electronics and Information Technology (MeitY)
Tel: [9310759547](tel:9310759547)

Cyber Laws Legal,
Electronics Niketan,
Ministry of Electronics and Information Technology (MeitY)
New Delhi 110003
E-mail: cyberlaw-legal@meity.gov.in

==== Forwarded message =====
From: Legal IndiaMart <legal@indiamart.com>
To: "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>
Cc: "Sanya Kathpal" <sanya.kathpal@indiamart.com>
Date: Mon, 12 Aug 2024 14:58:13 +0530
Subject: <https://indiamart.rf.gd/> : In reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court
==== Forwarded message =====

Dear Sir,

We are writing to you on behalf of Indiamart Intermesh Limited in reference to the proceedings of Indiamart Intermesh Ltd. Vs. Ankit & Ors. presently pending before the Hon'ble Calcutta High Court wherein MEITY is also party.

As you are aware our Company has been running India's largest online B2B (Business-To-Business) marketplace through a website namely www.indiamart.com for more than two decades. On account of its inherently distinctive nature, the trademark "INDIAMART", has acquired an excellent and enviable reputation over the years. The said trademark is duly registered under various classes and in various forms including a word mark, logo mark, label mark etc. The earliest use of the trademark "INDIAMART" dates back to the year 1996, and the earliest registration to the year 2002 in India. Our Company has full rights over the mark 'INDIAMART' and the use of any identical or deceptively similar mark, particularly in respect of identical services, would amount to trademark infringement.

In the year of 2018, it has come to the Notice of the Company that lot of known and unknown entities/persons were infringing our registered trademarks on the world wide web and in order to safeguard our proprietary and legal rights in the registered trademark, the company filed a suit C.S 78 of 2019 and GA No. 1090 of 2018 before Hon'ble Calcutta High Court with title Indiamart vs Ankit and Ors. The Hon'ble High court recognized the proprietary of our company in relation to its trademark 'INDIAMART' and was pleased to pass an interim order dated May 16,2020, a part of which is as follows:

'An order of injunction restraining the respondents and such other websites / entities which are discovered during the course of the proceedings to have been engaging in infringing the Petitioner's exclusive rights, its 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 using a mark and/or domain name which is identical or deceptively similar to the registered INDIAMART mark of Petitioner in any manner whatsoever, thereby amounting to passing off.'

Along with the above-mentioned directions, the Hon'ble High Court was also passed an order referring to the Ministry of Electronics and Information Technology (MEITY), which is as under:

"The Ministry of Electronics and Information Technology, Government of India to locate the web portals/sites mentioned in the cause title above and forthwith take appropriate measures to make the said web portals/sites defunct and to take steps to take them down from the World Wide Web, the domain names of which are deceptively similar to the registered trademark of the Petitioner"

A copy of the Order dated May 16, 2018 is annexed hereto. The said interim order was confirmed on September 17, 2018.

For the compliance of the said order, a representative of our Company had a meeting with the officials of the MEITY and forwarded certain links/websites infringing the Trademark of Indiamart. It is pertinent to mention that your office was kind enough to take actions against such links/website provided by the Company but later your office requested us to get a specific direction for MEITY from the Hon'ble High Court in relation thereto.

In light of the above advisory by MEITY, Our Company filed an application GA No. 604 of 2019 in titled suit Indiamart Intermesh Ltd. Vs. Ankit & Ors. before the Hon'ble Calcutta High Court, wherein the company prayed that:

*"An order be passed directing the Ministry of Electronics and Information Technology, Government of India to take appropriate measures to **make defunct and take down the links provided by the Petitioner to the Ministry from the World Wide Web** and the domain names which are deceptively similar to the trademark of the Petitioner as could be identified by the Petitioner to the Ministry **through email address- legal@indiamart.com** from time to time."*

The Hon'ble Court was pleased to pass the said order on March 18, 2019 in favour of the company in terms of the prayer as above.

We would further like to inform you that trademark "INDIAMART" has been officially included in the list of Well Known Trademarks. This was confirmed in the Trademark Journal No. 2093 published on February 27, 2023. Now, the trademark "INDIAMART" not only enjoys a substantial reputation and a high degree of recognition among the relevant sections of the public but also provides a higher level of protection against infringement, dilution, or passing off by other parties from using the same or similar trademark for different goods and services.

Therefore, in view of the directions as contained in the annexed order dated March 18, 2019 and in pursuance of the inclusion of "INDIAMART" in the list of Well Known Trademarks, we humbly request you to take appropriate action and/or direct the appropriate agency/ individual to remove/ delete and/or defunct and/or disable the links/websites (mentioned in subject) in compliance with the above-mentioned Hon'ble Calcutta High Court order.

Please Note: The operator or owner of the website is cheating the innocent users of the internet and till date we have received complaints from the innocent users who have been cheated by the owner or the operator of the impugned website. Hence, we request you to take appropriate action at the earliest.

Regards,

DANISH ALI KHAN


Principal Legal Counsel - IPR & Policy Advocacy

IndiaMART InterMESH Ltd.


Hand Phone: +91-9711003839

☑ **2 Attachment(s)** • [Download as Zip](#) • [Add To](#) >



Certified Copy Order datedpdf
1.3 MB • 



Letter to DoT dated 13.08.2... .pdf
1.2 MB • 

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.