

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:01-10-2024

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 **02.08.2024** on the subject matter.

2. Please refer to the **para 12** 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.

Signed by

Ram Kailash Meena

Dir (DS-II) 01/10/2024 18:06:33

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. 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.

\$~30

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

+ **CS(COMM) 578/2024 & I.A. 35296/2024**

DABUR INDIA LIMITED

.....Plaintiff

Through: Mr. Prabhu Tandon and Mr.
Christopher Thomas, Advs.
M: 7838499168

versus

ASHOK KUMAR AND OTHERS

.....Defendants

Through: Mr. Varun Pathak, Ms. A. Rana and
Ms. Sana Banyal, Advs. for D-4.
Mr. Madhav Khosla, Adv. for D-5.
Mr. Tejas Karia, Ms. Swati Agarwal,
Mr. Mohit Singh, Mr. Vaarish
Sawhani and Ms. Priyanka Khosla,
Advs. for WhatsApp, LLC

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **02.08.2024**

I.A. 35296/2024 (Application seeking direction/clarification)

1. The present application has been filed under Section 151 of Code of Civil Procedure ("CPC"), 1908, seeking direction/clarification with respect to order dated 18th July, 2024.

2. It is submitted that when the present suit was listed for hearing on 18th July, 2024, summons had been issued in the suit as well as the application of the plaintiff under Order XXXIX Rules 1 and 2 of CPC in *I.A. 33406/2024*. It is submitted that vide order dated 18th July, 2024, this Court had restrained the unknown defendant no.1, from running the impugned websites/domains, containing the plaintiff's registered trademark/trade name/logo/trade dress/domain name or content or any other trade name/domain name, as may

amount to trademark/copyright infringement/passing off, and misappropriation of the plaintiff's registered trademark/copyright/trade name/logo and its products.

3. Learned counsel appearing for the plaintiff submits that the plaintiff has now come across additional infringing domain/URLs being <https://ike984.com/>; <https://xtfix.com/login>; <https://jzo325.com/login>; <https://lce732.com/>; <https://eir477.com/>; <https://vol667.com/>; <https://www.foi135.com/>; <https://ypr117.com/>; and <https://jmspm.com/>.

4. It is submitted that the additional impugned websites do not use the plaintiff's trademark within its domain name. However, they are found to be misrepresenting themselves as the plaintiff, and are also involved in duping members of the general public by offering false work from home job opportunities to unsuspecting members of the public by using plaintiff's well-known registered trademark "DABUR", with the tag line "Celebrate Life". The screenshots of the impugned websites, as shown in the application, are reproduced as under:

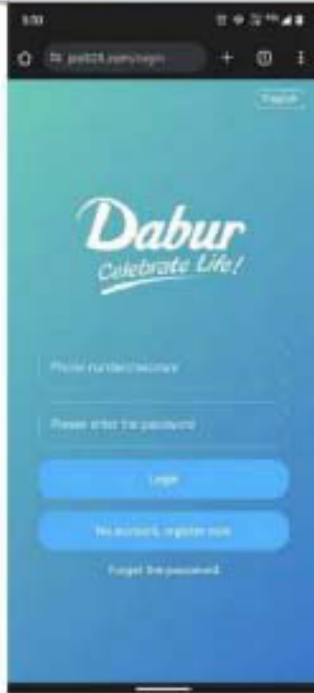
<https://ike984.com/>



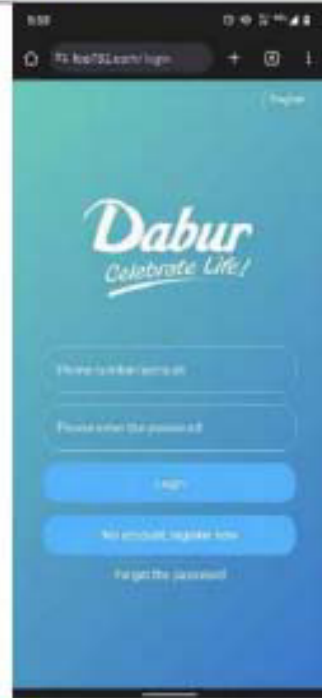
<https://xtfix.com/login>

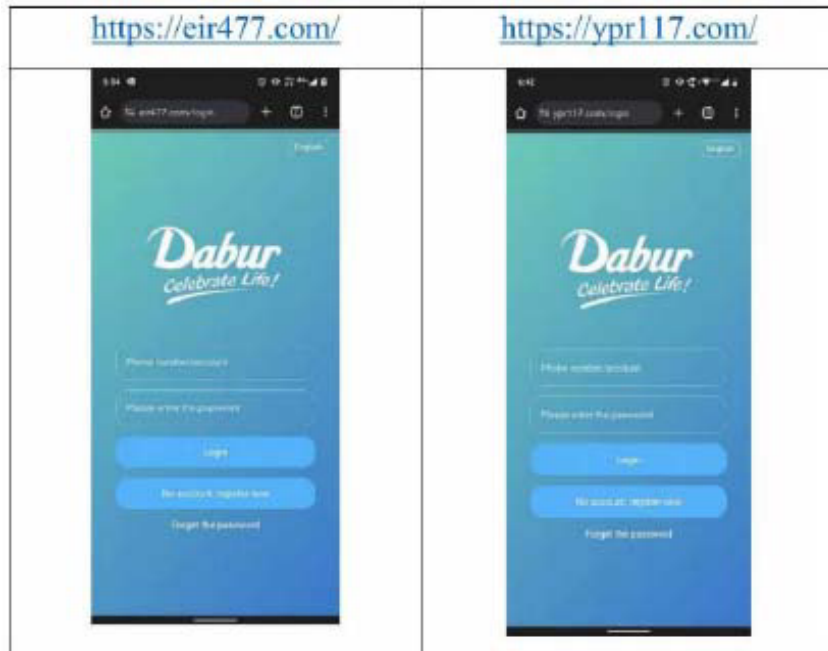


<https://jzo325.com/login>



<https://lce732.com/>





5. Thus, it is submitted that the *modus operandi* of the owners of these additional impugned websites is identical, to that of the unknown defendant no.1 in the present proceedings. Therefore, it is submitted that various complaints have been received by the plaintiff from aggrieved customers against these additional impugned websites.

6. It is further submitted that as per the complaints received by the plaintiff company, the customers are being approached through new WhatsApp numbers and Telegram links that are being used in conjunction with the additional impugned websites to dupe unwary customers.

7. Thus, the present application has been filed seeking appropriate directions against the same.

8. Issue notice. Notice is accepted by learned counsels appearing for the defendants.

9. At the outset, learned counsel appearing for defendant no. 3 submits that the WhatsApp numbers that have been given in the present application, do not contain proof of the infringing activity, and no screenshots in that regard have been filed along with the present application. Thus, he submits

that unless there is any proof with respect to use of the said numbers, as given in the present application, being involved in any infringing activity, it shall not be possible for the defendant no.3 to take action with regard thereto.

10. Likewise, learned counsel appearing for defendant no.5 submits that there is no proof of infringement with regard to the Telegram links, which have been given along with the present application.

11. At this stage, learned counsel appearing for the plaintiff submits that he will file a separation application with respect to the WhatsApp numbers and the Telegram links, which are being used for the infringing activity. Thus, he submits that he does not press the prayer (b) for the time being.

12. Considering the submissions made before this Court, it is directed that the defendant nos. 2, 6 and 7 shall take down/ suspend/ block/ delete the additional impugned websites/domain/URLs being <https://ike984.com/>; <https://xtfix.com/login>; <https://jzo325.com/login>; <https://lce732.com/>; <https://eir477.com/>; <https://vol667.com/>; <https://www.foi135.com/>; <https://ypr117.com/>; and <https://jmspm.com/>.

13. With the aforesaid directions, the present application is disposed of.

CS(COMM) 578/2024

14. It is clarified that the directions, as contained in paragraph 44 of the order dated 18th July, 2024, have been issued, only *qua* the defendant nos. 3 and 5.

MINI PUSHKARNA, J

AUGUST 2, 2024/kr

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

...Plaintiff

Versus

1. Ashok Kumar ...Defendant No.1

2. Gname.com Pte. Ltd.

6, BATTERY ROAD,

#29-02/03, SINGAPORE

Email: 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

...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 ...Defendant No.4
5. Telegram Messenger LLP
Business Central Towers, Tower A,
Office 1003/1004,
Dubai, 501919, AE
Email : 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; and
dirds2-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 ,
gccyberlaws@meity.gov.in, pkumar@meity.gov.in,
sathya.s@meity.gov.in; 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 ...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

...Defendant No.9

10. DBS Bank India Limited

1st Floor, Express Towers,
Nariman Point, Mumbai 400021.
Email : 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.comlitigation@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.

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