

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-26/2024-DS-II

Dated: 03-03-2025

**To,
All the Internet Service Licensees**

Subject: CS(COMM) 303 of 2022: BURGER KING CORPORATION Vs. SWAPNIL PATIL & ORS. before the High Court of Delhi.

Kindly find enclosed the Hon'ble Delhi High Court orders dated 15.02.2025 on the subject matter.

2. Please refer to **Para 9(e)** of the said court order in respect of blocking of **websites [5 nos]** detailed in **Para 9(e)** of the said court order.

3. 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.

Encl: AA

Digitally signed by
SHASHI KUMAR
Date: 03-03-2025
19:28:36

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

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 requested for taking action as per the Annexure.
- ii. Mr. Mukul Kochhar <mukul@ira.law> Plaintiff's Advocate for kind information. [Requested to take action as per the Annexure].
- iii. IT Wing of DoT for uploading this order on DoT websites please.



\$~34 (OS)

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

+ **CS (COMM) 303/2022, I.As.7302/2022, 7307/2022, 17365/2022, 19451/2022, 21036/2022, 169/2023, 1932/2023, 1933/2023, 3319/2023, 7338/2023, 8120/2023, 11597/2023, 13276/2023, 17896/2023, 24159/2023, 720/2024, 3785/2024, 42225/2024**

BURGER KING CORPORATION Plaintiff

Through: Mr. Mukul Kochhar, Advocate.
Mr. Raunaq Kamath & Mr. Sauhard Alung, Advs. (M: 9425341404)

versus

SWAPNIL PATIL & ORS. Defendants

Through: Mr. Shashi Shekhar Dixit, Advocate
Mr Amit Mahaliyan, Adv. for Bank of Maharashtra. (M:9899491980)
Ms. Yashika Kapoor and Mr. Prashant Arora, Advocates for D-14.
Mr. Alipak Banerjee, Mr. Parva Khare, Mr. Brijesh Ujjainwal, Advocates for D-16 (M:9987115749).
Ms. Shivani Shah, Mr. Amandeep Singh, Ms. Amrita Rana, Mr. Vinay Ranjan, Mr. Manu Pratap Singh, Advs for D-20 (M: 9005669985).
Ms. Radhika Bishwajit Dubey, CGSC, Ms. Gurleen Kaur Waraich & Mr. Karan Khetani, Advs.
Ms. Asmita Kumar, Adv. for D-12. (M:8709271180)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 15.02.2025

1. This hearing has been done through hybrid mode.

I.A.3995/2025 (for Stay)



2. The present application has been filed by the Plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 of Code of Civil Procedure, 1908 seeking an injunction against further sub-domains and domain names, illegally portraying themselves to be related to the Plaintiff.

3. The present suit relates to the Plaintiff's trade mark 'BURGER KING', in conjunction with its distinctive logo, which is being used by various unknown Defendants for running fake franchise/dealership websites. Such operators of the domain names are also collecting money from innocent and gullible consumers and customers. It is stated that the websites available at these domain names prominently display the Plaintiff's 'BURGER KING' trade marks and device and solicit franchise applications from the general public.

4. In this suit, earlier, many unknown Defendants were known to have obtained registration of domain names, which were a variation of the words 'BURGER KING', 'INDIA', 'FRANCHISE' or 'FRANCHISES', etc. It is stated that these websites available at these domain names prominently displayed the Plaintiff's 'BURGER KING' trade mark and devices and solicited franchise applications from the unsuspecting general public. Further, it is stated that upon receiving a franchise application, the unknown Defendants appeared to have sent emails to the unsuspecting victims, in the guise of representatives of the master franchisee of the Plaintiff's exclusive licensor in the Asia-Pacific region viz. Restaurant Brands Asia Limited. These unknown Defendants also have been known to circulate various forged and/ fabricated documents including 'approval letters', 'letters of intent', and 'invoices' all prominently bearing the Plaintiff's trade marks.



5. In furtherance to the forgery and fabrication, the unknown Defendants asked the victims to transfer monies for payment of 'registration fees', 'franchise fee', 'equipment fee' etc., for procuring a 'BURGER KING' franchise. Once the victims transferred such monies, the unknown Defendants would cease all contact with the victims and stop responding to their calls and/ or emails.

6. In the present suit, injunctions have already been granted by this Court in favour of the Plaintiff *vide* orders dated 10th May 2022, 28th July 2022, 24th November 2022, 21st December 2022, 22nd December 2022, 6th January 2023, 1st February 2023, 20th February 2023, 19th April 2023, 27th April 2023, 21st June 2023, 21st July 2023, 15th September 2023, 4th December, 2023 and 16th February, 2024 in respect of various illegal domain names.

7. The present application has been moved by the Plaintiff, seeking injunction against domain names and phone number, the same are enumerated hereunder:

<i>Sr. No.</i>	<i>Domain names</i>	<i>Domain Name Registrar</i>	<i>Date of Registration</i>
1.	www.bkfranchise.in associated with EMAIL ID: info@bkfranchise.in	OVI Hosting Pvt. Ltd.	21st November, 2024
2.	www.burgerkingfranchise.net associated with EMAIL ID: info@burgerkingfranchise.net	GoDaddy.com LLC	7th May, 2024
3.	www.burgerkingindia.co associated with EMAIL ID: info@bkpartner.in	GoDaddy.com LLC	18th January, 2025
4.	www.bkpartner.in associated with EMAIL ID:	GoDaddy.com LLC	17th December,



	info@bkpartner.in		2024
5.	www.www-burgerking.com	GoDaddy.com LLC	13th January, 2025

S. No	Phone No.	Network Provider
1.	+91 9038233772	Bharti Airtel Limited (Defendant No. 10)

8. The prayers in this application are for restraint orders against the said domain names and also for blocking of the said mobile number being used by the Defendants to contact gullible consumers.

9. Considering the previous orders which have been passed, and the near identity in the Plaintiff's marks and the impugned domain names, the following orders are issued, in respect of the following domain names:

a) Suspension of the following domain names –

- www.bkfranchise.in
- www.burgerkingfranchise.net
- www.burgerkingindia.co
- [www.bkpartner.in](mailto:info@bkpartner.in)
- www.www-burgerking.com.

by GoDaddy.com LLC and OVI Hosting Pvt. Ltd., as the case may be. The domain name www.www-burgerking.com is not to be confused with 'www.burgerking.com', which belongs to the Plaintiff.

b) Suspension of the following email addresses:

- info@bkfranchise.in
- info@burgerkingfranchise.net
- info@bkpartner.in

by GoDaddy.com LLC and OVI Hosting Pvt. Ltd., as the case may be. and respective Domain Name Registrar (s), as the case may be.



c) Directions to GoDaddy.com, LLC to disclose the identity of the registrant of the following domain names:

- www.burgerkingfranchise.net and email address info@burgerkingfranchise.net
- www.burgerkingindia.co and email address info@bkpartner.in
- www.bkpartner.in and email address info@bkpartner.in
- www.www-burgerking.com

along with all associated Whois details available in their records.

d) Directions to OVI Hosting Pvt. Ltd. to disclose the identity of the registrant of the following domain names:

- www.bkfranchise.in and email address info@bkfranchise.in

e) Directions to Ministry of Communications and Ministry of Electronics & Information Technology respectively, to issue directions to all ISPs to block the websites available at the following domain names:

- www.bkfranchise.in
- www.burgerkingfranchise.net
- www.burgerkingindia.co
- www.bkpartner.in
- www.www-burgerking.com

f) Directions to Defendant No.10-Bharti Airtel Limited to block and file an affidavit providing the CDR cell ID along with complete identity, *i.e.*, names, address, phone numbers, email addresses, billing and payment details, KYC documents of the following phone numbers:

- +91 9038233772



10. Issue summons in suit and notice in this application to the said sub-domain/domain holders. Service is permitted through all means, including e-mail. Compliance under Order XXXIX Rule 3 within one week.
11. List before the Joint Registrar on 3rd March, 2025.
12. List before the Court on 5th April, 2025 along with batch matters.

PRATHIBA M. SINGH, J.

FEBRUARY 15, 2025/dk/ms

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

Original Commercial Civil Jurisdiction

CS (Comm) No. ____ of 2022

Burger King Corporation ... Plaintiff

Versus

Swapnil Patil & Ors. ... Defendants

MEMO OF PARTIES

Burger King Corporation

5505, Blue Lagoon Drive,

Miami, Florida 33126

United States of America

Email: office@ira.law

... Plaintiff

Versus

1. Swapnil Patil

Email: info@burgerkingfranchises.co.in

support@burgerkingfranchises.co.in;

franchise@burgerkingfranchises.co.in

info@burgerkingfranchise.co.in

Phone: +91 7709155644

... Defendant No. 1

2. Vinay Nayak

Email: info@burgerkingfranchises.co.in;

support@burgerkingfranchises.co.in;

franchise@burgerkingfranchises.co.in

info@burgerkingfranchise.co.in

Phone: +91 7291823890

... Defendant No. 2

3. Shushil Jadhav

Email: info@burgerkingfranchises.in

Phone: +91 9819100695

... Defendant No. 3

4. Namecheap, Inc.

4600, East Washington Street,

Suite 305, Phoenix,

Arizona - 85034

United States of America
Email: legal@namecheap.com ... Defendant No. 4

5. Dreamscape Networks International Pte Ltd

3 Irving Road #09-01
Singapore 369522
Email: info@dreamscapenetworks.com ... Defendant No. 5

6. National Internet Exchange of India

9th Floor, B-Wing,
Statesman House, 148,
Barakhamba Road,
New Delhi – 110001
Email: info@nixi.in ... Defendant No. 6

7. Ministry of Communications

Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road
New Delhi – 110001
Email: Dysecyvig.hq-dot@nic.in ... Defendant No. 7

8. Ministry of Electronics & Information Technology

Electronics Niketan, 6,
CGO Complex, Lodhi Road
New Delhi – 110003
Email: s.chaudhary@gov.in ... Defendant No. 8

9. Bank of India


Star House, C-5, “G” Block,
Bandra Kurla Complex,
Bandra (East), Mumbai - 400051
Email: manasi.phene@bankofindia.co.in ... Defendant No. 9

10. Federal Bank Limited

Federal Towers,
Aluva – 683101
Kerala
Email: alwy@federalbank.co.in ... Defendant No. 10

- 11. Punjab National Bank**
Plot No. 4, Sector – 10,
Dwarka, New Delhi – 110075
Email: care@pnb.co.in ... Defendant No. 11
- 12. UCO Bank**
UCO Bank Head Office
10, BTM Sarani, Kolkata
West Bengal – 700001S
Email: hopgr.calcutta@ucobank.co.in
customercare.calcutta@ucobank.co.in ... Defendant No. 12
- 13. Bharti Airtel Limited**
Airtel Center,
Plot No. 16, Udyog Vihar,
Phase – IV, Gurgaon,
Haryana – 122001
Email: compliance.officer@bharti.in ... Defendant No. 13
- 14. Vodafone Idea Limited**
10th Floor,
Birla Centurion, Century Mills Compound,
Pandurang Budhkar Marg,
Worli, Mumbai – 400030
Email: Pankaj.kapdeo@vodafoneidea.com ... Defendant No. 14
- 15. John Doe** ... Defendant No. 15

New Delhi
Dated: May 07, 2022


Aditya Gupta | Mukul Kochhar
D/2700/2010 | D/3649/2018
Ira Law
Advocates for the Plaintiff
Email: office@ira.law
Ph.: 9958158982

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.