

By Email/DoT Website

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Service Cell)**

No. 813-07/LM-32/2022-DS-II

Dated:25-03-2025

**To,
All the Licensees with Internet Service Authorization**

Subject: CS (Comm) No. 303 of 2022; Burger King Corporation Vs. Swapnil Patil & Ors. Before Hon'ble Delhi High Court.

Kindly find enclosed the Hon'ble Delhi High Court order dated **17.03.2025** on the subject.

2. Please refer to **Para 12(e)** of the said court order in respect of blocking of websites(s)/domain(s) [**1 no.**] enumerated in **Para 12(e)** of the said court order.

3. In view of the above, all the Licensees with Internet Service Authorization are hereby instructed to take immediate necessary action for blocking of the said websites, as above, for compliance of the said Court order.

Encl:A/A

Digitally signed by

SHASHI KUMAR

Date: 25-03-2025

19:44:35

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 to take action as per the Annexure please.
- ii. Mr. Harish Vaidyanathan Shankar (hvscgscdhc@gmail.com), learned Central Government Standing Counsel for kind information please.
- iii. Sh. Mukul Kochhar, Attorney, (mukul@ira.law), Counsel for the plaintiff for kind information and requested to take action as per the Annexure please.
- iv. IT Wing of DoT for uploading this order on DoT websites please.



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 303/2022 & I.A. 6833/2025**

BURGER KING CORPORATION Plaintiff
Through: Mr. Mukul Kochhar & Ms. Akriti
Bansal, Advs.

versus

SWAPNIL PATIL & ORS. Defendants
Through: Mr. Amit Mahaliyan, Adv. for Bank of
Maharashtra. (M:9899491980)
Mr. Parva Khare, Adv. for D-16.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **17.03.2025**

1. This hearing has been done through hybrid mode.

I.A.6833/2025 (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 domain names/website, email addresses and bank accounts 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, 16th February, 2024, 3rd April, 2024, 18th October, 2024 and 15th February, 2025 in respect of various illegal domain names.



7. The present application has been moved by the Plaintiff, seeking injunction against the following domain names and email address which are enumerated hereunder:

Sr. No.	Domain Name / Email Address	Domain Name Registrar / Concerned Authority
1.	burgerkingpartner@rba.co.in registered with www.rba.co.in	GoDaddy.com, LLC
2.	www.burgerkingonline.com	eNom, LLC

8. The case of the Plaintiff is that the Plaintiff recently learnt of the domain name - www.rba.co.in. The name 'RBA' *i.e.*, Restaurants Brands Asia Limited is stated to be the exclusive licensor of the Plaintiff in Asia-Pacific region. The perpetrators, as per the Plaintiff, are using the domain name [www.burgerkingpartner@rba.co.in](mailto:burgerkingpartner@rba.co.in) to deceive innocent persons into believing that the said domain name belongs to the Plaintiff's exclusive licensor. There is a specific pleading in the application to the effect that one individual was demanded an amount of Rs. 2,65,000/- for opening an online outlet of the Plaintiff in Anantpura, Andhra Pradesh. A sample Letter of Intent which was sent to the said person has been placed on record.

9. Further, it is stated that a fresh domain name has surfaced being www.burgerkingonline.com wherein franchise inquiries are being called for. A bank account has also been opened in the Bank of Maharashtra, where amounts are being collected by the perpetrators, under the garb of issuing Franchisees for opening Burger King outlets. The details of the said account are as under:



Sr. No.	Particulars	Details
1.	Account No.	60510087611
2.	IFSC	MAHB0000902
3.	Branch	Andheri West (Mumbai)
4.	Bank	Bank of Maharashtra

10. It is submitted that the domain name registrants of both the impugned domain names are masked by GoDaddy.com LLC / eNom, LLC.

11. This Court is convinced that the use of the domain names and the email address as also the bank account is for perpetrating the fraudulent activities under the 'BURGER KING' mark. The Plaintiff has made out a *prima facie* case for grant of an *ad-interim ex parte* injunction.

12. Considering all the previous orders which have been passed in the suit, the following reliefs are granted in respect of the following domain names:-

- a) Suspension of the domain name - www.burgerkingonline.com by eNom, LLC. It is submitted by the Plaintiff that the said domain name has already been suspended by eNom, LLC.
- b) Suspension of the email address - burgerkingpartner@rba.co.in by the GoDaddy.com, LLC or the respective domain name registrar, as the case may be.
- c) Directions to GoDaddy.com, LLC/ eNom, LLC, as the case may be, to disclose the identity of the registrar of the domain name being www.burgerkingonline.com along with all associated Whois details



available on their records.

- d) Directions to GoDaddy.com, LLC to disclose the identity of the registrar of the email address burgerkingpartner@rba.co.in.
 - e) Directions to the Ministry of Communication and the Ministry of Electronics & Information Technology, respectively, to issue directions to all ISPs to block the website available at the domain name - www.burgerkingonline.com.
 - f) Directions to the Bank of Maharashtra to immediately freeze the account bearing *Account No. 60510087611, IFSC MAHB0000902, Andheri West (Mumbai) branch*. Further, disclose the identity of the account holder along with other identity documents, the bank statement from the date of opening till date.
13. It is made clear that no directions have been passed in respect of the domain name www.rba.co.in since the same does not infringe the marks of the Plaintiff that are subject matter of the present suit.
14. Let the above directions be complied with within a period of two weeks.
15. Issue summons in the suit and notice in this application to the said sub-domain/domain holders. Service is permitted through all means, including e-mail.
16. Compliance of Order XXXIX Rule 3 of the Code of the Civil Procedure, 1908 be done within three weeks.
17. Insofar as eNom, LLC is concerned, since the domain name www.burgerkingonline.com is stated to have been suspended and the details of the registrants have already been provided to the Plaintiff, let steps be taken to implead the said sub-domain/domain holder and compliance be done in respect of the said Defendant.



18. List on 5th April, 2025.

MARCH 17, 2025

KK/msh

PRATHIBA M. SINGH, J.

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.