

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)

Dated: 08.06.2023

No. 813-07/LM-23/2019-DS-II

To,
All Internet Service Licensees'

Subject: C.S.(COMM) No. 369 of 2019; Warner Bros. Entertainment Inc. vs <http://tamilrockers.ws> & Ors., before Hon'ble Delhi High Court.

Kindly refer to the following:

- (i) Hon'ble Delhi High Court order dated **24.05.2023** on the subject. (Annexure-I)
- (ii) **Para 26** of Hon'ble Delhi High Court order dated **10.10.2022** regarding blocking of websites identified by plaintiff. (Annexure-II)
- (iii) Memo of Parties in CS (Comm) No. 369 of 2019. (Annexure-III)

(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 access to websites of defendants no. **264-280**.


Director (DS-II)

Tel: 011-2303 6860

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), for kind information and necessary action.
- ii. Raghav Goyal (raghav@saikrishnaassociates.com), Lawyer/advocate for the plaintiff for kind information.
- iii. IT wing, DoT for uploading on DoT Website please.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 369/2019
WARNER BROS. ENTERTAINMENT INC.

..... Plaintiff

Through: Mr.Raghav Goyal, Ms.Mehr
Sidhu, Ms.Ramya Ram Kumar
(VC), Advocates

versus

HTTP://TAMILROCKERS.WS & ORS.

..... Defendant

Through: None

CORAM:
**JOINT REGISTRAR (JUDICIAL) SH. PURSHOTAM
PATHAK (DHJS)**

ORDER
24.05.2023

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**I.A No. 10263/2023 on behalf of the plaintiffs under Order I
Rule 10 CPC, 1908 seeking impleadment of additional
mirrors, redirects, or alphanumeric variations as defendants
in the memo of parties as defendant no. 264-280.**

Heard.

Vide this order, I shall dispose of the present application filed by plaintiff under Order 1 Rule 10 CPC for impleadment. The learned counsel for plaintiff has submitted that the Hon'ble Court was pleased to grant ex-parte *ad-interim* injunction in this suit against the defendants vide order dated 24.07.2019 and decree of permanent injunction vide order dated 10.10.2022 for infringement of copyrights with further directions that as and when plaintiff files an application under Order 1 Rule 10 for impleadment of such websites, plaintiff shall file an affidavit confirming that the newly impleaded websites are mirror/redirect/alphanumeric websites, with sufficient supporting

evidence and that the application shall be listed before Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to the ISPs to disable access in India in such mirror/redirect/alphanumeric websites.

It is stated that after passing of the abovesaid judgment, other websites, as disclosed in application, have also started violation and these are mirrors, redirects or alphanumeric variations of the website blocked pursuant to the order dated 24.07.2019 and 10.10.2022 which are also necessary party to this suit. It is further stated that details of proposed defendants has been disclosed in Schedule-A annexed with application and they are also liable to be impleaded as defendant no. 264-280. It is further argued that even decree of permanent injunction dated 10.10.2022 is also liable to be extended against them and application may be allowed.

I have heard the arguments and perused the record. The law to deal with such applications and extension of *ex-parte ad-interim* injunction to newly added defendant has already been laid down in *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.*, wherein it has been observed vide paragraph 107 to the effect:-

“107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) their 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, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through

the internet in any manner whatsoever, any cinematograph work/content/programme/show in relation to which plaintiffs have copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted to implead the mirror/redirect/ alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly."

The plaintiff has filed affidavit of investigator along with sufficient material to prove that proposed defendants/websites are mirror/redirect/ alphanumeric websites of defendants which are also involved in violation of copyrights of plaintiff and have been permanently restrained to do so. In view of the submissions of Ld. Counsel for the applicant and the directions passed in judgment dated 10.10.2022, the websites mentioned in the prayer clause of the application especially Schedule-A are impleaded as defendant no. 264-280.

Since the newly added defendants are also stated to be involved in violation of copyrights of plaintiff, accordingly the decree of permanent injunction dated 10.10.2022 is also extended against newly added defendant no. 264-280. The DoT, ISP and MEITY are directed to do the needful in terms of the abovesaid

decree of permanent injunction dated 10.10.2022.

Amended memo of parties is taken on record.

I.A. stands disposed of.

Registry is directed to do the needful.

Copy of order be given *dasti*.

**PURSHOTAM PATHAK (DHJS)
JOINT REGISTRAR (JUDICIAL)**

MAY 24, 2023/sk

Click here to check corrigendum, if any



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 19.09.2022

Date of decision: 10.10.2022

+ CS(COMM) 369/2019 & IAs 9861/2019, 9863/2019, 3714/2022& 13801/2022

WARNER BROS. ENTERTAINMENT INC. Plaintiff
Through: Ms.Suhasini Raina, Ms.R.Ramya,
Ms.Mehr Sidhu, Advs.

versus

HTTPS://TAMILROCKERS.WS & ORS. Defendants
Through: Mr.Kirtiman Singh, CGSC with
Ms.Vidhi Jain, Adv. for D-26 and
D-27.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

1. The plaintiff has filed the present suit *inter-alia* praying for the following reliefs:

“52. In light of the foregoing, it is most respectfully prayed that this Hon’ble Court may be pleased to:

i. Issue an order and decree of permanent injunction restraining the Defendant Nos. 1-16 (and such other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the Defendant Websites, and other domains/domain owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiff’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, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/ show in relation to which Plaintiff has copyright,

ii. Issue an order and decree directing the Defendant Nos. 16-25, their directors, partners, proprietors, officers, affiliates, 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, to block access to the Defendant Nos. 1-16 website identified by the Plaintiff in the instant suit (and such other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the Defendant Website, and other domains/domain owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiff's exclusive rights)

iii. Issue an order directing the Defendant Nos. 26 and 27, to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the Defendant Nos. 1-16 websites identified by the Plaintiff in the instant suit (and such other mirror/redirect/alphanumeric websites discovered to provide additional means of accessing the Defendant Website, and other domains/domain owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiff's exclusive rights);

iv. Issue an order directing the Domain Name Registrars of the Defendant Website identified by the Plaintiff in the Plaintiff to disclose the contact details and other details about the owner of the said websites, and other such relief as this Hon 'ble Court may deem fit and proper:”



2. The plaintiff claims itself to be a global entertainment company under the laws of the State of Delaware, the United States of America, and as being engaged in the business of creation, production and distribution of motion pictures. The plaintiff has also received certain reputed awards, such as the Academy Award for ‘*Best Picture*’ for the motion picture ‘*Argo*’ in the year 2012.

3. It is the contention of the plaintiff that the motion pictures produced by the plaintiff, being works of visual recording and which include sound recordings accompanying such visual recordings, qualify to be a ‘*cinematograph film*’ under Section 2(f) of the Copyright Act, 1957 (in short, ‘the Act’). The plaintiff claims that this Court has jurisdiction by virtue of Section 13(1) read with Sections 13(2) and 5 of the Act. Since the plaintiff’s cinematograph films are released in India; the cinematograph films of the plaintiff would be entitled to all the rights and protections granted under the provisions of the Act.

4. The claim of the plaintiff is premised on the allegation of illegal and unauthorized distribution, transmission and streaming of the plaintiff’s original content by the defendant nos. 1 to 16 and 51 to 237 (hereinafter referred to as the ‘rogue websites’). It is the case of the plaintiff that as a result of the unauthorized transmission of their content, the rogue websites infringe the copyright of the plaintiff in the original works produced by it, which have been granted protection under the provisions of the Act.

5. The plaintiff has impleaded various Internet Service Providers (in short, ‘ISPs’) as the defendant nos. 17 to 25 and the concerned departments of the Government of India as the defendant nos. 26 and 27.



The ISPs and the concerned departments have been impleaded for the limited relief of compliance with any directions of this Court granted in favor of the plaintiff.

6. The plaintiff, vide an investigation conducted by an independent investigator, learnt of the extent of the infringing activity of the rogue websites, in as much as the rogue websites have infringed the plaintiff's copyright under the provisions of the Act in the original content by streaming or hosting and/or by facilitating the use of the rogue websites, *inter alia* by downloading and streaming the plaintiff's original cinematograph films in which copyright vests.

7. It is also the case of the plaintiff that a cease-and-desist notice was served on the rogue websites calling upon them to cease from engaging in their infringing activities. Despite the cease-and-desist notice, the rogue websites continue to infringe the copyright of the plaintiff in its original content.

8. The learned counsel for the plaintiff presses only for prayers in terms of paragraph nos. 52(i), (ii) and (iii), as noted hereinabove, of the plaint. The other reliefs as made in the plaint are not pressed.

9. The learned counsel for the plaintiff relies upon the judgment dated 10.04.2019 passed by this Court in a batch of suits, including *UTV Software Communication Ltd. & Ors. v. 1337X.to & Ors.*, 2019 SCC OnLine Del 8002, which dealt with the determination of rogue websites.

10. The plaintiff has filed I.A. 13801 of 2022 under Order XIII-A of the Code of Civil Procedure, 1908 (in short, 'CPC'), as applicable to commercial disputes, seeking a Summary Judgment. The said application was listed before the Court on 30.08.2022, wherein the Court



recorded that the service and pleadings are complete in regard to all the defendants and that the rogue websites have neither appeared nor have filed their written statements in the present suit proceedings till date. Further, the Court directed the suit to proceed *ex-parte qua* the rogue websites, that is, the defendant nos. 1 to 16 and 51 to 237.

11. The grounds for filing the above application, as enumerated by the plaintiff in the same, are as follows:

- a. That all the defendants have been duly served by the plaintiff, however, only the defendant nos. 17, 22, 24, 26 and 27 have entered appearance before this Court.
- b. That the defendant nos. 1 to 16 and 51 to 237 being the rogue websites, against whom the plaintiff is seeking primary relief, are illegally streaming the plaintiff's content on their websites and even after being duly served by the plaintiff, have decided not to contest the present suit.
- c. That the rogue websites impleaded as the defendant nos. 1 to 16 and 51 to 237 have no real prospect of successfully defending the claim of copyright infringement under Section 51 of the Act and have further not chosen to contest the said claim.
- d. Additionally, there is no other compelling reason why the present suit should not be disposed of before recording of oral evidence particularly in view of the fact that there is no dispute regarding the illegal activities of the defendant nos. 1 to 16 and 51 to 237 and in any event, in the absence of any challenge or opposition to the factual allegations made in the plaint, in view



of the provisions of Order VIII Rule 5 of the CPC, there is no occasion for recording of oral evidence in the present matter.

12. The learned counsel for the plaintiff has relied upon Clause 3 of Chapter XA of the Delhi High Court (Original Side) Rules, 2018 which states the grounds under which a Court can pass a Summary Judgment.

13. The learned counsel for the plaintiff has drawn my attention to the affidavits filed by Mr. Manish Vaishampayan, who conducted the investigation with regard to the aforesaid websites at the instance of the plaintiff, to contend that the said websites need to be treated as rogue websites. With respect to this contention, reliance is placed on the following documentary evidence in support of each of the aforesaid websites in the table below-

	Particulars	Court File Pagination along with Volume Number
1.	Print of Contact Details of various websites as available on WHOIS (primary domains):	
	1)TamilRockers.ws (Defendant No. 1)	Pg. 447- 451 Folder IV (Vol. 3)
	2)TamilRockers.co (Defendant No.1)	Pg.489- 492 Folder IV (Vol.3)
	3)TamilRockers.ch (Defendant No. 1)	Pg.497-499 Folder IV (Vol.3)
	4) TamilRockers.ph (Defendant No. 1)	Pg.502- 506 Folder IV (Vol.3)



5) TamilRockers.pl (Defendant No. 1)	Pg.509-511 Folder IV (Vol.3)
6) TamilRockerss.bz (Defendant No. 1)	Pg. 514 -516 Folder IV (Vol. 3)
7) TamilRockers.bz (Defendant No. 1)	Pg.519-521 Folder IV (Vol. 3)
8) TamilRockers.cl (Defendant No. 1)	524-527 Folder IV (Vol. 3)
9) TamilRockers.cr (Defendant No. 1)	Pg.530-532 Folder IV (Vol. 3)
10)TamilRockers.al (Defendant No. 1)	Pg.535-537 Folder IV (Vol. 3)
11) TamilRockers.ci (Defendant No.1)	Pg.540- 544 Folder IV (Vol. 3)
12) TamilRockers.la (Defendant No. 1)	Pg.545-549 Folder IV (Vol. 4)
13) TamilRockers.cc (Defendant No. 1)	Pg.552-556 Folder IV (Vol.4)
14) TamilRockers.tv (Defendant No. 1)	Pg.559-563 Folder IV (Vol. 4)
15) TamilRockers.mu (Defendant No.1)	Pg. 566-568 Folder IV (Vol.4)
16) TamilRockers.at (Defendant No.1)	Pg.571-572 Folder IV(Vol.4)
17) TamilRockers.vc (Defendant No.1)	Pg. 575-577 Folder IV (Vol. 4)
18)TamilRockers.info (Defendant No.1)	Pg.580-582 Folder IV (Vol.4)



11) WorldFree4u.wiki (Defendant No. 14) Contact Us	Pg.2095-2099 Folder IV (Vol.12)
12) 9XMovies.pizza (Defendant No.197) DMCA	I.A. No. 8217/2020 Pg.135-139 (Vol.1)
13) 9Xmovies.cash (Defendant No. 162) DMCA	I.A. No. 8217/2020 Pg.258-264 (Vol.2)
14)9Xmovies.fyi (Defendant No.166) DMCA	I.A. No. 8217/2020 Pg.346-352 (Vol.2)
15)9XMovies.pizza (Defendant No.197) Contact Us	I.A. No. 12506/2021 Pg.130-134 (Vol.1)

14. I have heard the learned counsel for the plaintiff.

15. In *UTV Software (supra)*, this Court, as far as rogue websites are concerned, identified the following illustrative factors to be considered in determining whether a particular website falls within that class:

“59. In the opinion of this Court, some of the factors to be considered for determining whether the website complained of is a FIOL/Rogue Website are:-

- a. whether the primary purpose of the website is to commit or facilitate copyright infringement;*
- b. the flagrancy of the infringement, or the flagrancy of the facilitation of the infringement;*
- c. Whether the detail of the registrant is masked and no personal or traceable detail is available either of the Registrant or of the user.*
- d. Whether there is silence or inaction by such website after receipt of take down notices pertaining to copyright infringement.*



- e. Whether the online location makes available or contains directories, indexes or categories of the means to infringe, or facilitate an infringement of, copyright;
- f. Whether the owner or operator of the online location demonstrates a disregard for copyright generally;
- g. Whether access to the online location has been disabled by orders from any court of another country or territory on the ground of or related to copyright infringement;
- h. whether the website contains guides or instructions to circumvent measures, or any order of any court, that disables access to the website on the ground of or related to copyright infringement; and i. the volume of traffic at or frequency of access to the website;
- j. Any other relevant matter.

60. This Court clarifies that the aforementioned factors are illustrative and not exhaustive and do not apply to intermediaries as they are governed by IT Act, having statutory immunity and function in a wholly different manner.

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69. Consequently, the real test for examining whether a website is a Rogue Website is a qualitative approach and not a quantitative one.”

16. This Court, in *UTV Software (supra)* further held as under:

“29. It is important to realise that piracy reduces jobs, exports and overall competitiveness in addition to standards of living for a nation and its citizens. More directly, online piracy harms the artists and creators, both the struggling as well as the rich and famous, who create content, as well as the technicians-sound engineers, editors, set designers, software and game designers-who produce it and those who support its marketing, distribution and end sales. Consequently, online piracy has had a very real and tangible impact on the film industry and rights of the owners.



30. *The Indian Copyright Act, 1957 (“the Copyright Act”) confers a bundle of exclusive rights on the owner of a “work” and provides for remedies in case the copyright is infringed.*

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34. *The above definitions make it clear that making any work available for being seen or heard by the public whether simultaneously or at places chosen individually, regardless of whether the public actually sees the film, will constitute communication of the film to the public. The intent was to include digital copies of works, which would include within its scope digital copies of works being made available online (as opposed to the physical world). Communication can be by various means such as directly or by display or diffusion. In this context, definition of “broadcast” is also relevant which identifies communication to public by wireless diffusion or by wire. Thus, making available of a film for streaming or downloads in the form of digital copies on the internet is within the scope of “communication to the public”.*

35. *It is pertinent to note that the definition of “communication to the public” was first added in the Copyright Act by the 1983 Amendment and was as follows:-*

“Communication to the public” means communication to the public in whatever manner, including communication through satellite”.

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53. *Also should an infringer of the copyright on the Internet be treated differently from an infringer in the physical world? If the view of the aforesaid Internet exceptionalists school of thought is accepted, then all infringers would shift to the e-world and claim immunity!*

54. *A world without law is a lawless world. In fact, this Court is of the view that there is no logical reason why a crime in the physical world is not a crime in the digital world especially when the Copyright Act does not make any such distinction.*

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80. In the opinion of this Court, while blocking is antithetical to efforts to preserve a “free and open” Internet, it does not mean that every website should be freely accessible. Even the most vocal supporters of Internet freedom recognize that it is legitimate to remove or limit access to some materials online, such as sites that facilitate child pornography and terrorism. Undoubtedly, there is a serious concern associated with blocking orders that it may prevent access to legitimate content. There is need for a balance in approach and policies to avoid unnecessary cost or impact on other interests and rights. Consequently, the onus is on the right holders to prove to the satisfaction of the Court that each website they want to block is primarily facilitating wide spread copyright infringement.

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82. One can easily see the appeal in passing a URL blocking order, which adequately addresses over-blocking. A URL specific order need not affect the remainder of the website. However, right-holders claim that approaching the Court or the ISPs again and again is cumbersome, particularly in the case of websites promoting rampant piracy.

83. This Court is of the view that to ask the plaintiffs to identify individual infringing URLs would not be proportionate or practicable as it would require the plaintiffs to expend considerable effort and cost in notifying long lists of URLs to ISPs on a daily basis. The position might have been different if defendants' websites had a substantial proportion of non-infringing content, but that is not the case.

84. This Court is of the view that while passing a website blocking injunction order, it would have to also consider whether disabling access to the online location is in the public interest and a proportionate response in the circumstances and the impact on any person or class of persons likely to be affected by the grant of injunction. The Court order must be effective, proportionate and dissuasive, but must not create barriers to legitimate trade. The measures must also be fair



and not excessively costly (See: Loreal v. Ebay, [Case C 324/09]).

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86. Consequently, website blocking in the case of rogue websites, like the defendant-websites, strikes a balance between preserving the benefits of a free and open Internet and efforts to stop crimes such as digital piracy.

87. This Court is also of the opinion that it has the power to order ISPs and the DoT as well as MEITY to take measures to stop current infringements as well as if justified by the circumstances prevent future ones.”

17. It is notable that the plaintiff, in a similar batch of suits including ***Warner Bros. Entertainment Inc. v. TAMILROCKERMovies.COM &Ors.***, 2022 SCC OnLine Del 1742, wherein judgment was pronounced on 01.06.2022, had filed an application under Order XIII-A of the CPC, as applicable to commercial disputes, wherein this Court relying on the judgment in ***UTV Software (supra)*** has passed a Summary Judgment and decreed the suits in favour of the plaintiff.

18. In the present Suit as well, vide order dated 24.07.2019, this Court had granted an *ex-parte ad-interim* injunction against the defendant nos. 1 to 16 (and such other domains/domain owners/website operators/entities which are discovered during the course of the proceedings to have been engaging in infringing the plaintiff's exclusive rights), their 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, restraining them from, hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, in



any manner, on their websites, through the internet, any cinematograph work/content/programme/shows in relation to which the plaintiff has copyright.

19. This Court had further directed the defendant nos. 17 to 25 to block the domain names and its URLs as mentioned in the table below-

LIST OF WEBSITES

S.NO.	DOMAIN NAME	URL	IP ADDRESS
DEFENDANT NO. 1			
1.	<u>tamilrockers.w</u> <u>s</u>	http://tamilrockers.ws	104.18.40.62 104.18.41.62
2.	<u>tamilrockerrs.c</u> <u>o</u>	http://tamilrockerrs.co	104.27.156.106 104.27.157.106
3.	<u>tamilrockerss.c</u> <u>h</u>	http://tamilrockerss.ch	104.28.22.77 104.28.23.77
4.	<u>tamilrockers.p</u> <u>h</u>	http://tamilrockers.ph	104.24.104.54 104.24.105.54
5.	<u>tamilrockerrs.p</u> <u>l</u>	http://tamilrockerrs.pl	104.18.58.244 104.18.59.244
6.	tamilrockerss.b z		104.27.154.92



108.	katmoviehd.tv	https://katmoviehd.tv	104.31.78.64 104.31.79.64
DEFENDANT NO. 14			
109.	worldfree4u.wiki	https://worldfree4u.wiki	104.25.25.101 104.25.26.101
110.	worldfree4u.club	https://worldfree4u.club	104.27.190.173 104.27.191.173
111.	worldfree4u.is	https://worldfree4u.is	104.18.42.171 104.18.43.171
112.	worldfree4u.lol	http://worldfree4u.lol	104.27.188.128 104.27.189.128
DEFENDANT NO. 15			
113.	monova.to	https://monova.to	104.31.16.3 104.31.17.3
DEFENDANT NO. 16			



DEFENDANT NO. 16			
114.	9xmovies.cc	https://9xmovies.cc	104.18.36.161 104.18.37.161
115.	9xmovies.co.in	https://9xmovies.co.in	104.28.14.31 104.28.15.31
116.	9xmovies.org	https://9xmovies.org	104.31.78.129 104.31.79.129
117.	9xmovies.to	https://9xmovies.to	104.24.120.104 104.24.121.104
118.	9xproxy.live	https://9xproxy.live	104.31.82.133 104.31.83.133
119.	9xproxy.info	https://9xproxy.info	104.31.82.35 104.31.83.35
120.	9xmovies.wiki	https://9xmovies.wiki	104.28.28.181 104.28.29.181
121.	9xmovies.top	https://9xmovies.top	104.31.94.121 104.31.95.121
122.	9xmovies.info	https://9xmovies.info	104.24.110.9 104.24.111.9
123.	9xmovies.ind.in	https://9xmovies.ind.in	104.27.150.3 104.27.151.3
124.	9xproxy.in	https://9xproxy.in	212.129.43.80



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20. This Court further directed the defendant nos. 26 and 27 to suspend the above-mentioned domain name registration of the defendant nos. 1-16 and issue requisite notifications calling upon various ISPs and telecom service providers registered under them to block the aforementioned rogue websites identified by the plaintiff within five working days.

21. The learned counsel for the plaintiff submits that pursuant to the *ex-parte ad-interim* order dated 24.07.2019, the defendant no. 26 has issued the requisite notification. The learned counsel for the plaintiff further states that the defendant nos. 17 to 25 have blocked the rogue websites, that is, the defendant nos. 1 to 16's websites. This Court had also passed the following direction in its order dated 05.08.2019:

"21. Further, as held by this court in UTV Software Communication Ltd. (supra), in order for this court to be freed from constant monitoring and adjudicating the issues of mirror/redirect/alphanumeric websites it is directed that as and when Plaintiff file an application under Order I Rule 10 for impleadment of such websites, Plaintiff shall file an affidavit confirming that the newly impleaded website is mirror/redirect/alphanumeric website with sufficient supporting evidence. Such application shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to the ISPs to disable access in India to such mirror/redirect/alphanumeric websites".



22. In light of the aforesaid direction, the plaintiff filed subsequent applications under Order I Rule 10 of CPC for the impleadment of such mirror/redirect/alphanumeric website with sufficient supporting evidence, which were allowed by the Court and the *ex-parte ad-interim* order dated 24.07.2019 was thereby extended to the impleaded defendants:

Sr. No.	Impleaded Defendant Nos.	Details of filing the impleadment application	Date of the order by which impleadment was allowed and disposed of
1.	51-66	I.A. No. 12069 of 2019 Filed on 31.08.2019	02.09.2019
2.	67-157	I.A. No.18428 of 2019 Filed on 13.12.2019	24.12.2019
3.	158-193	I.A. No. 8217 of 2020 Filed on 14.09.2020	30.09.2020
4.	194-196	I.A. No. 7064 of 2021 Filed on 31.05.2021	12.07.2021
5.	197-211	I.A. No.12506 of 2021 Filed on 22.09.2021	29.09.2021
6.	212-227	I.A. No.16619 of 2021 Filed on 09.12.2021	17.12.2021
7.	228-237	I.A. No. 3714 of 2022 Filed on 05.03.2022	14.03.2022

23. Thereafter, on 01.08.2022, the learned Joint Registrar (Judicial), passed the following order in regard to the rogue websites, that is, the defendant nos. 1 to 16 and 51 to 237:-

“...All of the contesting defendants against whom substantial relief has been sought by the plaintiff have been served, however they have not preferred to appear to contest this case or to file written statement and affidavit of admission/denial of documents. In this regard law shall take its own course.



Learned counsel for plaintiff submits that there is no document for admission/denial of documents. Hence, pleadings stand complete. Other defendants who were supposed to comply with interim directions have already complied with. At request, let the matter be placed before the Hon'ble Court for further directions."

24. Since the defendant nos. 1 to 16 and 51 to 237 are not appearing, despite notice, in my opinion, the suit can be heard and decided summarily. The defendant nos. 1 to 16 and 51 to 237 have no real prospect of successfully defending the claim of copyright infringement and have further not chosen to contest the said claim. The present matter is mainly concerned with the enforcement of the injunction orders, which are passed against the rogue websites who do not have any defence to the claim of copyright infringement, but use the anonymity offered by the internet to engage in illegal activities, such as copyright infringement in the present case. This is a fit case for passing a Summary Judgment invoking the provisions of Order XIII-A of the CPC, as applicable to the commercial disputes, read with Rule 27 of the Delhi High Court Intellectual Property Rights Division Rules, 2022.

25. In the present case, applying the test as laid down in *UTV Software (supra)*, and considering the documents filed and the averments made in the plaint, which remained uncontroverted, it has to be held that the defendant nos. 1 to 16 and 51 to 237 are 'rogue websites', with their primary purpose being to commit and facilitate infringement of the copyright of the plaintiff. The plaintiff is therefore,



held entitled to a decree in terms of prayers made in paragraph no. 52(i), (ii) and (iii) of the plaint.

26. In *UTV Software (supra)*, the Court also examined the issue of grant of dynamic injunctions and permitted subsequent impleadment of mirror/redirect/alphanumeric websites which provide access to the rogue websites, by filing an application under Order I Rule 10 of the CPC before the learned Joint Registrar (Judicial) along with an affidavit with supporting evidence, confirming that the proposed website is mirror/redirect/alphanumeric website of the injuncted defendant websites. At the request of the learned counsel for the plaintiff, the same directions are liable to be made in this case also.

27. Accordingly, I.A. No. 13801 of 2022 under Order XIII-A of the CPC, as applicable to commercial disputes, seeking a Summary Judgment is allowed. All the pending applications are also disposed of.

28. The suit is decreed in terms of prayers given in paragraph no. 52 (i), (ii) and (iii) of the plaint. The plaintiff is also permitted to implead any mirror/redirect/alphanumeric websites which provide access to the websites operated by the defendants nos. 1 to 16 and 51 to 237 by filing an appropriate application under Order I Rule 10 of the CPC, supported by affidavits and evidence as directed in *UTV Software (supra)*. Any website impleaded as a result of such application will be subject to the same decree.

29. Let the decree sheet be drawn up accordingly.

NAVIN CHAWLA, J.

OCTOBER 10, 2022/AB