

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:25.07.2023

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. (Annexure-I)
- (ii) Indiamart Intermesh Limited (Plaintiff) has requested to MeitY vide emails dated 08.07.2023 to block the following infringing website. (Annexure-II)
<https://www.indiamartfeedback.co.in/>
- (iii) MeitY letter dated 10.07.2023 to DOT to block the above one (01) website. (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, above websites for compliance of the said Court order.



Director (DS-III)

Tel: 011-2303 6860

Email: dirds3-dot@gov.in

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 kind information and necessary action.
- (ii) Sakshi Bhayana (sakshi.bhayana@govcontractor.in) Legal Consultant, Ministry of Electronics and IT for kind information.
- (iii) IT wing of DoT for uploading on DoT website.

ORDER SHEET

GA 604 of 2019
WITH
CS 78 of 2018

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

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 prayers (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

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

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.

(ARIJIT BANERJEE, J.)

R.Bhar

Fwd: [CSD Tester] Fraud/Phishing Attempt on IL Client - Machine World

CL Cyber Law Legal <cyberlaw-legal@meity.gov.in>

Mon, 10 Jul 2023 6:35:16 PM +0530 •

To "Abhinesh Meena" <abhinesh.meena@gov.in>

Cc "Dr Sandip Chatterjee MeitY" <Sandip@meity.gov.in>, "Rakesh Maheshwari MeitY" <rakesh@meity.gov.in>, "V Chinnasamy" <chinnasamy.v@meity.gov.in>, "Ritesh Kumar Sahu" <ritesh.s@meity.gov.in>, "sakshi.bhayana" <sakshi.bhayana@govcontractor.in>, "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>

Dear sir,

Please find the letter as attached for your kind compliance.

Regards,
Sakshi Bhayana
Legal Consultant
Ministry of Electronics and IT

From: "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>
To: "sakshi bhayana" <sakshi.bhayana@govcontractor.in>
Cc: "Dr Sandip Chatterjee MeitY" <Sandip@meity.gov.in>, "Ritesh Kumar Sahu" <ritesh.s@meity.gov.in>
Sent: Monday, July 10, 2023 12:01:09 PM
Subject: Fwd: [CSD Tester] Fraud/Phishing Attempt on IL Client - Machine World

Kindly see the trailing email and do needful at the earliest

From: legal@indiamart.com
To: "V Chinnasamy" <chinnasamy.v@meity.gov.in>
Cc: "anshika goel" <anshika.goel@indiamart.com>, "Cyber Law Legal" <cyberlaw-legal@meity.gov.in>
Sent: Saturday, July 8, 2023 4:10:51 PM
Subject: Fwd: [CSD Tester] Fraud/Phishing Attempt on IL Client - Machine World

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 (appended below) 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 5 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.

<https://www.indiamartfeedback.co.in/>

 Please enter your 10 digit mobile number for feedback

Enter Your Mobile Number

NEXT

Regards,
DANISH ALI KHAN
Principal Legal Counsel - IPR & Policy Advocacy
IndiaMART InterMESH Ltd.
Hand Phone: +91-9711003839

eF. no.4(64)/2022-CL
Government of India
Ministry of Electronics and Information Technology

Electronic Niketan, 6, CGO Complex
Lodhi Road, New Delhi – 110 003
Dated: 10 July, 2023

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 — Request for blocking of the website "<https://www.indiamartfeedback.co.in/>"

M/s Indiamart Intermesh Limited, the plaintiff in the court case cited in the subject noted above, *vide* email dated 08.07.2023 addressed to this Ministry, have requested that the websites <https://www.indiamartfeedback.co.in/> 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, 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 this connection, it is pertinent that Internet Service Providers enter into a license agreement and register themselves with the Department of Telecommunications.

4. In view of the above, the undersigned is 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 for the infringement as represented by the plaintiff.

Encl.: As above

V. CHINNASAMY
Scientist E
Government of India
Ministry of Electronics & Information Technology
Electronics Mission, 6, CGO, Complex,
Lodhi Road, New Delhi - 110 003
(V. Chinnasamy)

Scientist E

Tel.: 011-24301328

Email: chinnasamy.v@meity.gov.in

To:

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