

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-39/2022-DS-II

Dated:09-09-2022

To,

All Internet Service Licensees'

Subject: CS (Comm) No. 604 of 2022; Star India Pvt. Ltd. V/s 7MOVIERULZ.TC & ORS. Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated 02nd September, 2022 in the subject matter court case C.S. (Comm) No. 604 of 2022 along with Memo of parties for immediate compliance, specifically with respect to Para 22(d) of the court order with respect to websites of defendant no. 1 to 18; as mentioned in Para 20 of the court order dated 02.09.2022. DoT is respondent no. 38 in the case.

2. Hon'ble Court vide order dated 02nd September, 2022 has, inter alia, directed that:

22. Accordingly, the following directions are issued: -

a. Defendants No. 1 to 18 and all others acting for and/or on their behalf are restrained from in any manner hosting, streaming, retransmitting, exhibiting, making available for viewing and downloading, providing access to and/or communicating to the public, displaying, uploading, modifying, publishing, updating and/or sharing on their websites through the internet or any other platform, the film 'Brahmastra Part One: Shiva' and contents related thereto, so as to infringe the Plaintiff's copyright therein, till the next date of hearing.

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*d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and **Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the websites of Defendants No. 1 to 18.***

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified/instructed to take immediate necessary blocking action for compliance of the court order dated 02nd September, 2022 specifically with respect to Para 22(d) of the court order with respect to websites of defendant no. 1 to 18; as mentioned in Para 20 of the court order dated 02.09.2022

Director (DS-II)
Tel: 011-2303 6860
Email: dirds2-dot@nic.in

Encl: A/A

Copy to: V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi (Respondent no. 39) for kind information and necessary action.

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

+ CS(COMM) 604/2022

STAR INDIA PRIVATE LIMITED Plaintiff

Through: Mr. Sidharth Chopra, Mr. Yatinder Garg, Ms. Vriti Jindal and Mr. Akshay Maloo, Advocates.

versus

7MOVIERULZ.TC & ORS. Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **02.09.2022**

I.A. 14119/2022 (Exemption)

1. Subject to the Plaintiff filing certified, clearer, proper and translated copies of the documents with proper margins, which it may seek to place reliance on, within four weeks from today, exemption is granted.

2. Application is allowed and disposed of.

I.A. 14118/2022 (Exemption from advance service to Defendants No.38 and 39)

3. Since there is an urgency in the matter and the same is being heard today, Plaintiff is exempted from serving advance notice on Defendants No. 38 and 39.

4. For the reasons stated in the application, the same is allowed and disposed of.

CS(COMM) 604/2022

5. Let plaint be registered as a suit.

6. Upon filing of process fee, issue summons to the Defendants, through

all permissible modes, returnable on 29.11.2022 before the learned Joint Registrar.

7. Summons shall state that the written statement shall be filed by the Defendants within 30 days from the receipt of summons. Along with the written statement, Defendants shall also file an affidavit of admission/denial of the documents filed by Plaintiff.

8. Replication be filed by the Plaintiff within 15 days of the receipt of the written statement. Along with the replication, an affidavit of admission/denial of documents filed by the Defendants, shall be filed by the Plaintiff.

9. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

I.A. 14117/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiff)

10. Present application has been preferred by the Plaintiff under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 for grant of an *ex-parte ad-interim* injunction.

11. Issue notice to the Defendants through all prescribed modes, returnable on 14.12.2022, before Court.

12. Present suit has been filed seeking permanent injunction and damages, for infringement of copyrights of the Plaintiff in the film 'Brahmastra Part One: Shiva' (hereinafter referred to as 'film'). Plaintiff is stated to be a leading entertainment Company, globally known for producing and distributing *inter alia* Movies and Television Shows. It is stated that the film has been jointly produced by Plaintiff and Defendants No. 19 to 21, investing huge sums of money in production and promotion of the film.

13. It is the case of the Plaintiff that being co-producers of the film, Plaintiff and Defendants No. 19 to 21 are authors of the film under

Section 2(d) of the Copyright Act, 1957 (hereinafter referred to as the ‘Act’) and thus, owners in terms of the provisions of Section 17 of the said Act. The exclusive rights, as enumerated under Section 14(d) of the Copyright Act qua the film, vest in the Plaintiff and Defendants No. 19 to 21. It is stated that the film being a work of visual recording including sound recordings qualifies as a ‘cinematograph film’ under Section 2(f) of the Act and by virtue of Section 13(1) and 13(2) read with Section 5 of the Act, since the film is going to be released in India, the film would be entitled to all rights and protections granted under the Act for cinematographic films. Section 14(d) provides an exclusive right to the Plaintiff to ‘communicate’ the film to public as defined in Section 2(ff) of the Act. Any third party who interferes with or exploits any of the exclusive rights, without permission of the Plaintiff, would be deemed to infringe Plaintiff’s copyright in terms of Section 51 of the Act.

14. It is further averred that any hosting, streaming, reproduction, distribution, making available to the public and/or communicating the film to the public or facilitating the same, without authorisation from the Plaintiff, by any means, on any platform, including internet and mobile would infringe Plaintiff’s copyright.

15. It is averred that the present suit has been filed against Defendant websites, i.e. Defendants No. 1 to 18, which are primarily and substantially engaged in communicating to the public, hosting, streaming, etc. the copyright protected work and are vehicles of infringement, whose whole business model is designed to provide members of the public access to copyright contents, unauthorisedly.

16. It is the case of the Plaintiff that it is an industry practice to release the film for theatrical exhibition first and then make it available for viewing on different platforms. Theatrical release of a film is the most important stage as the commercial value of a film depends on the popularity and success it achieves in this period. However, the rogue websites in order to make illegal gains make infringing copies and make them available for viewing, downloading and communication to the public, almost simultaneously with the theatrical release of the film. In the past, infringing copies of several movies produced/distributed by the Plaintiff were communicated to the public and made available for viewing and downloading, on various websites, within hours of the theatrical release. In the present case the film is scheduled to be released on 09.09.2022 and Plaintiff apprehends that the rogue websites, Defendants No. 1 to 18 will communicate infringing copies of the film on various websites which would directly impact the Plaintiff's business and erode the value of the film besides infringing its copyright. Plaintiff has invested huge sums of money in production and promotion of the film. The official trailer released on 15.06.2022, generated a positive response amongst the public, which is evident from large number of views received officially on [youtube.com](https://www.youtube.com).

17. Learned counsel appearing on behalf of the Plaintiff submits that this Court in *UTV Software Communication Ltd. and Others v. 1337X.To and Others, 2019 SCC OnLine Del 8002*, while relying on plethora of judgments held that rogue websites can be made liable for copyright infringement and observed that they are not entitled to exemption under Section 52(1)(c) of the Act, as they are not entities that transiently or incidentally store Plaintiff's work therein and that an infringer of copyright on internet is to be

treated at par with an infringer in the physical world. The Court laid down factors determining whether a website is a rogue website and Defendants No. 1 to 18 satisfy the criteria set out by the Court and are rogue websites.

18. I have heard learned counsel for the Plaintiff and examined the contentions raised.

19. There is no gain saying that piracy has to be curbed and needs to be dealt with a heavy hand and injunction against screening of copyrighted content by rogue websites ought to be granted. This position is acknowledged and re-affirmed in several decisions and in order to avoid prolixity, I may only allude to two judgments of this Court in *Department of Electronics and Information Technology v. Star India Private Limited, 2016 SCC OnLine Del 4160* and *UTV Software Communication Ltd. (Supra)*. The legal position with regard to grant of dynamic injunctions is settled in *UTV Software Communication Ltd. (Supra)* and learned counsel for the Plaintiff is right in his submission that several orders have been passed by this Court in the past, restraining the rogue websites.

20. Tested on the anvil of these decisions, in my view, Plaintiff has made out a *prima facie* case for grant of *ex parte ad-interim* relief. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the injunction, as prayed for, is not granted. For the sake of convenience particulars of Defendants No. 1 to 18, i.e. the rogue websites along with their domain name Registrars are set out as under:-

S. No.	Websites	Registrar
1.	7starhd.agency (Defendant No.15)	GoDaddy.com, LLC (Defendant No. 22)
2.	vegamovies.wtf (Defendant No.2)	NameCheap Inc. (Defendant No. 24)

3.	extramovies.pics (Defendant No.3)	
4.	9xmovies.yoga (Defendant No.4)	
5.	1tamilmv.pics (Defendant No.5)	
6.	Cinevood.vip (Defendant No.6)	
7.	full4movies.store (Defendant No.7)	
8.	hdmovie2.click (Defendant No.8)	
9.	yomovies.skin (Defendant No.9)	
10.	prmovies.wiki (Defendant No.10)	
11.	movierulzhd.lol (Defendant No.11)	
12.	torrentcue.co (Defendant No.12)	
13.	tamilblasters.cloud (Defendant No.13)	
14.	7movierulz.tc (Defendant No.1)	Gandi SAS (Defendant No. 23)
15.	ssrmovies.kim (Defendant No.18)	NameSilo, LLC (Defendant No. 25)
16.	tamilblasters.unblockit.ist (Defendant No.14)	Tucows Domains Inc (Defendant No.26)
17.	mkvmoviespoint.art (Defendant No.17)	Dynadot, LLC (Defendant No.27)
18.	uwatchfree.be (Defendant No.16)	AXC.NL (Defendant No. 28)

21. Looking at the investments made by the Plaintiff in the production and promotion of the film as also the exclusive right vested in it under the provisions of the Copyright Act, this Court *prima facie* agrees with the Plaintiff that if the rogue websites communicate the film in any manner, on

any platform, simultaneously with the theatrical release of the film on 09.09.2022 or in its close proximity thereafter, it would severely impact the interest of the Plaintiff monetarily and will also erode the value of the film.

22. Accordingly, the following directions are issued:-

- a. Defendants No. 1 to 18 and all others acting for and/or on their behalf are restrained from in any manner hosting, streaming, retransmitting, exhibiting, making available for viewing and downloading, providing access to and/or communicating to the public, displaying, uploading, modifying, publishing, updating and/or sharing on their websites through the internet or any other platform, the film 'Brahmastra Part One: Shiva' and contents related thereto, so as to infringe the Plaintiff's copyright therein, till the next date of hearing.
- b. Defendants No. 22 to 28, who are the Domain Name Registrants shall suspend/block the domain names registrations of the respective Defendants, as mentioned in the table at para 20 above.
- c. Defendants No. 22 to 28 shall provide complete details such as name, address, email address, IP address and phone numbers of Defendants No. 1 to 18.
- d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the websites of Defendants No. 1 to 18.

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future.
24. Plaintiff shall comply with the provisions of Order 39 Rule 3 CPC within a period of one week from today.
25. Copy of this order be given *dasti* to learned counsel for the Plaintiff.

JYOTI SINGH, J

SEPTEMBER 02, 2022/rk

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL COMMERCIAL JURISDICTION)

CS (COMM) NO. OF 2022

IN THE MATTER OF

Star India Pvt. Ltd.

...Plaintiff

Versus

7movierulz.tc & Ors.

...Defendants

MEMO OF PARTIES

IN THE MATTER OF

Star India Pvt. Ltd.
Star House, Urmi Estate,
95, Ganpatrao Kadam Marg,
Lower Parel (W),
Mumbai- 400013

Also, at:

Vatika Business Centre, Thapar House,
Gate No. 1, Eastern & Central Wing
3rd Floor, 124 Janpath
New Delhi -110001

Email: akshay.singh@startv.com

... Plaintiff

Versus

Disha

1. 7movierulz.tc
Email: 4movierulz.se@protonmail.com
2. vegamovies.wtf
Email: veganmoviesorg@gmail.com, abuse@namecheap.com
3. extramovies.pics
Email: extramovies.in@gmail.com, abuse@namecheap.com
4. 9xmovies.yoga
Email: 9xmovies@protonmail.com, abuse@namecheap.com
5. 1tamilmv.pics
Email: abuse@namecheap.com,
9c0b3e4c63ca4bf5b2c859660bcc8613.protect@withheldforprivacy.com
6. cinevood.vip
Email: admin@cinevood.vip, abuse@namecheap.com
7. full4movies.store
Email: admin@full4movies.store, abuse@namecheap.com
8. hdmovie2.click
Email: admin@hdmovie2.click, abuse@namecheap.com
9. yomovies.skin
Email: admin@yomovies.skin, abuse@namecheap.com
10. prmovies.wiki
Email: admin@prmovies.wiki, abuse@namecheap.com
11. movierulzhd.lol
Email: abuse@namecheap.com, admin@movierulzhd.com
12. torrentcue.co
Email: torrentbing@gmail.com, abuse@namecheap.com
13. tamilblasters.cloud

Abul

Email: admin@tamilblasters.cloud, abuse@namecheap.com

14. tamilblasters.unblockit.ist

Email: admin@tamilblasters.unblockit.ist

15. 7starhd.agency

Email: starhd715@gmail.com, abuse@godaddy.com

16. uwatchfree.be

Email: admin@uwatchfree.be

17. mkvmoviespoint.art

Email: abuse@dynadot.com, mkvpoint@proion.me

18. ssrcmovies.kim

Email: ssrm@protonmail.com, abuse@namesilo.com

19. Dharma Productions Pvt. Ltd.

201&202, 2nd Floor, Supreme Chambers,
Off Veera Desai Road, 17/18 Shah Industrial Estate,
Andheri(W), Mumbai-400053

20. Ayan Mukerjee

Grotto Villa (C),
Hasnabad Lane, Santacruz (West)
Mumbai 400 054

21. Ranbir Kapoor

56 Krishna Raj, Pali Hill,
Bandra [W],
Mumbai – 400050

22. GoDaddy.com, LLC

14455 North Hayden Road, Suite 219
Scottsdale, AZ 85260
United States

Diksha

Email: HQ@GoDaddy.com

Also, At:

GoDaddy India Web Services Private Limited

003, Tower 4A, DLF Corporate Park,

MG Road Gurgaon – 122002

Email: legal@godaddy.com

23. Gandi SAS

63-65 Boulevard Massena

Paris, France

Email: support@gandi.net

24. NameCheap Inc.

4600 East Washington Street

Suite 305

Phoenix, AZ 85034 USA

Email: support@namecheap.com

25. NameSilo, LLC.

8825 N, 23rd Ave Suite 100

Phoenix, AZ

USA - 85021

Email: support@namesilo.com

26. Tucows Domains Inc.

96 Mowat Avenue, Toronto,

Ontario, M6K 3M1

Canada

Email: tucowsdomains.com@contactprivacy.com

27. Dynadot, LLC

210 S Ellsworth Ave

D. Kerke

#345 San Mateo, CA
94401 US
Email: info@dynadot.com

28. AXC.NL

AXC Ceintuurbaan 26A 8024AA
Zwolle, Netherlands
Email: email@axc.nl

29. Atria Convergence Technologies Pvt. Ltd.

99A/113A, ManorayanaPalya
R.T. Nagar
Bangalore – 560032

Also, At:

2nd and 3rd Floor, No. 1,
Indian Express Building, Queen's Road,
Bangalore 560001 Karnataka
E-mail: nodal.term@actcorp.in; Jitesh.chathambil@actcorp.in

30. Bharat Sanchar Nigam Ltd.

Bharat Sanchar Bhawan, Regulation Cell
5th floor, Harish Chandra Mathur Lane
Janpath, New Delhi -110001
E-mail: ddg_reg@bsnl.co.in; sbkhare@bsnl.co.in; averma@bsnl.co.in

31. Bharti Airtel Ltd.

Airtel Centre, Tower-A, 6th floor
'A' Wing, Plot No.16, Udyog Vihar
Ph - IV, Gurgaon – 122016
E-mail: amit.bhatia@airtel.com

32. Hathway Cable & Datacom Pvt. Ltd.

'Rahejas', 4 floor, Main Avenue

A. K. S. K.

Santacruz (W), Mumbai-400054

E-mail: ajay.singh@hathway.net; dulal@hathway.net;

sudhir.shetye@hathway.net

33. Mahanagar Telephone Nigam Ltd.

5th Floor, Mahanagar Doorsanchar Sadan 9

CGO Complex,

Lodhi Road

New Delhi – 110003

E-mail: raco.mtnl@gmail.com; mtnlcsco@gmail.com;

gmracomtnl@gmail.com

34. Reliance Jio Infocomm Limited

RCP 14 (TC 23), Phase 4,

B-Block, 3rd Floor,

C 4 130 Twane-Belapur Road,

Gansoli, Navi Mumbai- 400701

E-mail: care@jio.com; Hitesh.marthak@relianceada.com;

Kapoor.guliani@ril.com; sunil.kr.gupta@ril.com; shilpi.kant@ril.com;

[jyoti.jain@ril.com](mailto: jyoti.jain@ril.com)

35. Shyam Spectra Pvt. Ltd.

Plot No. 258, Okhla Industrial Estate,

Phase III, New Delhi – 110020

Also, at:

Plot No. 21-22, 3rd Floor

Udyog Vihar, Phase IV, Gurugram -122015

E-mail: info@spectra.co; compliance@spectra.co

36. Tata Teleservices Ltd.

A, E & F Blocks Voltas Premises - T. B. Kadam Marg

Disha

Chinchpokli, Mumbai – 400033

E-mail: pravin.jogani@tatatel.co.in;

anand.dalal@tatatel.co.in; satya.yadav@tatatel.co.in

37. Vodafone Idea Limited

Vodafone House,

Peninsula Corporate Park,

Ganpatrao Kadam Marg, Lower Parel

Mumbai - 400 013 India

Also, At:

Birla Centurion, 10th Floor, Plot no.794

B Wing, Pandurang Budhkar Marg

Worli, Mumbai - 400 030 India

E-mail: Smitha.Menon@vodafoneidea.com;

pankaj.kapdeo@vodafoneidea.com; Radhika.gokhale@vodafoneidea.com

38. Department of Telecommunications

Through Secretary,

Ministry of Communications and IT,

20, Sanchar Bhawan, Ashoka Road,

New Delhi – 110001

E-mail: secy-dot@nic.in, dirds2-dot@nic.in

39. 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: cyberlaw-legal@meity.gov.in, schandra@meity.gov.in,

chinnsamy.v@meity.gov.in, dpk_goel@nic.in, gccyberlaw@meity.gov.in

Dishant

40. Ashok Kumar(s)

...Defendants



Yatinder Garg /Vriti Jindal/Akshay Maloo)
(D/1330/2015) / (D/1622/2016) / (D/4515/2018)

Saikrishna and Associates
Advocates for the Plaintiff

Place: New Delhi

Date: 30th August, 2022

57, Jor Bagh,
New Delhi – 110003

+91 9910739913

yatinder@saikrishnaassociates.com

Note: Defendant No. 1 along with Defendant No. 2- 18 are the main contesting party.