

BY EMAIL

**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-28/2021-DS-II**Dated: 18-04-2022****To,**

All Internet Service Licensee's

Subject: CS (COMM) No. 399 of 2021; Hindustan Unilever Limited v/s Nitin Kumar Singh & Ors. before Hon'ble Delhi High Court.

In continuation to Department of Telecommunications (DoT) even no. letters dated 08.09.2021, 22.09.2021, 08.11.2021, 08.12.2021, 20.12.2021 & 03.02.2022, kindly find the enclosed Hon'ble Delhi High Court order dated 27th August, 2021 in the subject matter court case C.S.(Comm) No. 399 of 2021 along with **Sixth** list of additional **2 websites**, as provided by advocate for the plaintiff. DoT is defendant No. 18 in the case.

2. Hon'ble Court in order dated 27th August, 2021 has, inter alia, directed that:

1. This is an application filed under Order 39 Rules 1 and 2 CPC seeking the following reliefs:-

iii) Pass an order directing the Defendant Nos. 6 - 14, to block access to the websites identified by the Plaintiff at serial no. 1 of the documents in the instant suit or such other websites that may subsequently be notified by the Plaintiff (specified on subsequent Affidavit by the Plaintiff) to be infringing of its exclusive rights;

vii) Pass an order directing the Defendant Nos. 18 (DoT) and 19 (MEITY) to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiff in the instant suit or such other websites (specified on subsequent Affidavit by the Plaintiff) that may subsequently be notified by the Plaintiff to be infringing of its exclusive rights;"

8. The plaintiff has made out a prima facie case. An interim order is passed in favour of the plaintiff as prayed in para 7 (i) to 7(vii) of the application.

3. Accordingly, in view of the above, all the Internet Service licensees are hereby notified to take immediate necessary action for compliance of the court order dated 27th August, 2021 with respect to **Sixth** list of additional **2 websites/URLs (in both http and https)**

Encl: A/A

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

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

+ CS(COMM) 399/2021

HINDUSTAN UNILEVER LIMITED

..... Plaintiff

Through Mr.Saikrishna Rajagopal, Mr.Sidharth
Chopra, Mr.Nitin Sharma, Ms.Savni Endlaw,
Mr.Yatinder Garg and Mr.Angad Singh Makkar,
Advs.

Versus

NITIN KUMAR SINGH & ORS.

..... Defendants

Through Mr. K.R. Sasiprabhu and Mr.Tushar
Bhardwaj, Advs. for Reliance Jio Infocomm
Ltd./D-12.

Mr. Neel Mason, Ms. Vennela Reddy, Mr.Shivang
Sharma, Advs. for D-17/Google LLC.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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27.08.2021

This hearing is conducted through video-conferencing.

IA No. 10856-58/2021

Allowed subject to all just exceptions.

CS(COMM) 399/2021

Let the plaint be registered as a suit.

Issue summons.

Learned counsel for defendants No. 12 and 17 accept summons.

Issue summons to the other defendants through speed post and email,
returnable for 10.11.2021.

IA No.10855/2021

1. This is an application filed under Order 39 Rules 1 and 2 CPC seeking the following reliefs:-

“i) Pass an order of interim injunction restraining the Defendant Nos. 1 to 5 (and such other websites/ entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs intellectual property rights), their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on its behalf, or anyone claiming through, by or under it, from using the mark "Hindustan Unilever", "HUL" and/or any deceptive variant thereof which is identical and/or similar to the Plaintiffs trademarks "Hindustan Unilever", "HUL" and/or any marks stated in the list filed herewith as Document 13, in respect of domain name or any other manner thereby amounting to infringement of Plaintiffs trademarks;

ii) Pass an order of interim injunction restraining the Defendant Nos. 1 to 5 (and such other websites/ entities which are discovered during the course of the proceedings to have been engaging in infringing the Plaintiffs trademark 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, from using the mark "Hindustan Unilever", "HUL", "U" logo (which is used by the Plaintiff exclusively within the Indian territory) and/or any deceptive variant thereof which is identical and/or similar to the Plaintiffs trademark "Hindustan Unilever", "HUL" in respect of domain name or any other manner thereby amounting to passing off the Plaintiffs goods/services;

iii) Pass an order directing the Defendant Nos. 6 - 14, to block access to the websites identified by the Plaintiff at serial no. 1 of the documents in the instant suit or such other websites that may subsequently be notified by the Plaintiff (specified on subsequent Affidavit by the Plaintiff) to

be infringing of its exclusive rights;

iv) Pass an order directing Defendant Nos. 6 and 7 to provide the details of the mobile nos. 7064269076, 7365996795, 7063080338, 8346943546, 7064271241, 9831176582, 8695314575, 9091276588, 7829001144 and 7840012810 to the Court and block the said mobile numbers.

v) Pass an order directing Defendant Nos. 15 and 16 banks to seize the bank accounts mentioned at Para No. 46 of the Plaint and provide the details of the account holders of the same.

vi) Pass an order directing the Defendant No.17 to provide the details of the email account hulnitinkrsingh@gmail.com, support@huldistributors.co.in, info@hulportal.com, info@haldiramfranchise.info and block the same;

vii) Pass an order directing the Defendant Nos. 18 (DoT) and 19 (MEITY) to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the various websites identified by the Plaintiff in the instant suit or such other websites (specified on subsequent Affidavit by the Plaintiff) that may subsequently be notified by the Plaintiff to be infringing of its exclusive rights;”

2. It is the case of the plaintiff that it is the largest fast-moving consumer goods company in India. The products of the plaintiff span over 35 brands in twenty categories. It is pleaded that the plaintiff appoints distributors for those products on pan India basis. Defendants No. 1 to 5 are alleged to be offering distributorship of the plaintiff’s products by creating websites using the plaintiff’s name/trademark(s)/logos/trade dress/domain name so as to give an impression to general public that the said defendants are connected to the plaintiff. It is stated that on account of these illegal activities of the

said defendants, substantial financial loss has been caused to the public who engage in financial transactions with the said defendants believing their promises that they will be acquiring distributorship of the plaintiff's products. It is the case of the plaintiff that the websites of defendants No.1 to 5 are vehicles for cheating and playing fraud and are causing irreparable loss to the innocent members of the public.

3. Defendants No. 6 and 7 are telecom service providers which have been arrayed for the limited purpose of identifying the parties who are using the numbers to commit fraud and cheating. Defendants No. 1 to 3 are registered with them.

4. Defendants No. 6 to 14 are internet and telecom service providers which have been arrayed for the limited purpose of restricting or blocking access to the guilty defendants' websites.

5. Defendants No. 15 and 16 are the banks wherein the said guilty defendants hold bank accounts and have been arrayed for the limited purpose of providing further information about the guilty defendants and to seize the bank accounts.

6. Defendant no. 17 operates the email service, 'Gmail' through which defendant No. 1 has registered gmail account and has been arrayed for the limited purpose of disclosing identity/relevant information. Defendants No. 18 and 19 are government departments which have been arrayed for the limited purpose to issue notification calling upon the internet and telecom service providers to block access to the guilty defendants' websites. No formal relief is sought against defendants no. 6 to 19.

7. Learned counsel for the plaintiff has taken me through some of the emails generated by defendants No. 1 to 5 and the complaints of some of the

members of the public to show that defendants No. 1 to 5 are illegally offering distributorship and asking the members of the public to deposit amounts into the fraudulent bank accounts created by them.

8. The plaintiff has made out a prima facie case. An interim order is passed in favour of the plaintiff as prayed in para 7 (i) to 7(vii) of the application.

9. Issue notice.

10. Learned counsel for defendants No. 12 and 17 accept notice.

11. Learned counsel for defendant No. 17 states that as far as the email accounts mentioned by the plaintiff in prayer (vi) is concerned, only one of the said email accounts pertains to defendant No. 17 for which necessary details will be provided to the plaintiff as directed by this court.

12. Issue notice to the other defendants through speed post and email, returnable for 10.11.2021.

13. The plaintiff to comply with Order 39 Rule 3 CPC within ten days.

IA No. 10859/2021

This application is filed under Section 151 CPC seeking the following reliefs:-

“(a) Directing the Cyber Cell, Special Cell, Delhi Police to obtain information as to the user/ownership details of the mobile numbers 7064269076, 7365996795, 7063080338, 8346943546, 7064271241, 9831176582, 8695314575, 9091276588, 7829001144 and 7840012810;7773833562 and place the same before this Hon'ble Court;

(b) Directing the Cyber Cell, Special Cell, Delhi Police, to obtain information as to the user details of the email addresses- hulnitinkrisingh@gmail.com, support@huldistributors.co.in, info@hulportal.com and place the same before this Hon'ble

Court;”

Cyber Cell, Special Cell, Delhi Police is requested to provide necessary information as sought for by the plaintiff expeditiously preferably within four weeks. The Cyber Cell is also requested to file a status report in this regard before this court.

The application is disposed of.

A copy of this order be sent to the Cyber Cell by the learned counsel for the plaintiff.

JAYANT NATH, J

AUGUST 27, 2021

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LIST OF ADDITIONAL URLs / IP ADDRESSES



S. NO.	WEBSITES
1.	hindustanunileverdistributorships.com
2.	hulfranchises.com