

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

BY EMAIL & DoT Website

No. 813-07/LM-32/2019-DS-II

Dated: 07.11.2023

To,

All Internet Service Licensees'

Subject: C.S.(COMM) No. 418 of 2019; Warner Bros. Entertainment Inc. vs. <https://yomovies.com> & Ors Hon'ble. before Delhi High Court.

Kindly refer to the following:

- (i) Hon'ble Delhi High Court order dated 16.10.2023 on the subject. (Annexure-I)
- (ii) Para 26 of Hon'ble Delhi High Court order dated 08.09.2022 regarding blocking of 03 websites identified by plaintiff. (Annexure-II)
- (iii) Memo of Parties in CS (Comm) No. 418 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 03 websites of defendants no. 33-35.
3. Further, MEITY & Plaintiff are also requested to take action as per Annexure-IV


Director (DS-III)
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. Sanidhya (sanidhya@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) 418/2019
WARNER BROS. ENTERTAINMENT INC.

..... Plaintiff

Through: Ms. R.Ramya, Ms. Mehr Sidhu,
Advocates

versus

HTTPS://YO-MOVIES.COM & ORS.

..... Defendant

Through: None

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

ORDER

16.10.2023

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I.A. No. 20446/2023 on behalf of the plaintiffs under Order I Rule 10 CPC seeking impleadment of mirror websites, redirects, or alphanumeric variations as additional defendants no.33-35 in the memo of parties.

Heard.

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 09.08.2019 and decree of permanent injunction vide order dated 08.09.2022 for infringement of its copyrights by the defendants with further directions that as and when plaintiff files an application under Order 1 Rule 10 for impleadment of such other websites which are violating the copyrights of the plaintiff, 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

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material placed on record, shall issue directions to the ISPs to disable access in India to such mirror/redirect/alphanumeric websites.

It has been stated that after passing of the abovesaid judgment, other websites, as disclosed in the application, have also started violating the plaintiff's copyrights. These websites are mirrors, redirects or alphanumeric variations of the websites blocked pursuant to the orders dated 09.08.2019 and 08.09.2022 and 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. It has been further argued that even decree of permanent injunction dated 08.09.2022 is also liable to be extended against them and hence the 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.*

The plaintiff has filed affidavit of investigator along with sufficient material to prove that proposed defendants/websites are mirror/redirect/ alphanumeric websites of the defendants which are also involved in violation of copyrights of plaintiff. Further, in para no. 26 of the judgment dated 08.09.2022 the Hon'ble Court has already directed as under :-

"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

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website impleaded as a result of such application will be subject to the same decree."

In view of the submissions of Ld. Counsel for the applicant and the directions passed in judgment dated 08.09.2022, the websites mentioned in the prayer clause of the application especially Schedule-A are impleaded as defendant nos. 33-35.

Since the newly added defendants are also stated to be involved in violation of copyrights of the plaintiff, accordingly the decree of permanent injunction dated 08.09.2022 is also extended against newly added defendant nos. 33-35. The DoT, ISP and MEITY are directed to do the needful in terms of the abovesaid decree of permanent injunction dated 08.09.2022.

Amended memo of parties is taken on record.

I.A. stands disposed off.

Registry is directed to do the needful.

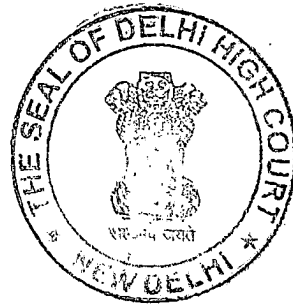
Copy of order be given *dasti*.

sd

**AJAY GULATI - I (DHJS),
JOINT REGISTRAR (JUDICIAL)**

OCTOBER 16, 2023/sk

Click here to check corrigendum, if any



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

I.A. NO. OF 2023

CS(COMM) NO. 418 OF 2019

IN THE MATTER OF

Warner Bros. Entertainment Inc. ...Plaintiff

Versus

HTTPS://YO-MOVIES.COM & Ors. ...Defendants

MEMO OF PARTIES

Warner Bros. Entertainment Inc.

4000 Warner Boulevard, Burbank,

California 91522, United States of America

Email: antipiracy@warnerbros.com

...Plaintiff

Versus

1) https://yo-movies.com

Email: abuse@godaddy.com, yo-
movies.com@domainsbyproxy.com

32) yomovies.vin
abuse@namecheap.com

33) YoMovies.cheap
abuse@namecheap.com

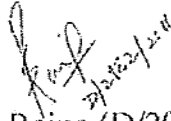
34) YoMovies.fan
abuse@namecheap.com

35) YoMovies.bid
abuse@namecheap.com

...Defendants

Place: New Delhi

Date: 11 October 2023


Suhasini Raina (D/2982/2011)

Saikrishna & Associates

Advocates for the Plaintiff

57, Jor Bagh, Delhi – 110003

Annexure-IV

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.