

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-50/2023-DS-II

Dated: 24.01.2024


To,

All Internet Service Licensee's

Subject: CS(COMM) 578 of 2023 titled AUDEMARS PIGUET HOLDING S.A versus ASHOK KUMAR & ORS. Before Hon'ble DISTRICT JUDGE (COMMERCIAL COURT)-02, SOUTH, SAKET, DELHI.

Kindly find the enclosed Hon'ble Delhi High Court order dated **23.01.2024** on the subject matter.

2. Please refer the said court order in respect of blocking of **02 websites**.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.



Director (DS-II)

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) New Delhi for kind information and with request to take action as per **Annexure**.
- (ii) Mr. Rakesh kumar (rakeshkumarcgsc@gmail.com), learned Central Government Standing Counsel for kind information.

(i) Anusha Banerjee (anusha@unitedandunited.com), Plaintiff Advocate for kind information.

(a) Take action as per Annexure.

(iii) IT wing of DoT for uploading on DoT website.

23.01.2024

Present: Sh. Siddharth Swain counsel for plaintiff.
Ms. Rimjhim Tiwari counsel for D-5.
Ms. Surabhi Pandey counsel for D-5 (through VC)
None for other defendants.

It is stated by counsel appearing for D-5 that it has got nothing to do with domain name and two websites mentioned by plaintiff and has thus no role whatsoever, to play in this litigation.

Counsel for plaintiff says that his main pending relief as of now is taking down two websites, which is to be done by NIXI (D-6) and DoT (D-7).

In view of above categorical statement, proceedings against Amazon Technologies, Inc. (D-5) are dropped.

Plaintiff shall take steps for taking down remaining two websites by providing the details in excel sheet, as was asked by defendant no. 6 and 7 vide previous order.

Renotify on **28.03.2024.**

(Anuradha Shukla Bhardwaj)
District Judge
(Commercial Court-02)
South Distt., Saket, New Delhi/23.01.2024

Defendant No.	New Websites/ Domain Names	Domain Name Registrar
1	https://ffashiongodown.in/	GoDaddy.com, LLC
2	https://ffashiongodown.com/	GoDaddy.com, LLC

**IN THE COURT OF DISTRICT JUDGE-NEW DELHI AT
SAKET DISTRICT COURT, NEW DELHI
IN
CS(COMM) No. ___ of 2023**

IN THE MATTER OF:

AUDEMARS PIGUET HOLDING S.A ...Plaintiff

VERSUS

ASHOK KUMAR & ORS. ...Defendants

MEMO OF PARTIES

AUDEMARS PIGUET

11, Lungotevere Marzio,
Rome 00186,
Italy
Through its Constituted Attorney
Ms. Meena Bansal
96, Sukhdev Vihar, Mathura Road,
New Delhi – 110 025

...Plaintiff

VERSUS

ASHOK KUMAR

Website: <https://fashiongodown.in/>
Address:
Phone Number: 8401858126
Email Id: ffashiongodown0@gmail.com

...Defendant No. 1

ASHOK KUMAR 1

Website: <https://watchobucket.in/>
Address:
Email Id: support@watchobucket.in

...Defendant No. 2

Godaddy D3

NameCheap Inc D4

National Internet Exchange of India (NIXI)
9th Floor, B-Wing, Statesman House,
148, Barakhamba Road, New Delhi 110001
Email: legal@nixi.in

...Defendant No. 6

The Department of Telecommunications [DoT]
Ministry of Communications,
Government of India, Sanchar Bhawan
20, Ashoka Road, New Delhi – 110001
Email: Adetds2-dot@gov.in

...Defendant No. 7

Ministry of Electronics and Information Technology (MeitY)
Through the Division of Cyber Laws & E-Security
Government of India, Electronics Niketan,
6, CGO Complex,
Lodhi Road, New Delhi – 110003
Email: Webmaster.meity@gov.in

...Defendant No. 8

UNITED & UNITED
ADVOCATES FOR THE PLAINTIFF
52, SUKHDEV VIHAR, MATHURA ROAD
NEW DELHI - 110 025
Ph.No.26843455, 46560881
E-mail: rishi@unitedandunited.com

Place: New Delhi
Dated: .09.2023

Annexure

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.