

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-05/2024-DS-II

Dated: 07.02.2024

To,

All Internet Service Licensee's

Subject: CS (COMM) No. 69 of 2024, Sequoia Capital Operations LLC v. John Doe & Ors Before Hon'ble Delhi High Court

Kindly refer to the following:

- (i) Hon'ble Delhi High Court order dated **24.01.2024** on the subject.
- (ii) Please refer **Para 21.6** of the said court order regarding blocking of **02 websites** identified by plaintiff.
- (iii) Memo of Parties in CS (Comm) No. 69 of 2024.

(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 **02 websites** of defendants no. **01** as given in memo of parties.



Dir (DS-II)

Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) DGT for Necessary action w.r.t blocking of Telephone Nos.
- (ii) DDG(AS) for kind information

- (iii) 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**.
- (iv) Shiv (shiv@fiduslawchambers.com) Plaintiff Advocate for kind information.
 - a) Take action as per Annexure.
- (v) IT wing of DoT for uploading on DoT websites please.



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

+ **CS(COMM) 69/2024**

SEQUOIA CAPITAL OPERATIONS LLC Plaintiff

Through: Ms. Shwetaree Majumder, Ms. Priya Adlakha, Mr. Vardaan Anand and Mr. Shiv Mehrotra, Advocates.

versus

JOHN DOE AND OTHERS Defendants

Through: Ms. Nidhi Raman, CGSC with Mr. Zubin Singh and Mr. Rahul Kumar Sharma, Advocates for D-5, 6. Ms. Anushka Sharda and Mr. Madhav Khosla, Advocates for D-3.

**CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA**

ORDER

% **24.01.2024**

I.A. 1808/2024 (*seeking exemption from filing originals, clear copies and documents with proper margins*)

1. Exemption is granted, subject to all just exceptions.
2. The Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

I.A. 1809/2024 (*exemption from serving D-1*)

4. The Plaintiff alleges that Defendant No. 1 is perpetrating fraud on the general public by creating a false association with the Plaintiff, resulting in



grave financial losses to the public. Considering the nature of controversy involved in the present suit as well as the peculiar facts and circumstances of the case, exemption from effecting advance service on Defendant No. 1 is allowed.

5. Application is disposed of.

I.A. 1807/2024 (seeking leave to file additional documents)

6. This is an application seeking leave to file additional documents under the Commercial Courts Act, 2015.

7. Plaintiff, if they wish to file additional documents at a later stage, shall do so strictly as per the provisions of the said Act.

8. Accordingly, the application stands disposed of.

I.A. 1806/2024 (exemption from pre-mediation)

9. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,¹ exemption from attempting pre-institution mediation is granted.

10. Disposed of.

CS(COMM) 69/2024

11. Let the plaint be registered as a suit.

12. Issue summons. Ms. Nidhi Raman, counsel, accepts summons on behalf of Defendants No. 5, 6. Ms. Anushka Sharda, counsel, accepts summons on behalf of Defendant No. 3. They confirm the receipt of the paper-book and waive the right to formal service of summons. Written statement(s) on behalf of the said Defendants shall be filed within thirty days from today.

¹ 2023 SCC OnLine SC 1382.



13. Upon filing of process fee, issue summons to the remaining Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within thirty days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.

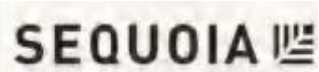

14. Liberty is given to the Plaintiff to file replication(s) within fifteen days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiff, affidavit(s) of admission/denial of documents of the Defendants, be filed by the Plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the above timelines.

15. List before the Joint Registrar for marking of exhibits on 22nd March, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

16. List before Court for framing of issues thereafter.

I.A. 1805/2024 (seeking ad-interim injunction)

17. The present suit seeks to permanently restrain the unauthorized use of the Plaintiff's registered trademarks "SEQUOIA", "SEQUOIA CAPITAL",


“  ”, “  ” etc. by Defendant No. 1, who is operating a fraudulent cryptocurrency trading and investment online gateway.



18. Ms. Shwetasree Majumder, counsel for Plaintiff, presented the Plaintiff's case as under:

18.1. The Plaintiff is a venture capital firm, having its headquarters at California, United States of America, who offers a range of investment services in various sectors, such as artificial intelligence, machine learning, cryptocurrency, healthcare, fintech, e-commerce, edtech, telecom etc., under the brand name "SEQUOIA". Plaintiff aims to aid founders in building their companies, and has successfully assisted several renowned entities in expanding their businesses.

18.2. The mark "SEQUOIA" was first adopted in 1972 by Plaintiff's founder, Mr. Donald T. Valentine, being inspired from the "SEQUOIA" tree

that lives for thousands of years. The trademarks "SEQUOIA", "" and their formative variants have been registered in Plaintiff's favour in various countries and have now become an essential aspect of Plaintiff's trading activities.

18.3. In India, the Plaintiff has various trademark registrations in different classes, with the first registration dating back to 29th July, 2005.² Their commercial activities in India commenced in 2006 when Plaintiff authorized an Indian venture capital firm by the name of Westbridge Capital Partners to use the mark "SEQUOIA CAPITAL". In 2006, the said firm was renamed as Sequoia Capital India, which became the first Silicon Valley venture capital firm to have an exposure of more than USD 1 billion in India. The association between Plaintiff and Sequoia Capital India terminated on 06th

² Particulars of registration are mentioned at paragraph No. 15 of the plaint.



June, 2023, after the rebranding of Sequoia Capital India as Peak XV Partners, which now operates independently.

18.4. Plaintiff has been regularly featured in Indian print and digital media and also has a significant online presence on social media platforms, which are indicative of Plaintiff's goodwill and reputation in the Indian market. The "SEQUOIA" trademarks are exclusively associated with the Plaintiff and any unwarranted use thereof in relation to capital market would cause customer confusion and result in loss of business and goodwill to the Plaintiff.

18.5. In September, 2023, officials of Peak XV Partners, formerly Sequoia Capital India, were informed of a WhatsApp group named John Analyst Group-303, managed by persons who identified themselves as Sequoia Capital Investors Advisors and Sequoia Capital BTC Trading Team, purportedly a part of the Sequoia Capital Group. The informant revealed that she had been added to this WhatsApp group without her consent and that the group admins were circulating several trading and investment advices. Defendant No. 1 would then ask the investors to register themselves first and then get a referral code from an Assistant Anne. The informant provided Plaintiff's representative with all the WhatsApp conversations on John Analyst Group-303, which contained the details of group admins and also another Telegram account under phone number +44 7311027237 of one Anne.

18.6. Alarmed by such fraudulent activities, Plaintiff hired an Investigator to look into the matter. The Investigator approached Assistant Anne, who uses the username @Anne5023 created using phone No. +44 7512511387, on 28th September, 2023. Assistant Anne advised the Investigator to register



a Bitcoin trading account on the website “www.leadlec.com”, using the invitation code ‘pke9’ and also directed him to create Cryptocurrency wallet on a third-party platform, such as Binance or KuCoin, purchase 50 USDT (US Dollar Tether) and transfer the same to his Leadlec Account created on the aforesaid website. She further stated that after the Investigator would furnish a screenshot evidencing the transfer of funds, the Investigator would be added to a WhatsApp group, where the Analysts will share investment tips and trading strategies. Therefore, the Investigator could not obtain any further information from Assistant Anne. According to the website “www.scamdetector.com”, a leading fraud prevention website providing information and analysis on the legitimacy, safety and authenticity of websites, domain names and e-commerce platforms, the website “www.leadlec.com”, which was registered on 04th February, 2023 is a phishing and scam website.

18.7. As operators of “www.leadlec.com” namely, Defendant No. 1, were luring consumers using the “SEQUOIA” name/ mark and were also circulating images with trading tips purportedly originating from the Plaintiff, the Plaintiff was contemplating initiation of legal action. However, the said website became inactive in November, 2023 and Plaintiff assumed that Defendant No. 1 had discontinued its illegal activities.

18.8. In January, 2024, Plaintiff’s officials received fresh complaints, whereafter the Plaintiff’s Investigator approached Assistant Anne, who now directed him to a different fraudulent website “www.leadleacoin.com”. The *modus operandi* remains identical; this website mirrors the earlier website “www.leadlec.com” and was registered recently on 12th December, 2023. The website “www.scamdetector.com” has also determined this website as a



phishing and spam website. Hence, the present suit.

19. The Court has considered the afore-noted submissions. Extracts of the images and messages being circulated on the John Analyst Group-303 are as follows:







SEQUOIA Die heutigen Einnahmen 11-Oct-23

Order	Time	Amount	Result
1	180s	300USDT	profit
2	180s	300USDT	Loss
3	180s	600USDT	profit
4	180s	200USDT	profit
5	180s	400USDT	Loss
6	180s	800USDT	profit
7	180s	200USDT	Loss
8	180s	400USDT	profit
9	180s	300USDT	profit

Libero Financial

Defi 3.0 Financial Freedom

SUSTAINABLE
&
LOW RISK

Profit >

1,700.00 USDT

₹ 141400.36

SEQUOIA Die heutigen Einnahmen 10-Oct-23

Order	Time	Amount	Result
1	180s	200USDT	profit
2	180s	400USDT	Loss
3	180s	800USDT	profit
4	180s	300USDT	profit
5	180s	100USDT	Loss
6	180s	200USDT	profit

Libero Financial

Defi 3.0 Financial Freedom

SUSTAINABLE
&
LOW RISK

Profit >

1,000.00 USDT

₹ 83205.50



20. The afore-noted screenshots depict that Defendant No. 1 is attracting unsuspecting consumers using the Plaintiff's reputation connected with their registered "SEQUOIA" trademarks. The operators/ group admins of the WhatsApp group John Analyst Group-303 have not been authorized by the Plaintiff to offer financial trading and investment related advices, and are misrepresenting themselves to the public to that effect. The users are being re-directed to the website "www.leadleacoin.com", an alleged bitcoin and cryptocurrency exchange, which again, is not linked with the Plaintiff. *Prima facie*, it appears to be an illegitimate website, intended to be used as a ploy to induce the users to invest substantial sums of money. This further affects the Plaintiff's standing in the market as the consumers are initially drawn by the use of the "SEQUOIA" trademark.

21. In view of the foregoing and the public interest involved in the matter, the Plaintiff has demonstrated a *prima facie* case in their favour and in case an *ex-parte* ad-interim injunction is not granted, Plaintiff will suffer an irreparable loss. Balance of convenience also lies in the favour of Plaintiff, and against Defendant No. 1. Accordingly, the following directions are issued:

21.1. Till the next date of hearing, Defendant No. 1, or any person acting on their behalf, are restrained from using the Plaintiff's registered "SEQUOIA" trademarks or its variations, as a part of their domain names, websites, mobile applications, social media handle names/ profiles credentials/ description, promotional/ business activities on digital or print media, bank accounts and/ or any business papers etc. in any manner that would amount to infringement of Plaintiff's trademarks.

21.2. Defendant No. 1 or any person acting on their behalf is further



restrained from passing off their business as that of the Plaintiff or in any manner claim an association with Plaintiff and their related entities or employees.

21.3. Defendant No. 2, Meta Platforms Inc., is directed to remove/block WhatsApp accounts of the mobile numbers as mentioned in Document-A annexed with the plaint. They shall also delete the WhatsApp group 'John Analyst Group-303' or any other groups/ community groups created by/ administered by the phone numbers of the group admins of the aforesaid group that are misusing the Plaintiff's trademarks in their communications.

21.4. Defendant No. 3, Telegram FZ-LLC, is directed to remove/ block Telegram accounts as mentioned in Document-B annexed with the plaint. They shall further delete all other groups/community groups created by/ administered by the said phone numbers and/or misusing the Plaintiff's trademarks in their communications.

21.5. Defendant No. 4, Gname.com Pte. Ltd., shall suspend the domain names "www.leadlec.com" and "www.leadleacoin.com" and maintain *status quo* regarding the ownership of the said domain names. They shall further file in a sealed cover the necessary information pertaining to the identity of the registrants of the aforesaid domain names, as is available with them, within a period of four weeks from today.

21.6. Defendants No. 5 and 6 – Ministry of Electronics and Information Technology, Union of India and Department of Telecommunications, Ministry of Communications, Union of India, respectively, shall issue necessary notifications/ directions to all telecom and internet service providers and Domain Name Registrars in India, to permanently block/ delete/ remove access to all the telephone numbers, websites, domain names



etc., which are subject matter of the present suit.

21.7. Defendant No. 7 [Bharti Airtel Ltd.] and Defendant No. 8 [Vodafone Idea Limited] shall suspend/ block the telephone numbers mentioned in Document-A to the plaint, that are registered with them.

22. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be done within five days from today.

23. Issue notice. Reply, if any, be filed within four weeks from today. Rejoinder thereto, if any, be filed within two weeks thereafter.

24. List on 31st May, 2024.

SANJEEV NARULA, J

JANUARY 24, 2024

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IN THE HIGH COURT OF DELHI AT NEW DELHI
 (Ordinary Original Commercial Jurisdiction)
 C.S. (COMM.) _____ OF 2024
 Code No. 50000

IN THE MATTER OF:

Sequoia Capital Operations LLC ...Plaintiff

VERSUS

John Doe & Ors. ...Defendants

MEMO OF PARTIES

IN THE MATTER OF:

Sequoia Capital Operations, LLC

Of the address:

2800 Sandhill Road, Suite 101

Menlo Park, California, 94025

U.S.A.

E-mail: litigation@fiduslawchambers.com ...Plaintiff

VERSUS

1. John Doe
 (Admin of WhatsApp group -
 ‘John Analyst group – 303’
 Operator of Telegram accounts-
<https://t.me/Anne5023> and @Anne created with the
 mobile nos. +44 7512511387, + 44 7311027237
 Operator of websites – www.leadlec.com,
www.leadleacoin.com
 Contact Nos. - +91 9981372938, +91 8106403387,
 +91 7477743156, +91 7615949617, + 91 8953443688,
 + 91 9009966861 and +91 9512541984)
 E-mail: N/A
....Defendant No. 1

2. Meta Platforms Inc.
 Address for Service in India:
 Unit 28 and 29
 The Executive Centre,

Level 18, DLF Cyber City, Building No. 5,
Tower A, Phase III
Gurgaon-122002
Through its Grievance Officer for India
E-mail: fbgoindia@support.facebook.com;
ip@fb.comDefendant No. 2

3. Telegram FZ-LLC
Of the address:
Business Central Towers, Tower A, Office 2301
Sheikh Zayed Road,
Dubai
Through its Grievance officer for India
Email: abhimanyu@telegram.orgDefendant No. 3

4. Gname.com Pte. Ltd.
Of the Address:
6, Battery Road, # 29-02/03,
Six Battery Road,
Singapore- 049909
Through its Managing Director
Email: legal@gname.com
comaplnt@gname.com
privacy@gname.com
Contact No. +85 253096991Defendant No. 4

5. Ministry of Electronics and Information Technology
Electronics Niketan, 6-CGO Complex,
Lodhi Road, New Delhi-110003
Through the Director General (DIT) Cyber Laws
E-mail: cyberlaw@meity.gov.in;
pkumar@meity.gov.in;
uoidhc@gmail.comDefendant No. 5

6. Department of Telecommunications
Ministry of Communications and IT,
20, Sanchar Bhawan, Ashoka Road,

New Delhi-110001
 Through its Secretary,
 E-mail: secy-dot@nic.in;
dirds2-dot@nic.in;
uoidhc@gmail.com;
abhinesh.meena@gov.inDefendant No. 6

7. 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 Defendant No. 7

8. Vodafone Idea Limited
 Vodafone House,
 Peninsula Corporate Park,
 Ganpatrao Kadam Marg,
 Lower Parel, Mumbai-400013
 E-mail: sanjeet.sarkar@vodafoneidea.com
lavati.sairam@vodafoneidea.com
smitha.menon@vodafoneidea.com
radhika.gokhale@vodafoneidea.com
pankaj.kapdeo@vodafoneidea.com
arun.madhav@vodafoneidea.comDefendant No. 8

Filed by:



Priya Adlakha | Vardaan Anand | Shiv Mehrotra
 D/2663/2010 | D/4547/2017 | D/10561/2022

Fidus Law Chambers
 Advocates for the Plaintiff

Place: New Delhi
 Dated: 22nd January 2024

F – 12, Sector – 8,
 Noida – 201301
 Mob. No.: 9911167179

litigation@fiduslawchambers.com

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.