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

+ **CS(COMM) 567/2022 & I.As. 13067-69/2022**

STAR INDIA PRIVATE LIMITED & ANR. Plaintiffs

Through: Mr. Sidharth Chopra, Ms. Sneha Jain,
Ms. Vriti Jindal & Mr. Akshay
Maloo, Advocates.

versus

MHDTV.WORLD & ORS. Defendants

Through: None.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **22.08.2022**

1. This hearing has been done through hybrid mode.

I.A. 13069/2022 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

I.A. 13068/2022(exemption from advance notice to the Defendants)

3. This is an application for exemption from issuing notice to the Defendant No. 28 i.e., DoT, Defendant No. 29 i.e., the MEITY, Defendant No. 20 i.e. BSNL and Defendant No. 23 i.e., MTNL. Advance service to the Defendants is granted. *I.A. 13068/2022* is disposed of.

CS (COMM) 567/2022

4. Let the plaint be registered as a suit.

5. Issue summons to the Defendants through all modes upon filing of Process Fee.

6. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of

summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiffs, without which the written statement shall not be taken on record.

7. Liberty is given to the Plaintiffs to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication 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 timelines.

8. List before the Joint Registrar for marking of exhibits on 12th October, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

9. List before Court on 9th November, 2022.

I.A. 13067/2022(for stay)

10. The Plaintiffs, Star India Pvt. Ltd (*hereinafter "Plaintiff No. 1"*), and Novi Digital Entertainment Pvt. Ltd. (*hereinafter "Plaintiff No. 2"*), have filed the present suit seeking an injunction to restrain the illegal and unauthorized dissemination of the Asia Cup Cricket matches and associated content therewith, by the Defendants.

11. The Plaintiffs' case is that there are 65 TV Channels in eight languages, including general entertainment and sporting channels which are being telecasted by Plaintiff no.1. They also have rights in respect of events relating to cricket, football, Formula 1, Badminton, tennis, hockey, domestic and international cricket matches, organized by the Board of Control for Cricket in India (BCCI), and the International Cricket Council (ICC), *etc.* Plaintiff No. 2 owns and operates the online video streaming platform/

website known by the name 'Hotstar', and the mobile application, Disney+ Hotstar, over which all the events for which the rights are enjoyed by the Plaintiff No. 1, are also streamed by the Plaintiff No. 2. Plaintiff No. 2 is the affiliate company of Plaintiff No. 1.

12. The Asia Cup cricket tournament is to commence from 27th August, 2022 till 11th September, 2022. The case of the Plaintiffs is that they own the exclusive licence of the media rights of various sporting events which are telecasted on their sports channels. As per letter dated 18th August, 2022, the Asian Cricket Council granted to the Plaintiff No. 1, the exclusive global media rights for the Asia Cup Tournaments, for the period 2018 to 2023.

13. The present suit has been filed by the Plaintiffs, against the following Defendants:

- i. Nos. 1 to 11 are claimed to be rogue websites.
- ii. Defendant Nos. 12 to 18 are the Domain Name Registrars of the domain names used by the rogue websites.
- iii. Defendant Nos. 19 to 27 are the Internet Service Providers (*hereinafter "ISPs"*)
- iv. Defendant Nos. 28 & 29 are DoT and MEITY.
- v. Defendant No. 30 are John Does.

14. The Plaintiffs have severe apprehension that owing to the past conduct of these rogue websites, the said websites are likely to illegally stream and telecast the Asia Cup Cricketing events scheduled from 27th August, 2022 onward. Mr. Chopra, Id. Counsel appearing for the Plaintiffs, relies upon the documents on record, in respect of each of the websites to show how the said websites are generally involved in illegal streaming and broadcasting pirated content of various sporting events. In respect of some

of the websites, he highlights the fact that even past Asia Cup highlights are also illegally currently being streamed on www.mhdtv.world/ Defendant No. 1's website. He, further, submits that new websites are continuously surfacing and, therefore, a dynamic injunction ought to be granted by the Court.

15. A perusal of the aforementioned letter dated 18th August, 2022 issued by the Asian Cricket Council, shows that the Plaintiff No. 1 has been given exclusive global media rights vide agreement dated 29th June, 2017. The said rights include television rights, audio rights, internet rights and mobile rights. The period for each rights are enjoyed by the Plaintiff *qua* all Asia Cup Tournaments between the years 2018 and 2023. Thus, the ownership of the rights for exclusive telecast and broadcast as also online streaming in favour of the Plaintiff is not in doubt.

16. The documents also show that the websites are not merely indulging in streaming Star Sports channels, but various other established channels as well. Moreover, the broadcasting is not limited to cricket matches, but also other sporting events, such as the 'Tour De France', and the 'NRL Rugby League'. Therefore, the Court is convinced that the said websites belonging to Defendant Nos. 1 - 11, are rogue websites, primarily consisting of pirated content. The identity of these websites is also unknown as they are privacy protected with the Domain Name Registrars.

17. The past experience of various sporting events shows that such events are usually unauthorisedly broadcasted and streamed. The legal position as to grant of Dynamic injunctions is settled *UTV Software Communications Ltd. v 1337X.to (2019) 78 PTC 375 (Del)*. Several other orders have also been passed by this court with respect to rogue websites, such as in

CS(COMM) 157/2022 titled *Star India Pvt. Ltd v. Live Flixhub.Net*, *CS(COMM) 471/2019* titled *Star India Pvt. Ltd. Vs. Moviemad.biz & Ors*, and *CS(COMM) 195/2019* titled *Star India Pvt. Ltd. Vs. Extramovies.host & Ors*. These orders have clearly established that these websites surface frequently, and on a periodic basis, as domain names can be registered with minor modifications, and the content of the website can be very easily moved from one website to the other.

18. Under such circumstances, the Court is convinced that the Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad interim* injunction, which is also a dynamic injunction. The balance of convenience lies in favour of the Plaintiffs and irreparable injury would be caused if the interim injunction is not granted. Disclosure orders are also liable to be passed against the Domain Name Registrars, and further, the MEITY and DoT ought to also issue blocking orders to all the ISPs, to block the said rogue websites.

19. Considering the investment which the Plaintiffs have made in acquiring the rights of these events, any illegal broadcasting would severely affect the monetary interest of the Plaintiffs, and also diminish the value of the rights of such sporting events. Accordingly, till the next date of hearing, the Defendant Nos. 1 to 11 and all others acting for or on their behalf, shall stand restrained from hosting, streaming, broadcasting, rebroadcasting, retransmitting or in any other manner communicating to the public, or disseminating to the public, any cricketing events, extracts, excerpts, highlights in relation to cricket matches relating to the Asia Cup 2022 commencing from 27th August, 2022 to 11th September, 2022.

20. The Domain Name Registrars shall also immediately block the said domain names and maintain status *quo* thereof. The said Domain Name Registrars shall also disclose to the Plaintiffs the following:

a. Complete details (such as Name, Address, Email Address, Phone Number, IP Address etc.) of the Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights).

b. Mode of Payment along with payment details used for registration of domain name by the Registrant i.e., Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights).

c. Details of other websites registered by the Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights) using similar details, same credit card, payment gateway etc. (disclosed as per Clause b above) with the Defendant No. 12 to 18.

d. Details of Complaints received by the Defendant Nos. 12 to 18 in past against the Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights).

21. The DoT and MEITY, as also the ISPs, shall block the Defendant Nos. 1 to 11 websites. The said blocking orders shall be issued by the DoT within 24 hours after service of this order. Pursuant to the said blocking order/s, all the ISP's, i.e. Defendant nos. 19 – 27, shall block access to the URL's, as also the mobile applications within 24 hours and shall not permit the download of these applications or the streaming of the rogue websites. The said websites are listed hereinbelow:

S.NO.	LIST OF WEBSITES
1.	http://sportrush.xyz/
2.	http://besthdplayer.click/
3.	http://papahad1.xyz/
4.	http://www.cricket9x.com/
5.	http://larsenik.com/
6.	http://www.popofthestream.com/
7.	http://daddylive.futbol/
8.	http://deliriousholistic.net/
9.	http://ip1hd2.cf/
10.	http://mhdtv.world/
11.	http://www.tutele.nl/

22. During the currency of these events covered by the Plaintiffs' agreements, if the Plaintiffs discover other mirror websites or rogue websites which are broadcasting and telecasting the sporting events which are covered by the present suit, they may:

- i) File an affidavit in this regard before the Court along with evidence thereof. The said websites shall stand blocked with immediate effect, upon notice being issued by the Plaintiffs to the DoT and ISPs that such an affidavit has already been filed before this Court.
- ii) Upon DoT receiving the notices and communications from the Plaintiffs that the affidavits have been filed before the Court, the orders for blocking such further rogue websites shall be passed, immediately and in any case, within 24 hours, so that the websites do not continue to stream infringing content in any manner whatsoever.

23. Compliance of Order XXXIX Rule 3 be made by email within one week, considering the large number of parties in the present suit.

24. Reply to the application be filed within four weeks from the date of the service of the present order. Rejoinder be filed within four weeks, thereafter.

25. Lis on 12th October, 2022, before the Joint Registrar.

26. List on 9th November, 2022, before the Court.

PRATHIBA M. SINGH, J

AUGUST 22, 2022

dj/ss