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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 759/2022**

STAR INDIA PVT LTD AND ANR Plaintiffs

Through: Mr. Sidharth Chopra, Mr. Yatinder Garg, Ms. Snehima Jaunari & Ms. Ambika Dilwali, Advocates (M-8800166812)

versus

PIKASHOW APPLICATION AND ORS Defendants

Through: Mr. Alipak Banerjee & Mr. Parva Khare, Advocates for D-6 (M-9911983636)

Mr. Anurag Ahluwalia, CGSC with Mr. Danish Faraz Khan, Advocate for R-17&18 (M-9811418995).

Ms. Hetu Arora Sethi, ASC (GNCTD) with Inspector Devender Dahiya, IFSO, Special Cell (M-9810368590)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER

% **04.11.2022**

1. This hearing has been done through hybrid mode.

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2. Let the plaint be registered as a suit.

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

4. Mr. Anurag Ahluwalia, Id. CGSC accepts summons on behalf of Respondent Nos. 17 and 18.

5. Mr. Alipak Banerjee, Id. Counsel, submits that the wrong entity of GoDaddy, being GoDaddy India Web Services Private Limited, has been impleaded. The correct entity is GoDaddy.com LLC, for which he accepts summons. Let GoDaddy, LLC be substituted instead of Defendant No.6 and the amended memo of parties be filed within a period of three days.

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 16th December, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

9. List before Court on 25th January, 2023.

I.A. 17913/2022 (u/O XXXIX Rule 1 and 2 CPC)

10. Pursuant to the previous order dated 3rd November, 2022, intimation had been issued in this matter to Mr. Anurag Ahluwalia, Id. CGSC, Ms. Sethi, Id. ASC for Delhi Police, and to Defendant No.3. Today, Mr. Ahluwalia and Ms. Sethi have appeared, however Defendant No.3 has not appeared.

11. Ld. Counsel for the Plaintiff also submits that they are still trying to contact Defendant No.3.
12. Issue notice.
13. Mr. Anurag Ahluwalia, ld. CGSC accepts notice on behalf of Respondent Nos. 17 and 18.
14. Mr. Alipak Banerjee, ld. Counsel, accepts notice for GoDaddy.com, LLC.
15. Ms. Hetu Arora Sethi, ld. ASC, accepts notice on behalf of the Delhi Police.
16. The Plaintiffs - Star India Pvt. Ltd. and Novi Digital Entertainment Pvt. Ltd. have filed the present suit seeking a permanent injunction as also reliefs for renditions of accounts, damages, etc. against the mobile application PikaShow (*hereinafter 'PIKASHOW APP'*), stated to be hosting infringing content over which the Plaintiffs have exclusive rights and copyright.
17. The case of the Plaintiffs is that they are a leading entertainment and media company in India and own copyright over a large volume of content including award-winning films, music, television series, sporting events, etc. The Plaintiffs, apart from broadcasting the 65 STAR television channels in over eight languages, also own their separate OTT platform 'Hotstar' and a mobile application 'Disney+ Hotstar'. The STAR channels' content includes various popular sporting events organized by BCCI, ICC, Wimbledon, Pro Kabaddi League, etc. The Plaintiffs' OTT platform Disney+Hotstar is stated to have been named the most popular streaming platform in India in 2019, accounting for 45.88% of the total market by number of installs. The claim of the Plaintiffs is that in the original copyrighted content owned by them,

they enjoy the exclusive rights to broadcast, re-broadcast, retransmit, stream, communicate or make available the said content in any manner whatsoever.

18. The Plaintiffs' grievance in the present suit is that their content is illegally being made available through the App PIKASHOW on the internet, which claims to be providing free content of all well-known OTT platforms, including that of the Plaintiffs. As per the plaint, the said App is a standalone mobile application which is brazenly engaged in piracy of exclusive content belonging to various copyright owners. In order to buttress this position, the following factors are highlighted in the plaint:

- (i) The manner in which the App claims that the content of the App is divided into Hollywood, Bollywood, T.V. series and live T.V. itself shows that the USP of the said App is that it is providing copyrighted content free of cost.
- (ii) The App is downloadable through third-party marketplaces and Telegram channels, but it is not available for downloading through any of the established app stores such as Google Play Store or Apple iTunes.
- (iii) The extreme extent to which the App uses circumvention measures is clear from the fact that even the measures put in place by standard operating systems such as Android, etc. are being circumvented, to allow for apps to be downloaded from unknown sources.
- (iv) Over 500 complaints have been made against the App by third-parties, seeking removal of the PIKASHOW domains from online search results, which is evident from a search of the publicly available database known as 'Lumen Project'. It shows

that there are more than 500 cease and desist letters issued in respect of this App and domain;

- (v) The Plaintiffs themselves have filed various complaints against this App, sent 500 legal notices to the App since August, 2020, and have also obtained injunction orders in a suit being *CS(COMM) 214/2022* titled *Star India Pvt. Ltd. & Anr. v. Ashar Nisar & Ors.*, where vide order dated 6th April, 2022, the URLs therein were found to be streaming illegal content of the Plaintiffs.

19. Mr. Chopra, Id. Counsel appearing for the Plaintiffs, also submits that the Investigators of the Plaintiffs studied the manner in which the App is being made available. Reliance is placed upon the affidavits of the Investigators who have demonstrated that:

- (i) The App is downloaded using installation files on Android devices known as ‘.apk’ files.
- (ii) The App can be downloaded through the website www.pikashow.com.
- (iii) The *modus operandi* of the App to obtain access to copyrighted content is two-fold:
 - It uses various circumvention measures so as to bypass the technological measures set up by OTT platforms, such as the Plaintiffs’ Disney+Hotstar, to prevent streaming of its copyrighted content.
 - It accesses other domains where infringing content is hosted and the said domains act as a bridge between the App and the server where infringing content is stored.

- (iv) The media files on the App are located and posted on various source domains with different URLs, which are not accessible through a standard browser.
- (v) The source domains keep changing from time to time and are dynamic in nature, making it harder to identify the source of the infringing content. Some of the URLs and source domains which are set out in the plaint which are as under:
- jonahz-viccen-i-202.site,
 - i-cdn-0-jonahz-viccen-i-202.site,
 - cdn4506.jonahz-viccen-i-202.site ,
 - strms.in.
 - Stems.one
- (vi) The following source domains/IP addresses/URLs seem to be providing a bridge to infringing content:

#	Domain Name	IP Address
1	ama-aws-r12.pw	213.183.62.122
2	cdn4506.ama-aws-r12.pw	50.7.24.59
3	i-cdn-0.ama-aws-r12.pw	213.183.62.122
4	ama-aws-ind-666.site	213.183.62.122
5	pikatv.live	104.21.8.232
6	cdn4506.ama-aws-ind-666.site	50.7.24.59
7	i-cdn-0.ama-aws-ind-666.site	213.183.62.122
8	bob-azure-i-200.site	213.183.62.122
9	i-cdn-0.bob-azure-i-200.site	213.183.62.122

10	cdn4507.bob-azure-i-200.site	50.7.22.51
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20. Therefore, Id. Counsel for the Plaintiff submits that apart from the nature of the content being hosted on the App, the numerous circumvention measures, *modus operandi* of the App and URLs, and the non-availability of the App on regular platforms, itself shows that enormous steps have been taken by the owners/operators of this App for ensuring that the illegal streaming and broadcast continues without obstruction or hindrance.

21. Heard and perused the record. A perusal of the plaint, and the documents submitted by the Plaintiff shows large-scale dissemination of content on the PIKASHOW App. At the outset, this Court notices that directions have been given in *Star India (supra)*, for rogue Apps and URLs with similar names to the present App, to be blocked for streaming infringing content. Despite such blocking orders, similar content is being made available through this App and new URLs are being created and made accessible using circumvention measures. This clearly demonstrates the Plaintiffs' case that if one URL is blocked, further URLs are created to make the App available and thus it has become difficult to ensure that the infringing content is restrained. These source domains are stated to be registered by various Domain Name Registrars (*hereinafter "DNRs"*), namely, NameSilo LLC., Tucows Inc., GoDaddy.com LLC., etc. All of these source domains are also privacy protected and there are no details whatsoever as to who the registrants of the said domain names are. Some such source domains and their relevant DNRs are set out in paragraph 80. The same are extracted herein below:

S.No.	Websites	Registrar
1.	pikashows.com	NameSilo LLC
2.	strms.in	TuCows Inc.
3.	strms.one	TuCows Inc.
4.	jonahz-viccen-i-202.site	GoDaddy.com, LLC
5.	i-cdn-0.jonahz-viccen-i-202.site	GoDaddy.com, LLC
6.	cdn4506.jonahz-viccen-i-202.site	GoDaddy.com, LLC

22. This Court also takes note of the features of the App as pointed out by the Plaintiff. Pertinently, the App is made available for download through its URL - www.pikashows.com - which advertises itself as under:

“www.pikashow.com in terms of the following - “Watch the latest web series on Netflix, Amazon Prime Video, Zee5, ALTBalaji, Voot, and other subscription video-on-demand and over-the-top streaming services for free...The latest Bollywood and Hollywood movies are available in HD for streaming or download offline... Watch your favorite programs, live cricket, or any sports with the ability to watch live TV Channels like Sony TV, Star Sports, Zee TV, and many more...”

23. Moreover, the manner in which users are asked to disable the security features on their device before downloading the App indicates that the App is intended only to broadcast and stream illegal content. In fact, the instructions which are contained in the App leave no matter of doubt that the App is conscious of the fact that it is primarily streaming infringing content. The said instructions and FAQs read as under:

Installation Instructions:

For Android Mobile/TV:

If you have an Android TV or Phone, follow these instructions to install the app.

1. Download PikaShow APK latest version from our website.
2. Navigate to Settings on your device, and enable installing from "Unknown Sources" under the Security.
3. Locate the downloaded PikaShow APK in the file manager and open it to start the installation process.
4. Once the installation is done, open the PikaShow and enjoy!

How to Download Videos/Movies in PikaShow?

1. PikaShow App comes with the video download option. Follow these instructions to download any movie/tv show.
2. Download and install the latest version of the PikaShow App from our website.
3. Navigate to PlayStore and download the app called "1DM Downloader" on your device.
4. Once you installed 1DM Downloader, open PikaShow and select any movie/tv show you want to download.
5. It will prompt with two options whether to Stream or Download. Select the download option and start downloading the video via 1DM Downloader.

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Frequently Asked Questions

⊕ [What is PikaShow App?](#)

⊖ [Is it available on Google Play Store?](#)

Google won't allow this kind of apps to be on Play Store. Don't look for PikaShow on the Google Play Store.

You can only download and install PikaShow APK from our website.

⊕ [Is it safe to download and use?](#)

⊕ [Is it free to use?](#)

⊕ [Does it require a rooted Android device?](#)

⊕ [Can I watch PikaShow videos on TV?](#)

24. All these facts as captured above reveal that the Defendants are unabashedly and brazenly making available a large amount of copyrighted content including that of the Plaintiffs. On a perusal of the pages of the App, it does not appear that any non-infringing content is available on a substantial portion of the App. Even the studies conducted by Lumen¹ as cited by the Plaintiffs, and the large volume of cease-and-desist letters and complaints made against the App, *prima facie* establish that the App is a rogue App and deserves to be blocked as a whole, as past experience has shown that blocking of URLs themselves may not be sufficient to stop the streaming of infringing content. The large volume of infringing content coupled with the manner in which the App is sought to be made accessible

¹ Lumen, *Search Results for Pikashow*, https://www.lumendatabase.org/notices/search?utf8=%E2%9C%93&term=pikashow&sort_by= (Last

and downloadable by users by using various deceptive methods, leaves no manner of doubt in the mind of the Court that the intention of the owners/operators of this App is to clearly subvert any technological measures that may be there on established platforms, to ensure that infringing content can continue to be streamed. It is also seen that the App permits advertising and thus there is a monetary benefit also being derived therefrom.

25. Under these circumstances, the Plaintiffs have made out a *prima facie* case for the grant of an *interim* injunction, and the balance of convenience is in their favour. Accordingly, the following directions are issued:

- (i) An order of interim injunction is granted restraining the 'PIKASHOW APP' and/or its owners/operators from making available the said App through any of the domain names/websites provided in the plaint including, www.pikashows.com, strms.in, strms.one, jonahz-viccen-i-202.site, i-cdn-0.jonahz-viccen-i-202.site, cdn4506.jonahz-viccen-i-202.site, ama-aws-r12.pw, cdn4506.ama-aws-r12.pw, i-cdn-0.ama-aws-r12.pw, ama-aws-ind-666.site, pikatv.live, cdn4506.ama-aws-ind-666.site, i-cdn-0.ama-aws-ind-666.site, bob-azure-i-200.site, i-cdn-0.bob-azure-i-200.site, cdn4507.bob-azure-i-200.site.
- (ii) The PIKASHOW App shall stand restrained from being broadcasted or being accessed in any manner whatsoever including through source domains and websites mentioned above.

accessed on Nov. 4, 2022).

- (iii) The present injunction shall operate against any further domains which permit the said App to be downloaded or which host the said App. Details of such domains, if created in the future, shall be placed on record by way of an affidavit by the Plaintiffs, upon which, the injunction order restraining broadcast and telecast of any content belonging to the Plaintiffs shall operate against the said source domains and websites as well;
- (iv) Defendant No.2/1Xbet App and related domain in.1x001.com, which is an advertiser on the 'PIKASHOW APP' is directed to disclose the contact details of 'PIKASHOW APP' as may be available with it including details of any bank accounts, payments made, sale agreements entered into, etc. within one week, by filing an affidavit in this regard;
- (v) Defendant No.3/Github India Private Limited which seems to be providing infrastructure services for the App shall also disclose all details available with it in respect of the 'PIKASHOW APP' including name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. including IP logs, within one week, by filing an affidavit in this regard;
- (vi) Defendant Nos.4, 5, 6 and 7 i.e., NameSilo, LLC, Tucows Inc., GoDaddy.com.LLC and NIXI, who are the DNRs of the impugned domains, shall suspend and lock www.pikashow.com

and the source domains including those mentioned below within a period of three working days on receiving a copy of this order. The said DNRs shall also disclose all the details of the registrants of the various source domains including the name of individuals, entities associated with the App/representing the App in its transactions, e-mail addresses, phone numbers, agreements, payment details, credit card details, bank account details, etc. The said domain names are as below:

- pikashows.com
- strms.in
- strms.one
- jonahz-viccen-i-202.site
- i-cdn-0.jonahz-viccen-i-202.site
- cdn4506.jonahz-viccen-i-202.site

(vii) DoT and Meity shall issue blocking orders against the 'PIKASHOW APP', including against all the source domains listed above in the order and any further domain names/source domains which may be brought to their notice by the Plaintiffs, after filing an affidavit before this Court as directed above, so as to ensure that the said App remains blocked by all ISPs across the country.

26. It is made clear that if the App that stands enjoined today has any non-infringing content, the owners/operators of the App are permitted to move an application seeking modification of today's order.

27. In so far as the police complaint already filed by the Plaintiffs in

respect of the Defendants on 27th October, 2022 is concerned, Ms. Sethi, Id. ASC appearing for the Delhi Police, submits that the complaint has been received only on 31st October, 2022 and investigation is being carried Mr. Sunil Panchal, ACP, Delhi Police. Let a status report be filed by the next date, in terms of the police investigation, as to the details of the persons who are running the said App and details of entities hosting the App.

28. List before the Court on 25th January, 2023.

29. Reply to the application be filed within four weeks from the service of the present order along with the paper book. Compliance of order XXXIX Rule 3 CPC be made within a period of one week.

30. Order *dasti*.

PRATHIBA M. SINGH, J.

NOVEMBER 4, 2022

Rahul/MS