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

+ **CS(COMM)No.505/2020, I.A.Nos.10626-27/2020 & 10630/2020**

M/S ALLEN CAREER INSTITUTE

.....Plaintiff

Through : Ms. Archana Pathak Dave, Ms.  
Ankita Chaudhary, Mr. Manish  
Sharma, Mr. Kumar Prashant and Ms.  
Vanya Gupta, Advs.

versus

TELEGRAM FZ-LLC & ORS.

.....Defendants

Through : None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

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**18.11.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

**I.A.No.10627/2020**

1. Allowed, subject to just exceptions.

**I.A.No.10630/2020**

2. For the reasons given in the application, the plaintiff is granted one week to deposit the deficit court-fee.

2.1 The application is, accordingly, disposed of.


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3. The case set up by the plaintiff is that it is in the business of imparting coaching to the students for entrance exams such as IIT-JEE and NEET as also the students who aspire to get admission into AIIMS.

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3.1 It is claimed by the plaintiff that it conducts its business under the ALLEN logo which is a registered copyright belonging to the plaintiff. The

said logo set-forth hereafter: The logo for Allen Career Institute is displayed. It consists of a yellow rectangular box on the left containing a blue circular emblem with a book and a lamp, with the text 'path to success' written below it. To the right of this box, the word 'ALLEN' is written in large, bold, blue capital letters, and 'CAREER INSTITUTE' is written in smaller, blue capital letters below it.

3.2 It is asserted by the plaintiff that it has been running the aforesaid business of coaching students for the past 32 years.

3.3 According to the plaintiff, it is presently aggrieved by the fact that defendant nos. 2 to 5 have been uploading its copyrighted study material/lectures on defendant no. 1's platform.

3.4 The channels/accounts used by defendant nos. 2 to 5 are detailed out on pages 10 and 11 of the plaintiff's document folder.

3.5 Ms. Archana Pathak Dave, who appears on behalf of the plaintiff, has relied upon various documents to demonstrate the violation of the plaintiff's copyright which is embedded in the plaintiff's study material/lectures. In this behalf, my attention has been drawn, in particular, by Ms. Dave, *inter alia*, to pages 48, 50, 67 and 69.

4. I have heard Ms. Dave and perused the documents. I am of the view that, at least at this stage, the plaintiff has established a *prima facie* case.

4.1 The balance of convenience also appears to be in favour of the plaintiff given the fact that it has been in the business of coaching the students for the past 32 years.

4.2 In my view, if the interim relief is not granted, the plaintiff's legal rights and business interests would stand impacted.

5. Accordingly, issue summons in the suit and notice in the captioned application to the defendants *via* all means including e-mail.

5.1 In the meanwhile, defendant nos. 2 to 5, are restrained from uploading the study material/lectures in which the plaintiff has a copyright.

5.2 Besides this, defendant no. 1 is directed to take down/disable the Telegram channels/accounts which are set-forth hereafter:

| <b>Telegram Infringement Status as on 26-10-2020</b> |   |                                      |
|--|---|--------------------------------------|
| <b>S.N<br/>o.</b>                                    | <b>Name of Telegram Account</b>   | <b>Status on 26-10-2020</b>          |
| 1.   | <a href="https://t.me/neetmaterials_easy_acc">https://t.me/neetmaterials_easy_acc</a>                   | ACTIVE                               |
| 2.   | <a href="https://t.me/neet_ug_study_material">https://t.me/neet_ug_study_material</a>                   | ACTIVE                               |
| 3.   | <a href="https://t.me/Naveen_chaudhary">https://t.me/Naveen_chaudhary</a>                               | ACTIVE                               |
| 4.   | <a href="https://t.me/jeelecture">https://t.me/jeelecture</a>   | INACTIVE/PRIVATE                     |
| 5.   | <a href="https://t.me/kotalecturess">https://t.me/kotalecturess</a>                                     | ACTIVE                               |
| 6.   | <a href="https://t.me/allenlecturesfree">https://t.me/allenlecturesfree</a>                             | ACTIVE                               |
| 7.   | <a href="https://t.me/only_studyfor_competition">https://t.me/only_studyfor_competition</a>             | ACTIVE                               |
| 8.   | <a href="https://t.me/allen_videos">https://t.me/allen_videos</a>                                       | MADE PRIVATE due to Copyright Notice |
| 9.   | ALLEN AND AAKASH MATERIAL™  | PRIVATE CHANNEL (ACTIVE)             |
| 10.  | YAKEEN BATCH PW   | PRIVATE CHANNEL (ACTIVE)             |
| 11.  | STUDY TIME CHANNEL (c)™   | PRIVATE CHANNEL (ACTIVE)             |
| 12.  | <a href="http://www.t.me/StudyTime">www.t.me/StudyTime</a> Official                                     | ACTIVE                               |
| 13.  | Studytime_doubt_bot   | ACTIVE                               |
| 14.  | <a href="https://t.me/NeetJee_study_material">https://t.me/NeetJee_study_material</a>                   | ACTIVE                               |
| 15.  | <a href="https://t.me/jeeandneet_2021">https://t.me/jeeandneet_2021</a>                                 | ACTIVE                               |
| 16.  | <a href="https://t.me/allenandaakash1">https://t.me/allenandaakash1</a>                                 | ACTIVE                               |
| 17.  | <a href="https://t.me/ACCELERATE_BATCH_PHYSICSWALLAH1">https://t.me/ACCELERATE_BATCH_PHYSICSWALLAH1</a> | ACTIVE                               |
| 18.  | <a href="https://t.me/allenbpmsvideos">https://t.me/allenbpmsvideos</a>                                 | ACTIVE                               |
| 19.  | <a href="https://t.me/yakeenbatchphysicswalah">https://t.me/yakeenbatchphysicswalah</a>                 | ACTIVE                               |

|     |   |                              |
|-----|---|------------------------------|
| 20. | <a href="https://t.me/MeritHub">https://t.me/MeritHub</a>   | ACTIVE                       |
| 21. | PREMIUM LECTURES  | PRIVATE CHANNEL<br>(ACTIVE)  |
| 22. | premium_doubt_bot   | ACTIVE                       |
| 23. | <a href="https://t.me/neetjeeprep11">https://t.me/neetjeeprep11</a>                                     | ACTIVE                       |
| 24. | <a href="https://t.me/neetpluschannel">https://t.me/neetpluschannel</a>                                 | ACTIVE                       |
| 25. | <a href="https://t.me/neetuglibrary">https://t.me/neetuglibrary</a>                                     | ACTIVE                       |
| 26. | Luckk17(Lucky Thakur-OWNER OF NEET UG CHANNELS)   | PRIVATE USERNAME<br>(ACTIVE) |
| 27. | <a href="https://t.me/BookCornerBack">https://t.me/BookCornerBack</a>                                   | ACTIVE                       |
| 28. | <a href="https://t.me/joinchat/AAAAAFTfaKK5MHYA07LakQ">https://t.me/joinchat/AAAAAFTfaKK5MHYA07LakQ</a> | PRIVATE CHAT<br>(ACTIVE)     |
| 29. | <a href="https://t.me/joinchat/AAAAAFULM2n-hTa7LLyfNg">https://t.me/joinchat/AAAAAFULM2n-hTa7LLyfNg</a> | PRIVATE CHAT<br>(ACTIVE)     |
| 30. | <a href="https://t.me/joinchat/AAAAAFBTDBKJsbkt7BT2NA">https://t.me/joinchat/AAAAAFBTDBKJsbkt7BT2NA</a> | PRIVATE CHAT<br>(ACTIVE)     |
| 31. | <a href="https://t.me/joinchat/AAAAAFkAZ16ogir8145hyw">https://t.me/joinchat/AAAAAFkAZ16ogir8145hyw</a> | PRIVATE CHAT<br>(ACTIVE)     |

6. The plaintiff will comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 within five days from the date of receipt of a copy of the order.

7. It is noticed that there is a reference to defendant no. 6 in the captioned interlocutory application.

7.1 The memo of parties does not advert to defendant no. 6.

7.2 Ms. Dave says that an application will be moved to carry out the necessary amendment(s) in the application and, if necessary, in the plaint as well.

8. List the matter on 02.02.2021.

**RAJIV SHAKDHER, J**

**NOVEMBER 18, 2020**

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*Click here to check corrigendum, if any*

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