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

+ CS(COMM) 202/2023

UNIVERSAL CITY STUDIOS LLC &
ORS.

..... Plaintiffs

Through: Mr.Saikrishna Rajagopal, Mr.Sidharth
Chopra, Ms.Suhasini Raina, Ms.R.
Ramya, Mr.Sanidhya Rao, Ms. Mehr
Sidhu and Mr.Raghav Goyal,
Advocates.

versus

FZMOVIES.NET & ORS.

..... Defendants

Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
11.04.2023

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I.A. 6561/2023 (for exemption)

1. Subject to the plaintiffs filing original, certified and legible copies of any document on which the plaintiffs may seek to place reliance within four weeks from today, exemption is granted for the present.

2. The application stands disposed of.

I.A. 6562/2023 (under Section 80 CPC for exemption from serving advance notice)

3. The present application has been filed on behalf of the plaintiffs' seeking exemption from advance service to the defendants no. 50 (DOT) and 51 (MEITY) under Section 80 of Code of Civil Procedure, 1908 (CPC).

4. In view of the urgent *ex parte* relief sought, the plaintiffs are granted

exemption from requirement of issuing notice to the defendants no. 50 and 51 under Section 80 of CPC.

5. The application stands disposed of.

CS(COMM) 202/2023

6. Let the plaint be registered as a suit.

7. Issue summons.

8. Summons be issued to the defendants through all modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file an affidavit of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

9. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, an affidavit of admission/denial of the documents of the defendants, be filed by the plaintiffs.

10. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall be also filed with the pleadings.

11. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

12. List before the Joint Registrar on 20th July, 2023 for completion of service and pleadings.

13. List before the Court on 29th August, 2023.

I.A. 6560/2023 (O-XXXIX R-1 & 2 of CPC)

14. The present suit has been filed for permanent injunction, rendition of accounts and damages for the infringement of exclusive rights in the plaintiffs' original content/work, which is protected under the Copyright Act, 1957, against defendants no. 1-40 with additional domains, that are rogue websites and substantially indulge in online piracy by making original content available for download and otherwise providing access to infringing and illegal content.

15. The plaintiffs no. 1-6, i.e., Universal City Studios LLC.; Warner Bros. Entertainment Inc.; Columbia Picture Industries, Inc.; Netflix Studios, LLC.; Paramount Pictures Corporation and Disney Enterprises, Inc. are leading entertainment companies globally known for producing films such as Mulan, Lego Batman, Finding Nemo, Finding Dory etc. The plaintiffs have exclusive rights to communicate their content to the public.

16. It is contended that defendants no. 1 to 40, ("defendant websites") are online locations which enable the use of defendant websites' services, without any authorisation or license from the plaintiffs, to (a) view (by a process known as streaming/ downloading) cinematograph films, motion pictures, television programs or other audio-visual content, on devices connected to the Internet; (b) cause copies of those cinematograph films to be downloaded onto the memory of their devices for watching later or enabling others to watch or further copy those cinematograph film, and/or (c) identify other online locations including (by a process known as "linking"), which enable those users to engage in the activities set out in (a) or (b). An illustrative list of illegal content made available by the defendant

websites has been provided in paragraph 30 of the plaint.

17. In order to protect and enforce their exclusive rights, the plaintiffs investigated and monitored the defendants' websites and gathered evidence of their infringing activities, which has been filed along with the suit. Evidence collected by the investigator also shows that the operators of the defendant websites are using known "pirate branding" to signal to users that the defendant websites are merely new iterations of sites that have been blocked earlier. Therefore, the defendant websites being in the form of new iterations and that the new iterations almost invariably have the same functionality and purpose as the earlier blocked sites.

18. It is further contended that despite the legal notice calling upon the concerned defendants to cease from engaging in their infringing activities, they continue to infringe the rights in the plaintiffs' original content. It is also contended that access to many of defendants' websites has been previously disabled in other jurisdictions, as elaborated in paragraph 37 of the plaint.

19. In light of the above, it is contended that the defendants nos. 1 to 40 are liable for infringement of the plaintiffs' copyright works under Section 51(a)(ii), Section 51(b) and Section 51(a)(i) of the Act, for making a copy of the original content, including storing of it in any medium by electronic or other means and communicating the original content to the public the hosting, streaming, reproducing, distributing, making available to the public, and/or communicating to the public of the original content for streaming and downloading, or facilitating the same, without authorization of the plaintiffs. In support of the aforesaid contention, reliance is placed on the decision of this court in CS(COMM) 724 of 2017 dated 10th April, 2019 titled *UTV*

Software Communication Ltd. &Anr. v. 1337x.to and Ors.

20. It is further contended by the plaintiffs' counsel that majority of the defendants no. 1-40's websites are anonymous in nature and the information provided in the public domain regarding the owners of the website is either incomplete, incorrect and/or protected behind a veil of secrecy. These websites hide behind domain privacy services offered by various domain name Registrars, which enable a website owner to hide behind a veil and not disclose any contact details publicly, to protect his privacy.

21. In order to overcome this, the plaintiffs have arrayed various internet and telecom services providers (ISPs) as the defendants no. 41-49 (hereinafter "the said ISPs"), DoT as the defendant no. 50, MEITY as the defendant no. 51 in the present suit to ensure the effective implementation of orders passed by this Court.

22. Issue notice

23. Notice be issued to the defendants through all modes.

24. Reply (ies) be filed within four weeks.

25. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

26. In view of the averments noted hereinabove and in view of the judgment passed in ***UTV Software Communication Ltd. (supra)***, this Court is of the opinion that a *prima facie* case is made out in favour of the plaintiffs. Balance of convenience is also in favour of the plaintiffs. Further, irreparable harm or injury would be caused to the plaintiffs if an interim injunction order is not passed.

27. Accordingly, the defendants no. 1 to 40 (and any such other mirror/redirect/alphanumeric website which appears to be associated with any of the defendant websites based on its name, branding or the identity of

its operator, or discovered to provide additional means of accessing, the defendant websites, and other domains/domain along with their sub domains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the plaintiffs' exclusive rights), their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principals or agents, acting for and on their behalf, or anyone claiming through, by or under them are hereby restrained, from, in any manner hosting, streaming, reproducing, distributing, making available to the public and/or communicating to the public, or facilitating the same, on their websites, through the internet in any manner whatsoever, any cinematograph work/content/programme/show in relation to which plaintiffs have a copyright.

28. The defendants no. 41 to 49 shall ensure compliance with this order by blocking defendants no. 1 to 40 websites, their URLs and the respective IP addresses as filed along with the suit (Pg 26- 33 - Vol 1) (also Annexed herewith as Document -2).

29. The defendants no. 50 and 51 are further directed to take immediate steps and issue requisite notifications within five working days, calling upon various internet and telecom service providers registered under them to block the aforementioned websites identified by the plaintiffs.

30. Further, as held by this court in *UTV Software Communication Ltd.* (*supra*), in order for this court to be freed from constant monitoring and adjudicating the issues of mirror/redirect/alphanumeric websites, it is directed that as and when plaintiffs file an application under Order I Rule 10 of the CPC for impleadment of such websites, the plaintiffs shall file an affidavit confirming that the newly impleaded website is

mirror/redirect/alphanumeric website, which appears to be associated with any of the defendant websites based on its name, branding or the identity of its operator, or has been discovered to provide additional means of accessing the defendant websites and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities, which are discovered to have been engaging in infringing the plaintiffs' exclusive rights, with sufficient supporting evidence. Such application shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue appropriate directions to the ISPs.

31. Compliance under Order XXXIX Rule 3 of the CPC be done within ten days from today.

32. List before the Joint Registrar on 20th July, 2023 for completion of service and pleadings.

33. List before the Court on 29th August, 2023.


AMIT BANSAL, J

APRIL 11, 2023


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LIST OF WEBSITES


S.No.	Domain Name	URL	IP Address
Defendant No. 1			
1.	fzmovies.net	https://fzmovies.net	172.67.174.51
			104.21.30.242
Defendant No. 2			
2.	5gomovies.to	https://5gomovies.to	176.123.6.25
	5gomovies.ch	https://5gomovies.ch	176.123.6.25
	0gomovies.com	http://0gomovies.com	85.92.108.146
	0gomovies.st	http://0gomovies.st	85.92.108.146
	0gomovies.ru	http://0gomovies.ru	85.92.108.146
Defendant No. 3			
3.	6movies.net	https://www3.6movies.net	104.21.61.56
			172.67.206.129
Defendant No. 4			
4.	imapple.app	https://imapple.app	104.21.1.9
			172.67.151.185
Defendant No. 5			
5.	37ou.com	http://37ou.com	45.158.22.182
			45.158.22.204
Defendant No. 6			


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6.	88hd.com	https://88hd.com	23.224.135.3 23.224.135.4
	88ys.cn	http://88ys.cn	23.225.30.100
Defendant No. 7			
7.	123moviesite.one	https://123moviesite.one	104.21.21.104 172.67.197.242
Defendant No. 8			
8.	123series.io	https://123series.io	104.21.44.146 172.67.200.200
Defendant No. 9			
9.	1234movies.me	https://1234movies.me	104.21.80.243 172.67.155.155
	the123movies.cz	https://the123movies.cz	104.21.50.245
Defendant No. 10			
10.	1337xx.st	https://1337xx.st	104.21.0.117 172.67.150.237
Defendant No. 11			
11.	attacker.tv	https://www1.attacker.tv	104.21.78.239 172.67.138.111
Defendant No. 12			
12.	b-bmovies.com	https://b-bmovies.com	104.21.93.73 172.67.206.104
Defendant No. 13			
13.	dandanzan.com	https://dandanzan.com	104.21.62.196 172.67.138.192


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	dandanzan.tv	https://dandanzan.tv	104.21.13.239 172.67.133.122
	dandanzan10.top	https://www.dandanzan10.top	104.21.68.183 172.67.197.208
Defendant No. 14			
14.	duboku.io	https://u.duboku.io	104.26.6.224 104.26.7.224
	duboku.one	https://duboku.one	104.21.43.49 172.67.220.11
	duboku.ru	https://duboku.ru	104.21.39.82 172.67.143.203
	duboku.tv	https://www.duboku.tv	104.26.6.9 104.26.7.9
	dubokutv.net	https://dubokutv.net	104.21.54.168 172.67.140.173
Defendant No. 15			
15.	filmyfly.co	https://filmyfly.co	172.67.189.78 104.21.81.113
	filmy4wap.xyz	http://filmy4wap.xyz	104.21.63.243 172.67.173.94
Defendant No. 16			
16.	flixd.cc	https://flixd.cc	104.21.21.66 172.67.196.206
Defendant No. 17			
17.	fmovies.hn	https://www.fmovies.hn	104.21.233.247 104.21.233.248
Defendant No. 18			


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18.	gimytv.io	https://gimytv.io	104.21.51.36 172.67.220.122
	gimytv.in	http://gimytv.in	104.21.1.139 172.67.129.103
Defendant No. 19			
19.	iyf.tv	https://new.iyf.tv	172.67.38.12 104.22.44.102
	flyv.tv	http://flyv.tv	104.26.14.216 104.26.15.216
Defendant No. 20			
20.	kisskh.me	https://kisskh.me	172.67.190.116 104.21.19.231
Defendant No. 21			
21.	movieorca.com	https://www2.movieorca.com	104.21.72.191 172.67.154.137
Defendant No. 22			
22.	mudvod.tv	https://mudvod.tv	104.22.2.179 104.22.3.179
	nivod3.tv	https://www.nivod3.tv	104.21.2.17 172.67.128.148
	nivod.tv	https://nivod.tv	104.22.36.208 104.22.37.208
	nbys1.tv	http://nbys1.tv	104.22.20.119 104.22.21.119
	nivod2.tv	https://www.nivod2.tv	104.21.18.147 172.67.182.88
	mudvod1.tv	http://mudvod1.tv	104.22.40.104


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			104.22.41.104
	nbyy.tv	http://nbyy.tv	104.22.46.66 104.22.47.66
	nivodi.tv	https://www.nivodi.tv	104.21.60.22 172.67.187.187
Defendant No. 23			
23.	proxyninja.org	https://proxyninja.org	104.21.67.39 172.67.211.246
Defendant No. 24			
24.	nunuyy5.org	https://nunuyy5.org	172.67.179.22 104.21.35.196
	nunuyy1.org	http://nunuyy1.org	104.21.33.211 172.67.166.218
	nunuyy2.org	http://nunuyy2.org	104.21.79.141 172.67.146.14
	nunuyy3.org	http://nunuyy3.org	172.64.160.17 172.64.161.17
Defendant No. 25			
25.	olevod.com	https://www.olevod.com	51.81.155.238 51.81.155.240
	olevod.tv	https://olevod.tv	104.21.20.61 172.67.191.211
Defendant No. 26			
26.	pencurimovies.gives	https://ww24.pencurimovies.gives	172.67.136.6 104.21.54.61
	movisubmalay.today	http://movisubmalay.today	104.21.67.101 172.67.220.174

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	pencurimovies.site	http://pencurimovies.site	104.21.10.184 172.67.190.201
Defendant No. 27			
27.	qkan8.com	https://qkan8.com	104.21.68.126 172.67.195.136
Defendant No. 28			
28.	rarbggo.to	https://www1.rarbggo.to	172.67.216.4 104.21.78.43
Defendant No. 29			
29.	scene-rls.net	http://scene-rls.net	104.26.12.240 104.26.13.240 172.67.69.133
Defendant No. 30			
30.	shancaowu.com	https://shancaowu.com	104.21.4.140 172.67.154.30
Defendant No. 31			
31.	tangrenjie.tv	https://www.tangrenjie.tv	104.26.0.56 104.26.1.56 172.67.72.242
Defendant No. 32			
32.	tfpdl.se	https://tfpdl.se	172.67.131.9 104.21.9.209
Defendant No. 33			
33.	theflixer.tv	https://theflixer.tv	104.21.44.185 172.67.202.155
Defendant No. 34			
34.	thepiratebay.party	https://thepiratebay.party	104.31.16.6

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			104.31.16.123
	thepiratebay10.org	https://thepiratebay10.org	104.31.16.10 104.31.16.119
	thepiratebay0.org	https://thepiratebay0.org	104.31.16.7 104.31.16.122
	pirateproxy-bay.com	https://www.pirateproxy-bay.com	104.31.16.10 104.31.16.119
Defendant No. 35			
35.	gowatchseries.ch	https://gowatchseries.ch	104.21.78.69 172.67.217.117
Defendant No. 36			
36.	ttsp.tv	https://ttsp.tv	104.21.84.240 172.67.198.229
Defendant No. 37			
37.	watchmoviesonlinepk.com	https://www12.watchmoviesonlinepk.com	104.21.29.219 172.67.149.213
	movies-watch.com.pk	https://www.movies-watch.com.pk	104.26.8.21 104.26.9.21,
Defendant No. 38			
38.	watchseries.id	https://watchseries.id	104.21.95.85 172.67.143.217
Defendant No. 39			
39.	xiaoheimi.net	https://xiaoheimi.net	104.21.86.101 172.67.217.212
Defendant No. 40			
40.	yts.do	https://yts.do	104.21.1.207

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			172.67.129.235
	yts-mx.co	https://yts-mx.co	172.67.207.62 104.21.66.203
	yts.rocks	http://yts.rocks	172.67.139.10 104.21.40.217


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