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

+ **CS(COMM) 234/2024**

WARNER BROS. ENTERTAINMENT INC. & ORS.

..... Plaintiff

Through: Ms. Suhasini Raina, Ms. R.
Ramya, Mr. Mehr Sidhu,
Mr. Raghav Goyal & Mr.
Ayush Saxena, Advs.
(Investigators – Mr. Nikhil
G. & Mr. Sushant M.)

versus

DOODSTREAM.COM & ORS.

..... Defendant

Through: Mr. Venkatesh Mohanraj &
Mr. S. G. & Mr. P. Selvam,
Advs.
[Technical experts – Sarvesh
chandran (D-6), Rajadurai
K.K (D-5)]

CORAM:
SIDHARTH MATHUR (DHJS), JOINT REGISTRAR
(JUDICIAL)

ORDER
25.04.2024

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In pursuance of the order dated 18.03.2024, the submissions and counter submissions of the concerned parties were heard in the presence of the IT Cell of the Delhi High Court (*Mr. Zameem & Mr. Sarsij*) as well as the technical experts of the parties. The following observations are pertinent and thus noted:

1. That there was non-compliance on the part of the concerned defendant nos. 1 to 3, 5 & 6 as far as the blocking of the links illegally sharing the copyrighted content/titles of the plaintiff was concerned (*in reference*



to para 14(a) and (d) of the order dated 18.03.2024). It is already noted in my order dated 22.04.2024 that out of the list submitted to these defendants by the plaintiff for blocking of the content, some randomly selected links were found to be operative on 22.04.2024. Those observations are already recorded in the said order dated 22.04.2024.

Today it is being submitted on behalf of both the parties that all the previous impugned links have now been blocked. Moreover it has been submitted by both the parties that the further links which are being shared by the plaintiff from 22.04.2024 onwards are also being blocked by the defendant nos. 1 to 3, 5 & 6 within 24 hours.

2. It is admitted on behalf of both the parties that as far as the removal of the feature of “*generate link*” has been disabled w.e.f. 05.04.2024 and, it remains disabled till date.
3. As far as the feature of “*disable download link (protected option)*” is concerned, it is admitted on behalf of the parties that it is disabled as on date. However the parties are at variance with regard to the date when it was disabled. The plaintiff claims that it was disabled w.e.f. 11.04.2024, not before that and in support of that, it states and in support it shall file documentary evidence of the same. The defendant nos. 1 to 3, 5 & 6 on the other hand claims that this feature was disabled w.e.f. 07.04.2024. These defendants further states that this feature could not be disabled earlier due to the logistic and technical aspects, particularly the cache memory and cloudflare



CDN.

4. The defendant nos. 1 to 3, 5 & 6 through counsel fairly admits that they are yet to file the affidavit (*in reference to 14(c) of the order dated 18.03.2024*), duly certified by the CA disclosing the revenues generated from the date of the launch of their websites till date. They undertake that they would file the same before the Hon'ble Court's hearing.
5. The counsel for the plaintiff suggested the disabling of few more features, so as to bar the regeneration of the links dealing with and the re-uploading of the infringing content. She states that the websites of the defendant nos. 1 to 3, 5 & 6 can be modified by adding the necessary details of the uploaders so that he/she can be identified pursuant to the illegal uploading of the copyrighted content. The technical expert of the plaintiff had demonstrated the working of the "global search" feature within the website of the defendant nos. 1 to 3, 5 & 6 and that of another website "pirate-bay". The global search feature of "pirate-bay" reveals the details of the uploader and the URL location of its file, which are missing on the websites of the defendant nos. 1 to 3, 5 & 6. The counsel for these defendants states that he would discuss the feasibility of this feature with his technical team, which otherwise has not been possible up till date due to lack of infrastructure. This Court shall be apprised in this regard on the next hearing.
6. The demonstration of the website of the defendant nos. 1 to 3, 5 & 6 further showed that the global search of a particular link leads to the availability of few other



options including the download link, embed link and embed code regarding the shared content. The counsel for the plaintiff states that these features facilitates the dissemination of the shared/copied content by the user as its own content to other users through his own premium account and also the re-uploading of the same content by the other users having access to that link becomes easier since the file is not deleted permanently from the server and is available in cache. She suggests that the disabling of this feature would put a plug on the illegal sharing of the copyrighted content from within the website of the defendant nos. 1 to 3, 5 & 6. The counsel for the defendant nos. 1 to 3, 5 & 6 states that the flagged content takes 24 hours to get deleted permanently from the servers and before that there is a possibility that the content might remain available in the cache memory making its re-upload faster. The counsel for these defendants states that he would discuss the feasibility qua these suggestions with his technical team. This Court shall be apprised in this regard on the next hearing.

7. The IT team of Delhi High Court in consultation has also put forth the example of “YouTube” and the mechanism employed by it for identifying and stopping the circulation of the copyrighted content. They have stated that the “YouTube” usually reviews the entire uploaded content in the background with the help of both the manual as well as the technical intervention whereby once the copyrighted content is identified, the uploader is informed to either take down the content immediately or



its account would be blocked forever. The counsel for the defendant nos. 1 to 3, 5 & 6 states that the business model of “YouTube” is different, which otherwise is also a public platform unlike ours which only facilitates the private sharing via cloud. He is thus implying that it is not possible for them to replicate the “YouTube” model in its entirety. The IT Cell of Delhi High Court as well me are of the opinion that the “YouTube” model is a perfect model to be replicated in the present circumstances.

In view of the aforesaid discussion, the defendant nos. 1 to 3, 5 & 6 are directed to apprise this Court with regard to the point no. 5 & 6 as part of today’s order, if the suggestions noted therein are feasible or not. List the matter for the aforesaid limited purpose on **01.05.2024 at 12:30 PM.**

The counsel for the defendant nos. 1 to 3, 5 & 6 at this stage states that the list furnished by the plaintiff on 22.04.2024 referred to a few links which were never furnished earlier in any of the inter-se communications. The counsel for the plaintiff objects to the same on the ground that the list only contained the links which were the part of the earlier communications.

**SIDHARTH MATHUR (DHJS)
JOINT REGISTRAR (JUDICIAL)**

APRIL 25, 2024/jr

[Click here to check corrigendum, if any](#)