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

+ **CS(COMM) 193/2019**

COLGATE PALMOLIVE COMPANY & ANR.Plaintiffs

Represented by: Mr.Pravin Anand, Mr.Saif Khan,
Mr.Achuttan Sreekumar and
Mr.Akshay Agarwal, Advocates.

versus

NIXI & ANR. Defendants

Represented by: Mr.Vakul Sharma, Advocate for
defendant No.1.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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21.11.2019

I.A. 11497/2019 (under Order XXXIX Rule 1 and 2 CPC)

I.A. 5399/2019 (under Order XXXIX Rule 1 and 2 CPC)

1. Despite service none has appeared on behalf of the Oriental Bank of Commerce. Further despite fresh notice to State Bank of India, Taimur Nagar Branch and State Bank of India, Vidyut Nagar, Sonbhadra branch, they could not be served as no steps were taken.

2. Issue fresh notice to the Manager, State Bank of India, Taimur Nagar Branch and the Manager, State Bank of India, Vidyut Nagar, Sonbhadra branch, on the plaintiffs taking steps through ordinary and dasti process, registered AD and Speed Post, returnable on 21st January, 2020.

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1. Learned counsel for defendant No.1 states that defendant No.1 is an organisation which issues licenses to the accredited Registrars for registering the domain names. In this particular case the domain names are being

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registered by godaddy.com and the address of the person registering the domain names infringing the trade name, trademark and the domain name of the plaintiffs would be available with godaddy.com.

2. In view of the fact that godaddy.com is a necessary party, learned counsel for the plaintiffs seeks leave to implead godaddy.com as defendant No.3 in the present suit.

3. Learned counsel for the plaintiffs further submits that godaddy.com has already complied with the order of this Court and blocked the domain name which violates the right of the plaintiffs however, the problem arises because of the laxity in the policy of defendant No.1 for the reason they have not been insisting that their accredited Registrars should obtain the details and particulars of the person/entity registering the domain names through their sites.

4. An affidavit will be filed by the General Manager, Business Development of defendant No.1, that is, National Internet Exchange of India whether the terms and conditions of its agreement/policy with its accredited Registrars warrants them to obtain the complete details of the persons/entity registering the domain names at their sites.

5. Amended memo of parties impleading godaddy.com as defendant No.3 in the present suit be filed within one week.

6. Issue summons in the suit and notice in the application to the newly added defendant No.3 on the plaintiffs taking steps through ordinary and dasti process, registered AD and Speed Post, returnable on 21st January, 2020.

MUKTA GUPTA, J.

NOVEMBER 21, 2019/‘vn’
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