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

+ CS(COMM) 511/2025, I.A. 13372/2025, I.A. 13373/2025, I.A. 13374/2025 & I.A. 13375/2025

**CULVER MAX ENTERTAINMENT PRIVATE
LIMITED**

.....Plaintiff

Through: Mr. Harsh Kaushik, Ms. Anushree Rauta, Mr. Shwetank Tripathi, Mr. Deepak Singhal, Mr. Gaurav Dhingra & Mr. Sachin Akhoury, Advocates.

versus

FREEDRIVEMOVIE.COM & ORS.

.....Defendants

Through: Mr. Mrinal Ojha, Mr. Debarshi Dutta, Mr. Nikhil Gupta, Ms Nikita Rathi, Mr. Yogesh Singh & Mr. Arjun Mookerjee, Advocates for D-45/GoDaddy.
Mr. Yash Raj, Advocate for D-46, 52.
Ms. Nidhi Ramn, CGSC with Mr. Arnav Mittal, Government Pleader for D- 67 & 68.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER
26.05.2025

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I.A. 13373/2025 (O-XI R-1(4) of the Commercial Courts Act, 2015)

1. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

I.A. 13374/2025 (u/s 12A of Commercial Courts Act, 2015)



4. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC OnLine SC 1382, exemption from the requirement of pre-institution mediation is granted.

5. Accordingly, the application is disposed of.

I.A. 13375/2025 (under Section 80(2) of the CPC)

6. The present application has been filed under Section 80(2) of the CPC, seeking exemption from two months' prior notice upon the defendants no.67 and 68.

7. In view of the urgent relief sought, the plaintiff is exempted from effecting two months' prior notice upon the defendants no.67 and 68.

8. Accordingly, the application is disposed of.

CS(COMM) 511/2025

9. Let the plaint be registered as a suit.

10. Issue summons.

11. Counsel appearing for the defendant no.52, which is a Domain Name Registrar, submits that the defendant no.52 has been wrongly impleaded in the present suit as none of the domain names which are the subject matter of the suit are registered with it.

11.1 Accordingly, the defendant no.52 is deleted from the array of parties.

11.2 Amended memo of parties be filed within one (1) week.

12. Summons are accepted by counsel appearing for the defendants no. 45, 46, 67 and 68.

13. Summons be issued to the remaining defendants through all permissible modes.

14. Written statement(s) shall be filed by the defendants within thirty (30)



days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/ denial of the documents of the plaintiffs, without which the written statement shall not be taken on record.

15. Liberty is given to the plaintiff to file replications, if any, within thirty (30) days from the receipt of the written statement(s). Along with the replications filed by the plaintiff, affidavit of admission/ denial of the documents of the defendants be filed by the plaintiff.

16. 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 also be filed with the pleadings.

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

18. List before the Joint Registrar on 11th August, 2025 for completion of service and pleadings.

19. List before Court on 30th October, 2025.

I.A. 13372/2025 (u/O-XXXIX Rules 1 & 2 of the CPC)

20. The present suit has been filed seeking relief of permanent injunction, restraining the defendants no.1 to 41 (rogue websites) from infringing the exclusive rights in the plaintiff's original content/work by making their original content/work available for downloading, streaming, uploading and reproducing, along with other ancillary reliefs.

21. The plaintiff is a company incorporated under the laws of India is engaged in the business of creation, production, acquisition, exploitation,



distribution and monetization of various audiovisual contents such as web series, motion picture, etc., on digital as well as non-digital platforms. The plaintiff is one of India's leading producers of fictional and non-fictional shows/web-series/films and has a reputation for developing/producing high-quality and diversified content.

22. The plaintiff is the author of the original content such as shows/web-series/films, etc. The details of the original content motion picture/cinematographic films of the plaintiffs are given in paragraph no.1 of the plaint.

23. It is averred that the plaintiff's films and television shows, comprising both visual and sound recordings, qualify as "cinematograph films" under Section 2(f) of the Copyright Act, 1957 (hereinafter the 'Act'). It is stated that all of the plaintiffs' cinematograph films and shows fall within the definition of 'works' under Section 2(y) of the Act and are subject to the rights conferred by Section 14(d) of the Act.

24. It is stated that since these works are released or published in India, they are entitled to protection under Sections 13(1), 13(2), and 13(5) of the Act. Even in cases where the works are not first published in India, they are still protected under Section 40 of the Act, which extends copyright protection to foreign works.

25. The plaintiffs have exclusive rights to communicate their content to the public. The plaintiffs are the authors, first owners, or exclusive Indian distributors of these works and are entitled to legal protections.

26. It is contended that defendants no.1 to 41 ("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 films; 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).

27. In order to protect and enforce their exclusive rights, the plaintiff investigated and monitored the defendants’ websites and gathered evidence of their infringing activities which 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 defendants’ websites are in the nature of new iterations, and the new iterations almost invariably have the same functionality and purpose as the earlier blocked sites. The evidence gathered by the plaintiffs is filed along with the plaint.

28. In light of the above, it is stated that the defendants no.1 to 41 are liable for infringement of the plaintiffs’ copyright works under Section 51(a) and Section 51(b) of the Act. The said infringement includes unauthorized acts of copying the plaintiff’s original content, storing the same in any medium by electronic or other means, and communicating it to the public by hosting, streaming, reproducing, distributing, or making available for download and streaming, without authorisation of the plaintiffs. Reliance is placed on the decision of this court in **UTV Software Communication Ltd.**



& Anr. v. 1337x.to and Ors¹, wherein a coordinate bench of this court laid down factors to categorise a website as a rogue website.

29. It is further contended by the plaintiffs' counsel that the majority of the defendants no.1 to 41's websites are anonymous in nature, and the information provided in the public domain regarding the owners of the website is either incomplete, incorrect 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 their privacy.

30. Therefore, to ensure the effective implementation of orders passed by this Court, the plaintiffs have arrayed various domain name registrars as the defendants no. 42-57 (hereinafter "the said DNRs"), internet and telecom services providers as the defendants no. 58-66 (hereinafter "the said ISPs"), DoT as the defendant no.67, MEITY as the defendant no.68 in the present suit.

31. Based on the averments made in the plaint, the plaintiff has established itself as the owner of their works in the original content motion web-series/pictures/cinematographic works. A *prima facie* case is made out in favour of the plaintiff.

32. Balance of convenience is also in favour of the plaintiff. Further, irreparable harm or injury would be caused to the plaintiff if an interim injunction order is not passed. The need for immediate relief is particularly pressing in this case as the defendants no.1 to 41 are making available the original content of the plaintiff, which could lead to significant financial losses for the plaintiff.

¹ 2019 SCC OnLine Del 8002



33. Consequently, till the next date of hearing,

- (i) the defendants no.1 to 41 and any such other mirror/redirect/alphanumeric website which appears to be associated with any of the defendant websites either based on its name, branding or the identity of its operator, or source of the content or discovered to provide additional means of accessing, defendant websites, and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities which are discovered to have been engaged in infringing the plaintiffs' exclusive rights), its owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are restrained from 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/program/show in relation to which plaintiff has copyright and/or exclusive distribution rights.
- (ii) The defendants no.42-57 and other DNRs, their directors, partners, proprietors, officers, affiliates, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, are directed to lock and suspend the defendants no.1 to 41's websites identified by the plaintiff in the instant suit and any such other mirror/redirect/alphanumeric website which appears to be



associated with defendants no.1 to 41 either based on its name, branding or the identity of its operator, or the source of the content or discovered to provide additional means of accessing, the defendants no.1 to 41, 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), within 72 hours of being communicated with a copy of order passed by this Court.

- (iii) The defendants no.42-57 and other DNRs are directed to disclose the contact details and other details such as KYC, credit card, mode of payment, mobile number, etc. about the owners of the defendants no.1 to 41 within 72 hours of being communicated with a copy of order passed by this Court.
- (iv) The Internet and telecom service providers, impleaded as the defendants no.58-66, are directed to block access to the defendants no.1 to 41's websites identified by the plaintiff in the instant suit and any such other mirror/redirect/alphanumeric website which appears to be associated with defendants no.1 to 41 either based on its name, branding or the identity of its operator, or the source of the content or discovered to provide additional means of accessing the defendants no. 1 to 41's 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 Plaintiff's exclusive rights within 72 hours of being communicated with a copy of order passed by this Court.



- (v) The defendants no.67 and 68 (DoT and MEITY), are directed to issue a notification calling upon the various internet and telecom service providers, impleaded as the defendants no.58-66, registered under it to block access to the defendants no.1 to 41's websites identified by the plaintiff in the instant suit and any such other mirror/redirect/alphanumeric website which appears to be associated with defendants no.1 to 41 either based on its name, branding or the identity of its operator, or the source of the content or discovered to provide additional means of accessing the defendants no.1 to 41's 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 plaintiff's exclusive rights, within 72 hours of being communicated with a copy of order passed by this Court.
- (vi) To keep up with the hydra-headed nature of the infringement actions of such infringing domains/websites, this Court finds it fit to grant a 'Dynamic+ injunction' to protect copyrighted works as soon as they are created, to ensure that no irreparable loss is caused to the owners of copyrighted works, as there is an imminent possibility of works being uploaded on infringing websites or their newer versions immediately thereafter. The plaintiff is permitted to implead any mirror/redirect/alphanumeric variations of the websites identified in the suit as defendants no.1 to 41, including those websites which are associated with them, either based on the name, branding, identity or even source of content, by filing an application for impleadment under Order I



Rule 10 of the CPC and extend the present order against them, in the event such websites merely provide new means of accessing the same primary infringing websites that have been enjoined.

(vii) If any website, which is not primarily an infringing website, is blocked pursuant to the present order, they shall be permitted to approach the Court by giving an undertaking that it does not intend to engage in any unauthorized or illegal dissemination of cinematograph films/shows or any other content over which the plaintiff has rights. In such a situation, the Court would consider modifying the injunction as the facts and circumstances so warrant.

34. Issue notice.

35. Notice is accepted by counsel appearing for the defendants no.45, 46, 67 and 68.

36. Notice be issued to the remaining defendants through all permissible modes.

37. Reply be filed within four (4) weeks.

38. Rejoinder thereto, if any, be filed within two (2) weeks thereafter.

39. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908, through email, within a period of five days from today. The necessary affidavit shall be filed within one week thereafter.

40. List before the Joint Registrar on 11th August, 2025, for completion of service and pleadings.

41. List before the Court on 30th October, 2025.

AMIT BANSAL, J

MAY 26, 2025/at