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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 833/2023**
UNIVERSAL CITY STUDIOS LLC. & ORS. Plaintiff

Through: Ms. Mehr Sidhu, Mr. Sanidhya
Maheshwari, Ms. R.Ramya,
Advocates

versus

FZTVSERIES.MOBI & ORS Defendant

Through: D-57 is John Doe.

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY
GULATI (DHJS)

% **ORDER**
16.01.2024

I.A. No. 1117/2024 on behalf of the plaintiffs under Order I Rule 10 CPC seeking impleadment of mirrors, redirects, or alphanumeric variations as additional defendant no. 58 in the memo of parties.

Heard.

Vide this order, I shall dispose off the present application filed by the plaintiff under Order 1 Rule 10 CPC for impleadment of a fresh defendant. Learned counsel for the plaintiff has submitted that the Hon'ble Court was pleased to grant an ex-parte ad-interim injunction in this suit against the defendants vide order dated 21.11.2023 for infringement of copyrights of the plaintiff with further directions that as and when plaintiff files an application under Order 1 Rule 10 CPC for impleadment as defendants of such other websites, plaintiff shall file an affidavit confirming that the websites to be impleaded are mirror/ redirect/ alphanumeric websites, with sufficient supporting evidence. Hon'ble Court had further directed that the application for



impleadment shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue directions to the ISPs to disable access in India to such mirror/redirect/alphanumeric websites.

It has been submitted that after passing of the order dated 21.11.2023, another website, as disclosed in the present application, has also started violation of the plaintiff's copyrights. This website is a mirror / redirect / alphanumeric variation of the websites which were blocked pursuant to the order dated 21.11.2023 and is also a necessary party to this suit. It has been further stated that details of the proposed defendant have been disclosed in Schedule-A annexed with application who is liable to be impleaded as defendant no. 58. It has also been submitted that ex-parte injunction dated 21.11.2023 is also liable to be extended against the proposed defendant, in view of the material placed on record alongwith the present IA.

I have considered the submissions and perused the record. The law to deal with such applications and extension of *ex-parte ad-interim* injunction to the proposed defendant has already been laid down in *UTV Software Communication Ltd. & Ors. vs. 1337X.TO & Ors.*, wherein it has been observed, in paragraph 107, to the effect :

“107. Keeping in view the aforesaid findings, a decree of permanent injunction is passed restraining the defendant-websites (as mentioned in the chart in paragraph no. 4(i) of this judgment) their 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, 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 copyright. A decree is also passed directing the ISPs to block access to the said defendant-websites. DoT and MEITY are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the said defendant-websites. The plaintiffs are permitted to implead the mirror/redirect/alphanumeric websites under Order I Rule 10 CPC in the event they merely provide new means of accessing the same primary infringing websites that have been enjoined. The plaintiffs are also held entitled to actual costs of litigation. The costs shall amongst others include the lawyer's fees as well as the amount spent on Court-fees. The plaintiffs are given liberty to file on record the exact cost incurred by them in adjudication of the present suits. Registry is directed to prepare decree sheets accordingly.”

Plaintiff has also filed alongwith an affidavit of investigator with sufficient material to prove that proposed defendant/website is a mirror/redirect/ alphanumeric website which is also involved in violation of copyrights of the plaintiff. In view of the submissions, material put forth by the plaintiff, and directions passed by the Hon'ble Court in the order dated 21.11.2023, the website mentioned in the prayer clause of the application and Schedule-A is impleaded as defendants no. 58.

Since the newly added defendant is also stated to be involved in violation of copyrights of the plaintiff, accordingly *ex-parte* ad-interim Injunction dated 21.11.2023 is also extended against the newly impleaded defendant no. 58.



Amended memo of parties is taken on record.

I.A. stands disposed off.

Let defendant no. 58 be summoned on filing of PF and through all permissible modes including e-mail, returnable on the next date of hearing.

Registry is **directed** to do the needful.

Copy of order be given *dasti*.

Matter is already listed before the Hon'ble Court for 11.03.2024.

Put up before the Hon'ble Court on the date already fixed i.e. 11.03.2024, for further directions.

**AJAY GULATI - I (DHJS),
JOINT REGISTRAR (JUDICIAL)**

JANUARY 16, 2024/sk

Click here to check corrigendum, if any