

OD-9

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE
[Via Video Conference]

IA NO: GA/6/2021
In CS/78/2018

INDIAMART INTERMESH LIMITED
Versus
ANKIT & ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 5th August, 2021

Appearance:

Mr. Rudraman Bhattacharyya, Adv.

Mr. S.K. Bajoria, Adv.

Mr. Sourojit Dasgupta, Adv.

...for the petitioner

Mr. Phiroze Edulji, Adv.

Mr. Debraj Dutta, Adv.

...for Youtube

The Court : Learned counsel for the petitioner seeks to add Youtube as a defendant to the instant suit and for carrying out appropriate amendments to the plaint. Counsel places an order of injunction passed by a learned single Judge on 16th May, 2018 against several channels and portals from using the petitioner's mark "Indiamart". This order was confirmed on 17th September, 2018 followed by an order of 18th March, 2018 passed by another learned single Judge by which the Ministry of Electronics and Information Technology were directed to take necessary steps to protect the rights of the petitioner to the mark "Indiamart". Counsel submits that petitioner has recently found

that Indiamart is also continuing in display on Youtube and places correspondence between the parties to that effect.

Since the correspondence is of March and August, 2020 and the present application is filed almost a year later, this Court is not inclined to pass any order of injunction without first hearing Youtube. It is also not clear from the images in the application as to whether Youtube is continuing to display the petitioner's mark as of today.

There shall, however, be an order permitting the petitioner to add Youtube as a defendant in the instant suit and for consequential amendments to the plaint.

Let the plaint be amended in the manner as indicated in red ink and annexed to the affidavit in support of the Summons.

The department is directed to carry out the amendments within four weeks from date.

Although it is submitted that a copy of the petition had already been served to the Youtube, learned counsel appearing in Court for Youtube prays for formal service of the petition. A copy of the amended plaint shall be served on Youtube within five weeks from date.

List this matter after five weeks.

(MOUSHUMI BHATTACHARYA, J.)