

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

% Order delivered on: July 28, 2014

+ **CS(OS) 2243/2014**

STAR INDIA PVT LTD & ANR ..... Plaintiffs

Through Mr.Amit Sibal, Sr. Adv. with  
Mr.Sidharth Chopra, Ms.Sneha  
Jain, Mr.Prateek Chadha and  
Ms.Savni Dutt, Advs.

versus

HANEETH UJWAL & ORS ..... Defendants

Through None.

**CORAM:  
HON'BLE MR. JUSTICE MANMOHAN SINGH**

**MANMOHAN SINGH, J. (Oral)**

**I.A. No.13873/2014**

This is an application filed by the plaintiffs under Order 13 Rule 1 read with Section 151 CPC seeking exemption from filing the originals of the documents.

For the reasons stated in the application, the same is allowed, subject to originals being produced at the time of admission/denial of the documents.

The application is disposed of.

**I.A. No.13874/2014**

This is an application filed by the plaintiffs seeking exemption from filing the certified copies, clear copies, translations of documents and the left side margin.

For the reasons stated in the application, the same is allowed, subject to just exceptions.

The application is disposed of.

**CS(OS) No.2243/2014**

Let the plaint be registered as a suit.

Issue summons to the defendants through all modes of service including e-mail in addition, returnable on 25<sup>th</sup> August, 2014.

**I.A. No.13872/2014 (u/o XXXIX R.1 & 2 CPC)**

1. The plaintiffs have filed the suit for permanent injunction, accounts of profits, delivery up, damages etc.
2. The case of the plaintiffs is that they are leading sports broadcaster in India and the exclusive licensee of media rights to various sporting events / properties. They are also the owners of a network of sports television channels and by virtue of necessary downlink permissions from the Ministry of Information and Broadcasting, the plaintiff No.2 has the sole and exclusive right to broadcast and distribute the Channels in India i.e. Star Sports 1, STAR Sports 2, Star Sports 3, STAR Sports 4, Fox Sports News, STAR Sports HD 1 and Star Sports HD 2 (collectively referred to as "Star Sports Channels"). All the Star Sports Channels are pay channels. The Star Sports Channels carry various exciting sporting events in the field of cricket, football, F1, Badminton, tennis, hockey etc., such as the various international & domestic cricket matches organized by the Board of Control for Cricket in India (BCCI), International cricket matches organized by Cricket Australia (CA), International cricket matches organised by the England and Wales Cricket Board (ECB), cricket matches & tournaments organized by

International Cricket Council (ICC), Champions League Twenty 20, Wimbledon, Australian Open, Barclays Premier League, Spanish La Liga, Italian Serie A, F1, Hockey India League, Indian Badminton League.

3. The plaintiffs have internet and mobile presence through plaintiff No.2's website / mobile application [www.starsports.com](http://www.starsports.com) and the starsports.com app which is a dedicated digital sports entertainment service (transmitted through internet and mobile) on which the digital rights to various sporting events / properties are exploited / displayed by the plaintiff. These internet services through [www.starsports.com](http://www.starsports.com) are an online destination that brings the best of live sports in India. It offers to viewers, sports content on live, delayed live, video on demand and pay per view basis. The internet services through [www.starsports.com](http://www.starsports.com) are accessible from a browser on a laptop, personal computer or any hand-held device.

4. The England and Wales Cricket Board (ECB) is a company limited by guarantee established under the laws of England and was created on 01<sup>st</sup> January 1997. It was created by combining the roles of the Test and County Cricket Board, the National Cricket Association and the Cricket Council as the single national governing body for all cricket in England and Wales. The ECB is responsible for the management and development of every form of cricket for men and women in England and Wales. This includes clubs, schools, juniors and youth, disabilities cricket, representative, first class and international cricket. The ECB, as a part of its duties and responsibilities, is organising the tour of the Indian national men's cricket team to England for the India-England Series 2014. The series

is going to be played between 09<sup>th</sup> July, 2014 to 07<sup>th</sup> September, 2014 and comprises of 05 (five) test matches, 05 (five) one day internationals and 01 (one) Twenty20 match. The schedule of matches / events for the India- England Series 2014 is filed herewith.

5. The plaintiff No.1 has been granted the exclusive Television Rights, Internet Rights, Mobile Rights and On-Demand Rights in respect of the India-England Series 2014 for various territories across the world, including but not limited to Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka to name a few. More specifically, the plaintiff No.1 has been granted on an exclusive basis, the license to exploit the following (hereinafter referred to as “the Broadcasting Rights”):

- Television Rights by means of cable, terrestrial (analogue and digital), DTH and / or IPTV transmission,
- Internet Rights by means of the Internet to any device capable of accessing the Internet,
- Mobile Rights by means of Mobile Technology to any Mobile Devices including through Mobile Applications
- On-Demand Rights to make the Footage available on On-Demand Basis.

These rights include the live, delayed, highlights, on demand, and repeat broadcasting of the India-England Series Matches. A copy of the letter dated 03<sup>rd</sup> July, 2014 issued by the ECB in favour of plaintiff No.1 confirming the existence and scope of rights granted by the ECB to the plaintiff No.1, is filed in the present proceedings. The plaintiff No.1 undertakes to produce a

redacted version of the various agreements qua its exclusive rights as and when directed by this Court.

6. It is stated in the plaint that having the Exclusive Television rights, the plaintiffs are broadcasting and communicating the live, delayed, highlights, clips and repeat telecast of the 2014 India-England Series matches in India through the Star Sports Channels of the plaintiffs. The plaintiffs, who also have the Internet and Mobile Rights for the 2014 India – England Series, are also hosting, streaming, broadcasting, retransmitting and sharing the 2014 India-England Series Matches and content related thereto, on its website [www.starsports.com](http://www.starsports.com) and also as a mobile software application STARSports.COM compatible with iOS and Android platforms. The plaintiff No.1 has paid a significant price for the acquisition of the exclusive Broadcasting Rights to ECB by virtue of which the plaintiffs have the exclusive authority and license to exploit and / or authorize the exploitation of the Internet, Mobile and On-Demand Rights, as explained hereinbefore, qua the 2014 India-England Series for the territory of India. Thus, an entity which is not authorized by ECB to broadcast, retransmit, host, stream, make available for viewing and download, provide access to or communicate to the public, the broadcast of the 2014 India-England Series Matches on any platform including the Internet and mobile platforms, in India cannot so broadcast, retransmit, host, stream etc., the broadcast of the 2014 India-England Series Matches and any content related thereto in India. Any entity which so broadcasts, retransmits, hosts, streams, etc., the broadcast of the 2014 India-England Series Matches and the

related content thereto in India on any platform including the Internet and Mobile without the authorization of the plaintiffs will be interfering with the exclusive rights of the plaintiffs vesting by virtue of its arrangement with ECB and / or the statutory broadcast reproduction right conferred by Sec.37 of the Indian Copyright Act, 1957 (which is the subject matter of the present suit).

7. It is also averred in the plaint that the plaintiffs have made substantial investments in securing the exclusive Internet, Mobile and On-Demand Rights for the 2014 India-England Series. Since, international cricket matches are organized and played only for a few days in the year, the potential opportunities to exploit the exclusive Internet, Mobile and On-Demand Rights associated with a cricket match are primarily available only during the live broadcast of such matches. India being a cricket crazy nation, the potential opportunities available to the plaintiff to recover its huge investments in acquisition of the exclusive Internet, Mobile and On-Demand Rights for the 2014 India-England Series is at its highest during the live broadcast of the matches. The cricket series between India and England is amongst the most watched, popular and sought after sporting event. The plaintiffs thus expect to earn substantial revenues through its internet and mobile app services during the 2014 India-England Series by offering live broadcasts of matches as broadcast on the plaintiffs' channels, repeat broadcast of the matches, on demand content access to the matches, customized clips, blogs, contests etc. in relation to the 2014 India-England Series.

8. Therefore, any hosting, streaming, making available for viewing and/or communication to the public of the 2014 India-England Series

Matches, as broadcast on the plaintiffs' Channels by any means on any platform including the internet and mobile, by any of the named or unnamed defendant websites would be illegal and amount to violation of the broadcast reproduction rights of the plaintiffs protected under Section 37 of the Copyright Act, 1957.

9. It is submitted that it is not just the plaintiffs who are the beneficiary of the rebroadcast and communication of the broadcast of the 2014 India-England Series Matches in India through internet and mobile, but also Government agencies and the general public including other stakeholders such as sponsors, team owners, brands, media, well-wishers etc. to name a few. Cricket matches have tremendous popularity and viewership in India. The acts of infringement of the exclusive rights and broadcast reproduction rights of the plaintiffs will not only cost the plaintiffs, losses of substantial sums of money, but will also take away the legitimate revenues of the Government through service tax, etc. which are payable on the subscription fees payable by these named and unnamed defendants, if they conduct their business legitimately. The interests of these entities / persons would also be prejudiced in the event the named and unnamed defendants' websites are not restrained from illegally hosting, broadcasting, transmitting, making available for viewing and/or communicating to the public, the broadcast of the 2014 India-England Series Matches in India without the plaintiffs' permission (irrespective of whether such broadcasts are of the 2014 India-England Series Matches as broadcast on the plaintiffs' channels or on the channels of foreign licensees). Hence it is imperative that the injunction orders as prayed for by the plaintiffs in the instant plaint

and the accompanying interim injunction application be allowed in the interests of justice.

10. It is mentioned in the plaint that the defendants own, operate and manage the various websites identified in the Memo of Parties and are located all across the world under the name and style and at the locations as mentioned in the Memo of Parties of the instant suit. It is submitted that many of these websites are anonymous in nature and it is virtually impossible to locate the owners of such websites or contact details of such owners. It is submitted that many of these defendant Websites also hide behind domain privacy services offered by various domain name Registrars. Such domain privacy service enables a website owner to hide behind a veil and not disclose any contact details publicly, to protect its privacy. When a website seeks the protection of such domain privacy services, only the information of a forwarding service is made publicly available and no personal details, contact address or e-mail IDs of owners of such websites is made publicly available. Consequently, it is extremely difficult, almost impossible, to get in touch with these websites to call upon them to cease their infringing conduct. Unless the domain name registrars of the respective websites which use such domain privacy services are directed to disclose the details of the owners of the defendant websites, it would be impossible to get the address, location and contact details of the owners of the defendant Websites.

The services provided by the defendant Websites are not restricted to their country or city of incorporation but due to the very nature of internet, are available all across the world, including, without limitation, in India, within the territorial jurisdiction of this Hon'ble



Court. It is stated that the defendant Websites are not authorised to host, stream, broadcast, retransmit, exhibit, make available for viewing and download, provide access to and/or communicate to the public, the broadcast of the 2014 India-England Series Matches and the content related thereto in India including the plaintiff's broadcast in relation to the 2014 India-England Series Matches and the content related thereto. Thus, the act of hosting, streaming, broadcasting, retransmitting, etc. the broadcast of the 2014 India-England Series Matches and the content related thereto in India including the plaintiff's broadcast by the defendant Websites amounts to infringement of the exclusive rights acquired by the plaintiffs from ECB as also its Broadcast Reproduction Rights in terms of Section 37 of the Copyright Act, 1957. It is submitted that a fresh cause of action arises against the defendant Websites every time such defendants host, stream, broadcast, retransmit, etc. the broadcast of the 2014 India-England Series Matches and the content related thereto in India including the plaintiff's broadcast to its users, including in Delhi, without obtaining permission from the plaintiffs and the plaintiffs are entitled to institute a fresh suit based on such fresh cause of action against the defendants.

11. It is submitted that the instant suit is being filed primarily against the defendant Websites which are such websites which predominantly carry infringing content. Such websites thrive and survive by hosting, streaming, broadcasting, retransmitting, etc. illegal content to its users. These websites provide illegal content either through (a) hosting, streaming, broadcasting, making available for viewing and download, providing access to and communicating to the

public, the content directly, for free, without any registration and such availability of content is supported by advertisements featuring on these websites, or (b) through the mode of Subscription Video-On-Demand (VOD) or pay per view basis where users are required to first register on these websites and then subscribe and make payment to access the illegal content hosted, streamed etc. by these websites. Thus, they earn their revenues either through advertisements dependent upon user traffic, or through advertisement and subscription revenues. Due to the very nature of internet where it is very easy to engage in illegal activities and avoid detection, internet piracy is thriving. After conducting proper due diligence for months and gathering evidence of past infringing conduct over a period of time, the plaintiffs have shortlisted such **Rogue Websites** which predominantly host, stream, broadcast, retransmit, etc. illegal content, including content for which the plaintiffs have exclusive rights for India. Such websites are **Rogue Websites** since they primarily host and stream illegal content without any regard to the rights of the right owners. These Rogue Websites not only violate and infringe the intellectual property rights of the various right holders, but also substantially erode and dilute the value of the said intellectual properties by taking away significant revenues from all the stakeholders.

12. Owing to the fact that the defendant Websites themselves are, as a whole, instruments / vehicles of infringement, it is not practical / viable to target / seek a restraint against individual or some specific URLs belonging to the defendant Websites. A URL or a Uniform Resource Locator is a combination of alpha-numeric character used

to locate a particular resource or content located on the internet. For example, the URL at which the cricket matches are available for viewing on the plaintiffs' website is <http://www.starsports.com/cricket/index.html>. It is submitted that in case a URL is blocked or disabled, it is extremely easy for the website to provide access to the blocked content through another URL since a mere change of a character in the URL string will result in a completely new URL. Consequently, it is extremely easy for a website to circumvent and thus nullify any order that directs blocking of specific URLs since such websites can very easily provide access to the same content by merely changing one character in the URL string. Thus, unless access to the entire website of the named and unnamed defendants is blocked, there is no alternate and efficient remedy that is open to the plaintiffs. It is for this reason that the plaintiffs are seeking appropriate orders directing internet service providers from blocking access to the Rogue Websites. Further, since most of these websites are anonymous in nature and operate behind a veil of secrecy, they are faceless entities and are not obliged to follow any orders of any court. Consequently, it is humbly submitted that there is no other remedy or method available to the plaintiffs to protect its valuable exclusive rights except to block access to such websites in India.

13. In order to protect and enforce its exclusive rights, the plaintiffs engaged the services of a third party agency to monitor websites and gather evidence of their infringing activity. Necessary affidavit of a representative of the said agency detailing the activities performed by them in discharge of their services to the plaintiff is filed herewith.

After carefully monitoring the activities of various websites for the past 5 (five) events for which the plaintiffs had exclusive rights, and in light of the evidence gathered against such websites, a list of 107 (one hundred and seven) “Rogue Websites” has been prepared, whose primary business model appears to be providing illegal content for viewing and download. More than 4000 (four thousand) legal notices have been served to these Rogue Websites on behalf of the plaintiffs for infringement calling upon them to cease from indulging in such infringing activities. It is submitted that the number of legal notices served on these websites are much higher when other events for which the plaintiffs had exclusive rights are taken into consideration. Till date, these Rogue Websites have not complied with the legitimate demands of the plaintiffs and continue to brazenly and blatantly provide sports and other content without authorisation. Before the start of the 2014 India-England Series, the plaintiffs served caution notices to these Rogue Websites calling upon them to not indulge in piracy and infringement of exclusive rights of the plaintiffs. These Rogue websites have not complied with the caution notices. It is thus submitted that these Rogue Websites are vehicles of infringement, which are, primarily and predominantly, engaged in the business of hosting, streaming, broadcasting, making available for viewing and download, providing access to and communicating to its users, illegal content. Unless access in India to such Rogue Websites is blocked, the plaintiffs’ valuable exclusive rights and broadcast reproduction rights will continue to be blatantly, brazenly and openly violated by these Rogue Websites. Copies of notices issued to a few of the Rogue Websites on behalf of the plaintiffs in the past and the

notices served by plaintiffs before the commencement, and during the continuation, of the 2014 India-England Series are filed herewith. However, since the evidence collected against these Rogue Websites voluminous, in order to avoid burdening this Court and the Court's Registry, the plaintiffs crave leave to refer to and rely upon further evidence as and when required.

14. Specific allegations are made by the plaintiffs in the plaint that these Rogue Websites are directly competing with the plaintiffs' STAR SPORTS internet and mobile services since both of them are targeting those cricket fans, including in Delhi, who want to watch the 2014 India-England Series Matches and the content related thereto through the internet and mobile media platforms. Considering the substantial investments which have been made by the plaintiffs in acquisition of the exclusive rights for the 2014 India-England Series, as also the significant expenses incurred by the plaintiff in setting-up the infrastructure of STARSPORTS.COM internet and mobile service (video player, internet bandwidth, deployment of Digital Rights Management, development of applications across various media platforms etc.), advertising, promoting and broadcasting the 2014 India-England Series matches on the internet and mobile through its digital portal STARSPORTS.COM, and bearing in mind that these Rogue Websites do not make any investments in acquisition of the exclusive rights for the 2014 India-England Series nor do they take any efforts in legalizing their infringing activity despite repeated reminders and legal notices, these Rogue Websites are misappropriating and unfairly competing with the plaintiffs by seeking to reap what they have not sown. The plaintiffs are thus legally

entitled to seek protection against such unfair competition and commercial misappropriation by the Rogue Websites and dilution and erosion of its valuable intellectual property rights. Hence, the plaintiffs are compelled to initiate the present suit against various websites identified herein above who have indulged in the past, and continue to indulge, in piracy and infringement of the plaintiffs' exclusive Internet, Mobile and On-Demand Rights and the plaintiffs' exclusive Broadcast Reproduction Rights by hosting, streaming, making available for viewing and download, providing access to and/or communicating to the public the broadcast of the 2014 India-England Series Matches and the content related thereto in India including the plaintiff's broadcast in relation to the 2014 India-England Series Matches. Due to technological advances, the nature of the internet, its vastness and ubiquity, lack of geographical boundaries and the ease with which detection can be avoided; internet piracy has become a big menace and a threat to the value of the intellectual property rights of various right holders. The exclusive rights acquired at substantial costs are rendered nugatory due to the inherent nature of the business dealings on the internet, whereby it is very easy to successfully operate under the veil of secrecy (by using domain privacy services), avoid detection and thus thrive in the illegal business of internet piracy. Therefore, it is crucial that the plaintiffs are able to promptly restrain such internet piracy, unfair competition and infringement on the internet of the plaintiff's exclusive rights vesting by virtue of its arrangement with ECB and its exclusive broadcast reproduction rights in relation to the 2014 India-England Series which is commencing from 09<sup>th</sup> July 2014 and which would

last till 07<sup>th</sup> September, 2014. Owing to the fact that the defendant Websites themselves are, as a whole, instruments / vehicles of infringement, it is not practical / viable to target / seek a restraint against individual or some specific URLs belonging to the defendant websites. As stated previously, it is extremely easy for the website to provide access to the blocked content through another URL since a mere change of a character in the URL string will results in a complete new URL. Consequently, unless access to the entire website of the named and unnamed defendants is blocked, there is no alternate and efficient remedy that is open to the plaintiffs. On account of the short duration of the event, the plaintiffs must be accorded protection for its legal rights failing which the entire suit and the accompanying injunction application would be rendered infructuous thereby causing immense prejudice, harm and irreparable loss to the plaintiffs.

15. It is stated in the plaint that these Rogue Websites, by providing free access to the sports content, are able to ensure regular, consistent and high user traffic to its own illegal website. Since advertising revenues on the internet is linked to the user traffic to a particular website or webpage, these Rogue Websites are able to demand and collect high advertising revenues at the cost of the plaintiffs. Consequently, the brazen and blatant infringing activities of these Rogue Websites set at naught, the complete business of sports broadcasting of the plaintiffs.

It is further submitted that the services being provided by the said websites also pose a huge security risk. These Rogue Websites collect confidential information when users register with them. These

Rogue Websites, by virtue of various technological means, are also able to gain illegal access to the contents of a user's computer system. Since these websites operate in an environment where they do not deem themselves bound by any rules and they rarely follow the laws of the land, in the process of conducting their illegal business, they significantly compromise the security of the confidential information and data which is provided by unsuspecting users, and which may be residing in the computer systems of such unsuspecting users. It is thus extremely important and in the interest of right holders and the public at large that such illegal and Rogue Websites which are vehicles of infringement are restrained from conducting their illegal activities at once.

16. The specific statement is made by the plaintiffs in the plaint that they are faceless entities such that it is virtually impossible to locate the owners of such websites or their contact details. If the plaintiffs were to wait and identify specific websites and collect evidence of infringement against such specific websites, they would lose a great amount of time and it is likely that the 2014 India-England Series matches would have come to an end by then. This loss of time in enforcement of their rights would lead to an immediate and irreparable loss, injury and damage to the plaintiffs. There is no other way for the plaintiffs to protect its valuable exclusive rights except to block access to such websites in India. The said unknown websites are engaged in the same line of business as the named defendant Websites i.e. they own, operate and manage websites on which third party content is illegally hosted, streamed, broadcast, retransmitted, etc. The plaintiffs apprehend that in light of the past conduct of these



unknown websites during popular sporting events, these Websites, are likely to host, stream, broadcast, etc. the broadcast of the 2014 India-England Series Matches including the plaintiff's broadcast in relation to the 2014 India-England Series Matches, through their websites. Such websites might also authorize the hosting, broadcasting etc. and consequently, earn significant revenues and it is not possible and/or practical for the plaintiffs to initiate separate suit proceedings against such unnamed rogue websites. It is submitted that the unknown and known websites are being joined as defendants together in the present suit proceedings on account of identity and/or similarity of their business and the identity/similarity in their activity/transactions in infringing or intending to infringe the exclusive rights of the plaintiffs. It is submitted that if separate suits are brought against the said defendants individually, common questions of law and / or fact would arise. As demonstrated above, the right to sue against the defendants arises out of the same act or transaction or series of acts or transactions, i.e. infringement of the plaintiff's exclusive rights vesting in it by virtue of its arrangement with ECB and also its exclusive Broadcast Reproduction Rights in relation to the 2014 India-England Series to be broadcast on the plaintiff's Channels.

17. This Court has, in the past, in the case of ***Taj Television vs. Rajan Mandal*** [2003] FSR 22, recognised that Indian Courts have the power to pass orders against such unknown "John Doe" defendants in exercise of its inherent jurisdiction. In fact, Indian Courts have already passed restraint orders against such unknown

“John Doe” or “Ashok Kumar” defendants in previous cases, which orders are filed in the present suit.

18. It is alleged by the plaintiffs that the defendant Nos. 1 to 31 and 52 to 70 shall hereinafter be, collectively referred to as “Defendant Websites”, unless referred to otherwise. The defendant Websites have been arrayed as defendants in the present suit, as the cause of action against the defendant Websites in the present suit arises from the same set of acts or transactions or series of acts or transactions, and therefore, common issues of fact and / or law would arise. The exact constitution of the defendant Websites is not known to the plaintiffs, at this time, and can be ascertained only after discovery in the present suit. The plaintiffs undertake to amend the memo of parties and substitute the unknown defendants with such parties who are found to be engaged in infringing the plaintiff’s exclusive rights and Broadcast Reproduction Rights as described more particularly herein below. However, in compliance with the provisions of the Code of Civil Procedure, 1908, such defendants along with the identified defendants are believed to have a common source of its illegal activity and hence the right to relief in respect of, and arising out of, this same act / transaction / series of acts / transactions exists against these defendants, jointly or severally. If separate suits were brought against these defendants, common questions of law and fact would arise. The defendants and all parties known and unknown are thus jointly and severally liable for infringement and violation of the plaintiff’s exclusive rights and the plaintiffs are entitled to all remedies available to it under common law and under Section 55 read with Sections 37 and 39A of the Copyright Act.

19. The plaintiff has also arrayed the defendant No. 50, Department of Telecommunications (DoT), and defendant No. 51, the Department of Electronics and Information Technology (DEITY), for similar reason, i.e. to enforce / ensure compliance with any orders of injunction that this Court may be inclined to grant in favour of the plaintiffs to protect its rights from being infringed by the defendant websites within the territory of India. The limited relief being claimed against the DoT and the DEITY is to ensure compliance of any orders of this Court in favour of the plaintiffs, by disabling access into India of such Rogue Websites which are primarily vehicles of infringement and which host, stream, make available and communicate to its users, illegal content including the 2014 India-England Series being broadcast on the plaintiff's Channel. It is submitted that since no formal remedy / relief as prescribed under the Copyright Act, 1957 is being claimed against the DoT and the DEITY, and since they are being arrayed in the present suit to ensure compliance with any order of injunction that this Court may be inclined to pass, the provisions of Section 80 of the Code of Civil Procedure, 1908 have no application. The DoT itself acknowledges the fact that ISPs have an obligation to ensure that no violation of third party intellectual property rights takes place through the networks of ISPs and that effective protection is provided to right holders of such intellectual property. By virtue of the obligations that have been imposed upon an ISP under its License Agreement with the Department of Telecommunications, the ISPs are mandated to ensure that content which infringes intellectual property is not carried on its network. Per clause 33.3 of the License Agreement for the Provision of Internet Services between the

Department of Telecommunications and the concerned ISP, and clause 40.3 of the License Agreement for Unified License (Access Services) between the Department of Telecommunication and the concerned ISP, whichever is applicable, the ISPs have an obligation to ensure that content which infringes intellectual property is not carried on its network. The said clauses are extracted below for convenience:

*33.3 The LICENSEE shall take necessary measures to prevent objectionable, obscene, unauthorized or any other content, messages or communications infringing copyright, intellectual property etc., in any form, from being carried on his network, consistent with the established laws of the country. Once specific instances of such infringement are reported to the LICENSEE by the enforcement agencies, the LICENSEE shall ensure that the carriage of such material on his network is prevented immediately.*

*40.3 The LICENSEE shall take necessary measures to prevent objectionable, obscene, unauthorized or any other content, messages or communications infringing copyright, intellectual property etc., in any form, from being carried on his network, consistent with the established laws of the country. Once specific instances of such infringement are reported to the LICENSEE by the enforcement agencies/LICENSOR, the LICENSEE shall ensure that the carriage of such material on his network is prevented immediately.*

Copy of the Sample License Agreement for the Provision of Internet Services and the Sample License Agreement for Unified License (Access Services) has been filed along with list of documents.

The plaintiffs have issued letters to the ISP defendants dated 19.07.2014 informing them of the illegal nature of activities of these Rogue Websites and calling upon them to disable access to these Rogue Websites. These ISPs have been called upon to comply with their obligations under their respective License Agreements with the Department of Telecommunications so as to prevent content which infringes intellectual property from being carried on its networks. However, till date, no reply has been received from the said ISPs except one i.e. Reliance Communications, which replied vide e-mail dated 19.07.2014 requesting that specific URLs containing the infringing content be provided. However, as stated hereinbefore, it is extremely easy to circumvent the blocking of the URLs by changing one character in the URL string, thus, unless access to the whole website is blocked, it would be extremely easy to circumvent any URL specific restrictions placed on such websites. It is submitted that the said ISPs continue to provide access to these Rogue Websites. Copies of the letters dated 19.07.2014 and Reliance's reply have been filed.

20. Having heard Mr.Amit Sibal, the learned Senior counsel for the plaintiffs, who has argued the matter on all the issues in the matter as well as the averments made in the plaint and documents placed on record, it appears to the Court that the plaintiffs have been able to make out a strong prima facie case for grant of ex-parte order. The balance of convenience also lies in favour of the plaintiffs and against the defendants. In case the interim orders are not passed, the plaintiffs would suffer irreparable loss and injury.

21. In light of the above, the following ad-interim orders are passed:

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(a) The defendant Nos. 1 to 31 and 52 to 70 websites, their 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, and any other website identified by the plaintiffs as infringing their exclusive rights, are restrained from in any manner hosting, streaming, broadcasting, rebroadcasting, retransmitting, exhibiting, making available for viewing and downloading, providing access to and / or communicating to the public, (including to its subscribers and users), through the internet, in any manner whatsoever, the plaintiffs' broadcast, as broadcasted / contained in its Channels Star Sports 1, Star Sports 2, Star Sports 3, Star Sports 4, Star Sports HD1 and Star Sports HD2 in relation to the 2014 India – England Cricket Series content, so as to infringe the plaintiffs' broadcast reproduction rights.

(b) The defendant Nos. 1 to 31 and 52 to 70 websites, their 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, and any other website identified by the plaintiff as infringing their exclusive rights, are restrained from in any manner hosting, streaming, broadcasting, rebroadcasting, retransmitting, exhibiting, making available for viewing and downloading, providing access to and / or communicating to the public,

(including to its subscribers and users), through the internet in any manner whatsoever, the broadcast of the 2014 India – England Cricket Series content, amounting to unfair competition and commercial misappropriation of the plaintiffs' rights.

(c) The defendant Nos. 32 to 49, their directors, 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 directed to ensure and secure compliance of this order.

(d) The defendant Nos. 50 and 51 are directed to ensure and secure compliance of this order by calling upon the various internet service providers registered under it to block access to the various websites identified by the plaintiffs in the instant suit, or such other websites that may subsequently be notified by the plaintiffs to be infringing its exclusive rights, within three days from the date of receipt of the copy of the order.

(e) The direction is passed to the Domain Name Registrar's of each of the websites listed at S. No. 1 of the Documents filed with the plaint to disclose the contact details and other details about the owner of the said websites. The list of the websites is as under:

**List of websites identified as streaming  
infringing content of plaintiffs**

1. www.cricket.golivesearch.com	54. www.footystream.tv
2. www.1.livecricfun.com	55. www.beeltv.com
3. www.cricpower.com	56. www.extracover.net
4. www.crictime.com	57. www.fanslounge.tv
5. www.1tvlive.in	58. www.cricpass.net
6. www.cricalive.com	59. www.fancystreams.com

7. <a href="http://www.webcric.com">www.webcric.com</a>	60. <a href="http://www.a2zstream.com">www.a2zstream.com</a>
8. <a href="http://www.iplstream.com">www.iplstream.com</a>	61. <a href="http://www.cric-tv.com">www.cric-tv.com</a>
9. <a href="http://www.bigcricTV.com">www.bigcricTV.com</a>	62. <a href="http://www.kingTVlive.com">www.kingTVlive.com</a>
10. <a href="http://www.cricmelive.com">www.cricmelive.com</a>	63. <a href="http://www.mycricTime.com">www.mycricTime.com</a>
11. <a href="http://www.istreams.com">www.istreams.com</a>	64. <a href="http://www.samistream.com">www.samistream.com</a>
12. <a href="http://www.cricketbook.info">www.cricketbook.info</a>	65. <a href="http://www.tvToss.com">www.tvToss.com</a>
13. <a href="http://www.watchcric.com">www.watchcric.com</a>	66. <a href="http://www.footballhd.me">www.footballhd.me</a>
14. <a href="http://www.ipl-2014.acricicket.com">www.ipl-2014.acricicket.com</a>	67. <a href="http://www.khirad.info">www.khirad.info</a>
15. <a href="http://www.fastcric.com">www.fastcric.com</a>	68. <a href="http://www.livecricwatch.com">www.livecricwatch.com</a>
16. <a href="http://www.tvlivechannels.com">www.tvlivechannels.com</a>	69. <a href="http://www.onlinelivetvchannel.in">www.onlinelivetvchannel.in</a>
17. <a href="http://www.cricket.livescores.pk">www.cricket.livescores.pk</a>	70. <a href="http://www.streamlive.info">www.streamlive.info</a>
18. <a href="http://www.digitalipl.com">www.digitalipl.com</a>	71. <a href="http://www.thecricicket-tv.info">www.thecricicket-tv.info</a>
19. <a href="http://www.livetvstreamin.com">www.livetvstreamin.com</a>	72. <a href="http://www.cricketembed.com">www.cricketembed.com</a>
20. <a href="http://www.masteetv.me">www.masteetv.me</a>	73. <a href="http://www.embedstream.com">www.embedstream.com</a>
21. <a href="http://www.tvonclick.com">www.tvonclick.com</a>	74. <a href="http://www.firstrowsports.ge">www.firstrowsports.ge</a>
22. <a href="http://www.s247tv.com">www.s247tv.com</a>	75. <a href="http://www.starcric.net">www.starcric.net</a>
23. <a href="http://www.saadtv.com">www.saadtv.com</a>	76. <a href="http://www.cricketcontrol.in">www.cricketcontrol.in</a>
24. <a href="http://www.cricvid.com">www.cricvid.com</a>	77. <a href="http://www.onlinemoviesportsandtv.com">www.onlinemoviesportsandtv.com</a>
25. <a href="http://www.nowwatchtvlive.com">www.nowwatchtvlive.com</a>	78. <a href="http://www.1tvstream.com">www.1tvstream.com</a>
26. <a href="http://www.cricket247.tv">www.cricket247.tv</a>	79. <a href="http://www.cdn.livetv.sx">www.cdn.livetv.sx</a>
27. <a href="http://www.hqlive.net">www.hqlive.net</a>	80. <a href="http://www.isportstv.net">www.isportstv.net</a>
28. <a href="http://www.idesimela.com">www.idesimela.com</a>	81. <a href="http://www.livehqtv.com">www.livehqtv.com</a>
29. <a href="http://www.ipl-2014.live-cricket-streamng.com">www.ipl-2014.live-cricket-streamng.com</a>	82. <a href="http://www.sialtv.com">www.sialtv.com</a>
30. <a href="http://www.livecricketstream.in">www.livecricketstream.in</a>	83. <a href="http://www.toptvchannels.com">www.toptvchannels.com</a>
31. <a href="http://www.bcric.com">www.bcric.com</a>	84. <a href="http://www.coolsport.tv">www.coolsport.tv</a>
32. <a href="http://www.drakulastream.eu">www.drakulastream.eu</a>	85. <a href="http://www.cricTimeLiveCricicket.com">www.cricTimeLiveCricicket.com</a>
33. <a href="http://www.crichd.in">www.crichd.in</a>	86. <a href="http://www.fullsportlive.org">www.fullsportlive.org</a>
34. <a href="http://www.cricTime.ws">www.cricTime.ws</a>	87. <a href="http://www.khantv.in">www.khantv.in</a>
35. <a href="http://www.cricket-tv.net">www.cricket-tv.net</a>	88. <a href="http://www.nsdevelopers.net">www.nsdevelopers.net</a>
36. <a href="http://www.footcric.net">www.footcric.net</a>	89. <a href="http://www.theskystream.com">www.theskystream.com</a>
37. <a href="http://www.watchlivestreaming.in">www.watchlivestreaming.in</a>	90. <a href="http://www.wwlivetv.com">www.wwlivetv.com</a>
38. <a href="http://www.cricwebtv.com">www.cricwebtv.com</a>	91. <a href="http://www.a2livetv.com">www.a2livetv.com</a>
39. <a href="http://www.itvhdsport.com">www.itvhdsport.com</a>	92. <a href="http://www.fancylive.com">www.fancylive.com</a>
40. <a href="http://www.cricket.hdcric.info">www.cricket.hdcric.info</a>	93. <a href="http://www.firstrow.ge">www.firstrow.ge</a>
41. <a href="http://www.cricket24live.com">www.cricket24live.com</a>	94. <a href="http://www.footyfree.tv">www.footyfree.tv</a>
42. <a href="http://www.criketlivestream.com">www.criketlivestream.com</a>	95. <a href="http://www.geo-super.live-cricket-streamng.co">www.geo-super.live-cricket-streamng.co</a>
43. <a href="http://www.funhdtv.com">www.funhdtv.com</a>	96. <a href="http://www.hdfoots.com">www.hdfoots.com</a>
44. <a href="http://www.hitcric.info">www.hitcric.info</a>	97. <a href="http://www.live.cricvid.tv">www.live.cricvid.tv</a>
45. <a href="http://www.webtv.pk">www.webtv.pk</a>	98. <a href="http://www.feed4u.net">www.feed4u.net</a>
46. <a href="http://www.cricfree.eu">www.cricfree.eu</a>	99. <a href="http://www.football.livescores.pk">www.football.livescores.pk</a>
47. <a href="http://www.cricic.com">www.cricic.com</a>	100. <a href="http://www.freecric.net">www.freecric.net</a>
48. <a href="http://www.cricket-365.tv">www.cricket-365.tv</a>	101. <a href="http://www.hitsports.net">www.hitsports.net</a>
49. <a href="http://www.cricontv.com">www.cricontv.com</a>	102. <a href="http://www.soccer.pk">www.soccer.pk</a>
50. <a href="http://www.cricpk.com">www.cricpk.com</a>	103. <a href="http://www.super-streams.net">www.super-streams.net</a>
51. <a href="http://www.cricTime.livecricwatch.com">www.cricTime.livecricwatch.com</a>	104. <a href="http://www.tgo-tv.com">www.tgo-tv.com</a>
52. <a href="http://www.cricket-365.info">www.cricket-365.info</a>	105. <a href="http://www.thetvtime.com">www.thetvtime.com</a>



53. <a href="http://www.streamer247.com">www.streamer247.com</a>	106. <a href="http://www.time4tv.com">www.time4tv.com</a>
	107. <a href="http://www.tvcric.com">www.tvcric.com</a>

22. The compliance of Order XXXIX Rule 3 CPC be made within one week from today.
23. Registry of this Court is directed to communicate this order to defendant Nos.50 and 51 by way of e-mail and fax.
24. Copy of the order be given Dasti under the signatures of the Court Master.

**(MANMOHAN SINGH)**  
**JUDGE**

**JULY 28, 2014**