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

+ **CS(COMM) 971/2018**

SONY PICTURES NETWORKS DISTRIBUTION INDIA PVT.
LTD. Plaintiff

Through: Mr.Abhishek Malhotra and Ms.Niyati
Asthana, Advs.

versus

WWW.SPORTSLIVE4U.COM AND ORS Defendants

Through

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER

% **04.06.2018**

IA No. 8132/2018 (exemption)

1. Allowed, subject to all just exceptions. CM stands disposed of.

IA No. 8133/2018 (under Section 80(2) CPC)

2. Copy of the entire paper book along with the copy of today's order be served upon Defendants 161 and 162 within three days. CM stands disposed of.

IA No. 8131/2018 (filing the requisite court fee)

3. Counsel for the Plaintiff to produce the challan showing the deposit of the money in the Treasury by tomorrow upon which the order would be released. Time for filing the court fees stamp is extended by five days.

4. The application stands disposed of.

CS (COMM) 971/2018

5. Let the plaint be registered as a suit.

6. Summons be issued in the suit to all the Defendants by e-mails. Insofar Defendant Nos. 96 to 115 and 147 to 160 are concerned, same be issued through courier service. In the summons sent by emails to the Defendant Nos.1 to 96, the summons along with the entire scanned file of the paper book shall be sent. Upon any of the Defendant Nos.1 to 96 entering appearance, a scanned copy of the entire paper book shall be provided to them.

7. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

8. Liberty is given to the Plaintiff to file a replication within 30 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents file by the Defendant, without which the replication shall not be taken on record.

9. 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 be also filed with the pleadings.

10. Electronic evidence is taken on record, subject to being proved at trial in accordance with law.

11. List before the Roster Bench on 4th September, 2018.

I.A. 8129/2018 (u/O 39 Rule 1 & 2)

12. The Plaintiff - Sony Pictures Networks Distribution India Pvt. Ltd.

(*hereinafter, 'Plaintiff'*) has filed the present suit claiming that it operates and owns the channels of the “*SONY TEN Network*”. The said network includes TEN 1, SONY TEN 1 HD, SONY TEN 2, SONY TEN 3 and SONY TEN Golf HD network. These channels are broadcasted and distributed in the territories of India, Nepal, Bangladesh, Sri Lanka, Maldives, as also in Singapore and Hong Kong, Middle East and the Caribbean.

13. It is the Plaintiff’s case that it has been awarded the exclusive license for exploitation on a free and/or pay basis, the rights to broadcast 2018 FIFA World Cup to be held in Russia (*'Event'*) between 14th June, 2018 to 15th July, 2018. As per the letter dated 16th November, 2017, issued by the *Federation Internationale de Football Association (FIFA)* apart from the exclusive licence as stated above, the Plaintiff has also been given the right to broadcast the event, on a live, delayed and repeat basis within the territories of Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka, as also the exclusive television rights, mobile transmission rights, broadband transmission rights, as also non-exclusive radio rights. The said letter dated 16th November, 2017 also confirms that the Plaintiff has also been granted, the permission to sub-license the Media Rights thereof. It is the case of the Plaintiff that the said rights are of great commercial value and has been acquired after considerable investment.

14. The Plaintiff apprehends that the Defendants are likely to illegally communicate, distribute, broadcast and/or transmit illegally the footage of the Event, without the Plaintiff’s consent, licence or permission. The Plaintiff accordingly seeks an interim injunction against such illegal communication to the public of the Event. According to the Plaintiff,

Defendants 1 to 96 are websites which indulge in unauthorised digital transmission of the various matches of the Event both live and delayed, resulting in complete diversion of viewership from its channels. Ld. Counsel for the Plaintiff submits that these websites are known to, even in the past, indulge in such unauthorised transmission.

15. It is the further case of the Plaintiff that Defendant Nos.97 to 115, and 116 to 146 are Multi-System Operators ('MSOs') and Local Cable Operators (LCOs) as per the Cable Television Networks (Regulation) Act, 1995 and are likely to illegally distribute and re-distribute the event. The Plaintiff has also alleged that Defendant Nos.147 to 160 who are the internet service providers ('ISPs') are also likely to indulge unauthorised transmission of the event or whose platforms are likely to be used for such unlicensed transmission, via digital platforms/facilities.

16. The allegations contained in the plaint make out a *prima facie* case in favour of the Plaintiff. Considering that the Football World Cup is enormously popular in the regions where the Plaintiff has exclusive rights as stated above, the Plaintiff is entitled to protection against the illegal transmission, broadcasting, communication, telecast, and unauthorised distribution of any match, footage, clip, audio-video, audio only and/or any part of the Football World Cup, 2018. The Plaintiff being the owner of the exclusive broadcasting rights, steps into the shoes of the owners of the Event under Section 54(a) of the Copyright Act, 1957 and is entitled to maintain the present suit. Enormous investment goes into acquisition of these rights.

17. For the reasons stated in the plaint and the documents placed on record, the Plaintiff has made out a *prima facie* case in its favour. Non-grant of an injunction would prejudice the Plaintiff irreparably as illegal and

unlicensed communication of the matches can dent the Plaintiff's rights in the Event. The Event being a sporting event, having high visibility globally, illegal transmission of the same has a major impact. Balance of convenience is also in favour of the Plaintiff.

18. It is, accordingly, directed that till the next date of hearing, Defendants to 1 to 160 are restrained from illegally broadcasting, transmitting, distributing, or any other manner communicating to the public, the 2018 FIFA World Cup event in Russia, without obtaining a license from the Plaintiff. The Defendant No.161 – Department of Electronics and Information and Technology, and Defendant No.162 - Department of Telecommunication, shall also ensure that ISPs are directed to block the websites of Defendants 1 to 96, which are likely to illegally broadcast the FIFA World Cup, 2018. Upon receiving intimation that any other websites are also indulging in illegal transmission, Defendants No.161 and 162 shall issue directions for blocking of the said websites.

19. List this application before the Roster Bench on 11th July, 2018.

20. Compliance of Order XXXIX Rule 3 CPC be done qua Defendant Nos.1 to 96 by e-mail and Defendant Nos.97 to 160 by speed post and e-mails within three days.

IA No.8130/2018 (for appointment of Local Commissioner)

21. Plaintiff is also seeking appointment of Local Commissioners. For the reasons set out hereinabove, it is considered appropriate to appoint Local Commissioners in respect of Defendants 97 to 115 and Defendants 116 to 146. Accordingly, Mr. Raghav Jha, Advocate (M: 8527147555), Mr. Pranay Govil, Advocate (M:9958860135), Ms. Upasana Goel, Advocate (M: 9711739241), and Ms. Mansi Kukreja, Advocate (M:9811446272) are

appointed as Local Commissioners. They shall, upon receiving intimation be from the Plaintiff, be entitled to undertake the following steps in respect of Defendants 97 to 115 and 116 to 146 who are MSOs and LCOs:

(i) To firstly ascertain if the said defendants are unauthorisedly distributing or transmitting the matches of the FIFA UG 2018 World Cup Russia or communicating/re-distributing the said matches without a licence from the Plaintiff;

(ii) The Local Commissioner/s shall inspect and seize the equipments being used for unauthorised distribution/re-distribution and take the same into custody, if they are found to be broadcasting, distributing or communicating to the public, contents of the FIFA World Cup event and upon preparing an inventory of the same, release the same on Superdari to the Defendants;

(iii) To make a sample recording of the illegal transmission, if possible as also take photographs.

22. In the execution of such commission, the Local Commissioners are empowered to seek the assistance of the SHO of the area concerned, if required. The SHO of the concerned police station shall render all assistance if a request in that regard is made by the Local Commissioner/s. The Defendants are directed to cooperate with the Local Commissioner/s. The information, given by the Plaintiff about the Defendants' unauthorised distribution, shall be communicated to the Local Commissioners in writing. The representatives and counsel of the Plaintiff will be allowed to assist the Local Commissioner/s.

23. The Local Commissioners shall be paid a fee of Rs.50,000/- for Commissions executed within the territory of Delhi and Rs.75,000/- for

those executed outside Delhi, apart from actual expenses.

24. In respect of the unknown Defendants, no orders are currently being passed. However, Plaintiff is given liberty to approach the Court to seek extension of the injunction order against any other parties, if the need so arises. This application stands disposed of.

25. A copy of this order be given *dasti* under signature of the Court Master.

**PRATHIBA M. SINGH
(VACATION JUDGE)**

**JUNE 04, 2018
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