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

+ CS(COMM) 350/2020

I.A. 7456/2020 (under Order XXXIX Rule 1 and 2 CPC)

I.A. 7457/2020 (exemption from filing certified/true typed copies)

**GUJARAT COOPERATIVE MILK**

**MARKETING FEDERATION LTD. & ANR. .... Plaintiff**

Represented by: Mr.Abhishek Singh, Advocate with  
Mr.Saad Shervani, Mr.J.Amal Anand,  
Mr.Ytharth Kumar, Ms.Aayushi  
Mishra and Ms.Kirtika Chhatwal,  
Advocates.

versus

**AMUL FRANCHISE.IN & ORS. .... Defendant**

Represented by: Ms.Ekta Choudhary, Advocate for D9  
to D16  
Mr.Shantanu Sahay, Advocate with  
Ms.Imon Roy, Advocate for D26-  
GoDaddy LLC

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

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**28.08.2020**

The hearing has been conducted through video conferencing.

I.A.7457/2020 (exemption)

1. Exemption allowed subject to just exceptions.
2. Application is disposed of.

CS(COMM) 350/2020

I.A. 7456/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Complaint be registered as a suit.
2. Issue summons in the suit and notice in the application to the defendants.
3. Ms. Ekta Choudhary, learned counsel accepts summons in the suit and notice in the application for the defendant Nos. 9 to 16 and Mr. Shantanu Sahay, learned counsel accepts summons in the suit and notice in the application for the defendant No. 26. Summons and notice be now issued to the remaining defendants on the plaintiffs taking steps through Email, SMS and Whatsapp returnable before this Court on 19th November, 2020.
4. Written statements and reply affidavits in the suit and application along with the affidavits of admission-denial will be filed within thirty days. Replication and rejoinder affidavit along with the affidavit of admission-denial within three weeks thereafter.
5. The present suit has been filed by the plaintiffs aggrieved on receiving several complaints from various parts of the country regarding fraudulent websites being in operation using the well known trademark 'AMUL' of the plaintiffs as suffix or prefix in the domain names. By virtue of the said websites, the defendant Nos. 1 to 8 are impersonating and deceiving the public at large by creating an impression that they are either the services rendered by the plaintiffs or their authorized representatives. From the said websites, the defendant Nos. 1 to 8 offer dealership, distributorship, jobs etc. relating to AMUL and ask for money to be deposited by the individuals seeking franchises, jobs, dealership etc. in

various accounts maintained with defendant Nos. 9 to 25 and thereby cheat gullible common man.

6. Grievance of the plaintiffs is also to the domain Registrars who have been impleaded as defendant Nos. 26 to 34, who despite earlier representations made for taking down the websites, make available websites with prefix and suffix AMUL thereon, resulting in registration of these fake/rogue and fraudulent websites. It is stated that two of such websites requested to be taken down earlier, were again sold by defendant No. 6. To cite an example, the plaintiffs have placed on record list of websites which have resurfaced after initial blocking down and the same are mentioned at serial Nos. 9 and 11 in para 42 (at page 67) of the plaint.

7. Case of the plaintiffs is that between 18<sup>th</sup> June, 2020 to 30<sup>th</sup> July, 2020, plaintiffs issued several legal notices to the Registrars of the domains being defendant Nos. 26 to 34 herein as also to the Registrants of the fake/rogue websites, however, till date, no action has been taken. Further, the plaintiffs also issued legal notices dated 2<sup>nd</sup> July, 2020 and 6<sup>th</sup> July, 2020 to State Bank of India with branch at Anand, Gujarat as also legal notice dated 6<sup>th</sup> July, 2020 through Canara Bank with branch at Anand, Gujarat for freezing bank accounts of those fake entities held by defendant Nos. 9, 10, 11, 17 and 18. However, neither these banks' accounts have been frozen nor the details of the account holders etc. were provided.

8. The plaintiffs state that they have only one authorized and recognized website being [www.amul.com](http://www.amul.com) and have no other authorized website or domain name or portal. The screenshots of the website of the plaintiffs are as under:



9. Plaintiffs have also placed on record the screenshots of the websites of defendants No. 1 to 8 having domain names with the prefix or suffix 'AMUL' and using words used in commercial sense like franchisees, distributors, jobs etc. and thereby, giving an impression to the public at large that they are part of the genuine websites of the plaintiffs. Examples of such websites relating to the defendants No. 1, 2 and 3 are at pages 32, 33 and 34 of the paper book, as under:



**Defendant No.2:-**

The screenshot displays the Amul India Distributor website. At the top, there is a navigation menu with links: HOME, FRANCHISE OPPORTUNITIES, FRANCHISE BENEFITS, APPLY NOW, CHECK STATUS, ABOUT, and CONTACT. Below the menu is a large banner image of an Amul store. The main heading reads "Apply Online for Amul Franchise or Dealership" and "Welcome to Amul India Distributor". A "First Step" button is visible, leading to an "Apply Now" form. The form includes fields for Name, Phone Number, Email, Address, State (dropdown), City, and Pincode. Below the form, there is a "Select Value of Investment" dropdown set to "10-15 lakhs" and a "Select" dropdown set to "RETAILERS". A "SUBMIT" button is at the bottom of the form. Below the form is an "ABOUT US" section with text about Amul's history and a cartoon character. A large orange "Apply Now" button is prominent. Below this is another "ABOUT US" section titled "AMUL FRANCHISE: INVESTMENTS, COST AND REQUIREMENTS" with text about Amul's history and a small image of an Amul store. At the bottom, there are three columns: "ABOUT US" (with text about discounts), "QUICK LINK" (with links to HOME, FRANCHISE OPPORTUNITIES, FRANCHISE BENEFITS, APPLY NOW, CHECK STATUS, ABOUT US, and CONTACT US), and "OUR LOCATION" (with address: OFFICE AT: Marketing Federation PO 10, LOCATED AT: Amul Dairy Road Anand, CITY: Gujarat, STATE: Gujarat, EMAIL ID: info@amulindia.com). A map shows the location in Anand, Gujarat.

**Defendant No.3:-**

The screenshot displays the Amul India Franchise website. At the top, there is a navigation menu with links: HOME, CONTACT, OUR MENU, AMUL FRANCHISES, APPLY NOW, and ABOUT US. Below the menu is a large banner image for a "Weekend Yoga Workshop" with the text "Take advantage of the daily fresh drinking milk" and "Reference". Below the banner is a "Welcome! Amul India" section. The main content area features a "Amul" logo and a "Amul" text box with the text: "We Are a Group of Autonomous Units that provides you a platform to be the owner of your own business. We are a group of autonomous units that provides you a platform to be the owner of your own business. We are a group of autonomous units that provides you a platform to be the owner of your own business." Below this text are two buttons: "Apply Now" and "Contact Us". At the bottom, there are three images: "Amul Milk", "Amul Dairy", and "Amul Dairy".

10. Learned counsel for the defendant Nos. 9 to 16 states that the bank accounts with the SBI are not maintained in the name of Amul India Ltd. or Amul Brand Pvt. Ltd. Learned counsel for the defendant No. 26 states that the defendant No. 26 is the Registrar of defendant Nos. 1, 2, 4, 5 and 8. He further states that he is not aware as to whether there is any technology by virtue of which, defendant No. 26 can ensure that the websites with name AMUL therein will not be made available for sale. This contention of learned counsel for defendant No.26 is prima facie not acceptable as defendant No.26 must be operating its filters to ensure that websites under obscene and/or words denoting illegality are not available for sale.

11. Considering the averments in the plaint as also the documents filed therewith, this Court finds that the plaintiffs have made out a prima facie in their favour and in case no ex-parte ad-interim injunction is granted, not only the plaintiffs but common public would suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiffs. Consequently, an ex-parte ad-interim injunction is granted in favour of the plaintiffs and against the defendant Nos. 1 to 8 in terms of prayer (a) and (b) of IA 7456/2020 till the next date of hearing before this Court. The defendant Nos. 26 to 34 are directed to suspend/block/delete the domain names as mentioned in the plaint within 36 hours of the receipt of this order. The defendant Nos. 26 to 34 are further restrained from offering for further sale the domain names so directed to be suspended/blocked/deleted by this order and also those containing names/domain names/websites having the words/expressions AMUL with or without a prefix or a suffix. The defendant Nos. 35 to 37 are directed to block access of defendant Nos. 1 to 8 websites. Defendant No. 9 to 25 which have the details of the bank accounts

in the various banks will furnish to this Court, the details of the account holders, their addresses and contact details as also the statement of account.

12. Plaintiffs are granted leave to implead and seek necessary relief in case they discover any other website/domain/entity which is infringing the plaintiffs' trademark AMUL and/or carrying out the similar fraudulent activities.

13. Compliance under Order XXXIX Rule 3 CPC be done within one week.

14. List the suit and application before this Court on 19<sup>th</sup> November, 2020.

15. Copy of the order be uploaded on the website of this Court.

**MUKTA GUPTA, J.**

**AUGUST 28, 2020**  
**akb**