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

+ CS(COMM) 265/2022

UNIVERSAL CITY STUDIOS LLC & ORS. Plaintiffs

Through: Mr. Saikrishna Rajagopal,
Mr. Sidharth Chopra, Ms. Suhasini Raina,
Ms. Disha Sharma, Ms. Surabhi Pande and
Mr. Sanidhya Rao, Advocates.

versus

VEGAMOVIES.RUN & ORS. Defendants

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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27.04.2022

I.A. 6388/2022(exemption)

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

I.A. 6390/2022(exemption from pre-suit mediation)

3. For the reasons stated in the application, the requirement of pre-institution mediation is dispensed with.
4. Application is allowed and disposed of.

I.A. 6389/2022(exemption from serving advance notice)

5. Since there is an urgency in the matter and the matter is being heard today, Plaintiffs are exempted from serving advance notice on Defendant No.22/Department of Telecommunications (DoT) and Defendant No.23/Ministry of Electronics and Information Technology (MEITY).
6. For the reasons stated in the application, the same is allowed and disposed of.

CS(COMM) 265/2022

7. Let plaint be registered as a suit.
8. Upon filing of process fee, issue summons to the Defendants, through all permissible modes, returnable on 03.08.2022. Summons shall state that the written statement shall be filed by the Defendants within 30 days from the receipt of summons. Along with the written statement, Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiffs.
9. Replication be filed by the Plaintiffs within 15 days of the receipt of the written statement. Along with the replication, an affidavit of admission/denial of documents filed by the Defendants, shall be filed by the Plaintiffs.
10. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
11. List before the Joint Registrar on 03.08.2022.
12. List before the Court on 31.08.2022.

I.A. 6387/2022(under Order 39 Rules 1 and 2 CPC, by Plaintiffs)

13. Issue notice to the Defendants through all prescribed modes, returnable on 31.08.2022.
14. Present application has been preferred by the Plaintiffs under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure 1908 for grant of *ex-parte ad-interim* injunction.
15. It is averred that Plaintiffs No. 1 to 6 are amongst the leading global entertainment companies engaged in the business of creation, production and distribution of motion pictures/cinematograph films, having exclusive rights to communicate their content. Plaintiffs' films being works of visual recording, which include sound recordings accompanying such visual

recordings, qualify as a “cinematograph film” under Section 2(f) of The Copyright Act, 1957 (hereinafter referred to as ‘the Act’). Any hosting, streaming, reproducing, distributing, making available to the public, and/or communicating to the public of the Original Content, or facilitating the same, without authorisation of the Plaintiffs, by any means on any platform including internet and mobile and/or any other medium would be illegal and amount to violation of the Plaintiffs’ copyright, protected under the Act.

16. Defendants No. 1 to 12 include vegamovies.run, with the additional domains vegamovies.app, vegamovies.bar, vegamovies.cx, vegamovies.info, vegamovies.ink, vegamovies.nl and vegamovies.onl (Defendant No. 1); 0123movie.stream with the additional domains 0123movies.ltd, 123movie.lc, 123movies.college, 123movies.futbol, 123movies.click, 123movies.gl, 123-movies.win, 123-movies.sx, 123movies44.com, 123movies0.gr, 123moviesgo.io, 123moviesme.online, 123moviess.se and 123movies.net (Defendant No. 2); allmovieshub.de with the additional domains allmovieshub.pro, allmovieshub.mobi, allmovieshub.org.in and allmovieshub.pw (Defendant No. 3); hdhub4u.mom with the additional domains hdhub4u.top, hdhub4u.li, hdhub4u.mx, and hdhub4u.one (Defendant No. 4); mkvcinemas.bz with the additional domain mkvcinemas.nz (Defendant No. 5); movierulzhd.bar with the additional domains 7movierulz.do, moviesrulz.net, 4movierulz1.com, 7moviesrulz.com, movierulz2free.com, movierulz4k.com and 4movierulz.live (Defendant No. 6); moviesverse.club with the additional domains, moviesverse.biz, moviesverse.mobi, moviesverse.me, moviesverse.com and 9moviesverse.in (Defendant No. 7); putlocker99.me (Defendant No. 8); themoviesflix.com.mx with the additional domains

themoviesflix.us.com and themoviesflix.com.ph (Defendant No. 9); unblockit.day with the additional domains unblockit.cam and unblockit.how (Defendant No. 10); uwatchfree.so with the additional domains uwatchfree.fo, uwatchfree.do and uwatchfree.vg (Defendant No. 11); tamilblasters.buzz with additional domains tamilblasters.bid, tamilblasters.club, tamilblasters.com, tamilblasters.net, tamilblasters.re and tamilblasters.vin (Defendant No.12), hereinafter referred to as “Defendant Websites” collectively. It is contended that Defendant Websites are online locations which enable use of Defendant Websites’ services, without any authorisation or license from the Plaintiffs, to: (a) view (by a process known as streaming/ downloading) cinematograph films, motion pictures, television programs or other audio-visual content, on devices connected to the Internet; (b) cause copies of those cinematograph films to be downloaded onto the memory of their devices for watching later or enabling others to watch or further copy those cinematograph film, and/or (c) identify other online locations including (by a process known as "linking") which enable those users to engage in the activities set out in (a) or (b). An illustrative list of illegal content made available by Defendants No.1 to 12 has been provided in para 30 of the plaint.

17. Learned Counsel for the Plaintiffs contends that Defendant Websites provide illegal content for free and such availability of content is supported by the advertisements featuring on these websites. The primary purpose of the Defendant Websites is to commit or facilitate copyright infringement. Thus, Defendants No. 1 to 12 are liable for infringement under Section 51(a)(ii), Section 51(b) and Section 51(a)(i) of the Act, for making a copy of the original content, including storing of it in any medium by electronic or

other means and communicating the original content to the public. Further, the hosting, streaming reproducing, distributing, making available to the public, and/or communicating to the public of the original content, or facilitating the same, without authorization of the Plaintiffs, amounts to violation of the Plaintiffs' copyright work, protected under the Act. In support of the contention, reliance is placed on the decision of this court in CS(COMM) 724 of 2017 dated 10.04.2019, *UTV Software Communication Ltd. & Anr. v. 1337x.to and Ors.*

18. Learned Counsel further submits that several of the domains/websites sought to be blocked by the present proceedings are really new iterations of domains/websites that were earlier blocked. Evidence collected by the investigator shows that the operators of the Defendant Websites are using known "pirate branding" to signal to users that the Defendant Websites are merely new iterations of sites that have been blocked earlier. Learned Counsel further submits that the Defendant Websites are in the form of new iterations and that the new iterations almost invariably have the same functionality and purpose as the earlier blocked sites and thus directions be issued to block the new iterations of the Defendant Websites as directed by the Court in *UTV Software Communication Ltd. (supra)*.

19. It is submitted that despite the legal notice calling upon the concerned Defendants to cease from engaging in their infringing activities, they continue to infringe the rights in Plaintiffs' original content. Defendant No.2, despite replying to the legal notice, stating that their websites do not contain Plaintiffs' content, continues to host the same. Defendant No.7, in response to the legal notice, removed access to Plaintiffs' content on their website <https://4moviesverse.cc>. After investigating the accessibility of the said

website, Plaintiffs removed the same from the array of parties. However, should the same be made accessible again and continue its infringing activities by making available the Plaintiffs' copyrighted content, Plaintiffs seek liberty to implead Website <https://4moviesverse.cc>. Other than these two instances, it is contended that the Defendant Websites are wilfully infringing Copyright material and ignoring or failing to respond to notice to cease all infringement. Access to many of Defendant Websites has been previously disabled in other jurisdictions, as elaborated in para 37 of the Plaintiff.

20. Having heard learned counsel for the Plaintiffs, this Court is of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte ad-interim* injunction. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the injunction, as prayed for, is not granted.

21. Accordingly, Defendants No. 1 to 12 (and any such other mirror/redirect/alphanumeric website which appears to be associated with any of the Defendant Websites based on its name, branding or the identity of its operator, or discovered to provide additional means of accessing, the Defendant Websites, and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights), their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principals or agents, acting for and on their behalf, or anyone claiming through, by or under them are hereby restrained, 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 a Copyright.

22. Further, as held by this Court in *UTV Software Communication Ltd. (supra)*, in order for this Court to be freed from constant monitoring and adjudicating the issues of mirror/redirect/alphanumeric websites, it is directed that as and when the Plaintiffs file an application under Order 1 Rule 10 CPC for impleadment of such websites, Plaintiffs shall file an affidavit confirming that the newly impleaded website is a mirror/redirect/alphanumeric website which appears to be associated with any of the Defendant Websites based on its name, branding or the identity of its operator, or has been discovered to provide additional means of accessing the Defendant Websites and other domains/domain along with their subdomains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the Plaintiffs' exclusive rights, with sufficient supporting evidence. Such application shall be listed before the Joint Registrar, who on being satisfied with the material placed on record, shall issue appropriate directions to the ISPs.

23. Defendants No. 13 to 21 shall ensure compliance of this order by blocking Defendants No. 1 to 12 websites, their URLs and the respective IP addresses.

24. Defendants No. 22 and 23 are further directed to take immediate steps and issue requisite Notifications, calling upon various internet and telecom service providers registered under them to block the aforementioned websites identified by the Plaintiffs.

25. Plaintiffs shall comply with the provisions of Order 39 Rule 3 CPC within 10 days from today.

JYOTI SINGH, J

APRIL 27, 2022/st