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

+ **CS(COMM) 945/2024 with I.A. 43343/2024, I.A. 43344/2024, I.A. 43345/2024, I.A. 43346/2024 and I.A. 43347/2024**

STAR INDIA PRIVATE LIMITED

.....Plaintiff

Through: Mr Siddharth Chopra, Mr Yatinder Garg, Ms Disha Sharma and Ms Astha Sehgal, Advocates.

versus

**MR TAJKIR MOHAMMAD TANVIR
(KING'S PRO+) AND ORS**

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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25.10.2024

I.A. 43345/2024 (for exemption from filing original, certified copies, clearer copies, translated copies)

1. Allowed, subject to the plaintiff filing original/legible copies of the documents within four (4) weeks from today.
2. The application is disposed of.

I.A. 43344/2024 (u/S 12A of Commercial Courts Act)

3. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.
4. The application stands disposed of.



I.A. 43346/2024 (under Section 80, CPC for exemption from advance service to defendant Nos. 12, 13, 4 and 7)

5. The present application has been filed on behalf of the plaintiff seeking exemption from advance service to the defendant no. 4 (Bharat Sanchar Nigam Limited), the defendant no. 7 (Mahanagar Telephone Nigam Ltd.), the defendant no. 12 [Department of Telecommunications (DoT)], and the defendant no. 13 (Ministry of Electronics and Information Technology) under Section 80 of the Civil Procedure Code, 1908 (hereinafter, 'CPC').

6. In view of the urgent *ex parte* relief sought, the plaintiff is granted exemption from the requirement of issuing notice to the defendants no. 4, 7, 12 and 13, under Section 80 of the CPC.

7. The application stands disposed of.

I.A. 43347/2024 (O-XI R-1(4) of the Commercial Courts Act)

8. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.

9. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

10. Accordingly, the application is disposed of.

CS(COMM) 945/2024

11. Let the plaint be registered as a suit.

12. Issue summons.

13. Summons be issued to the defendants through all modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons.



Along with the written statement(s), the defendants shall also file an affidavit of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

14. Liberty is given to the plaintiff to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiff, affidavit of admission/denial of the documents of the defendants be filed by the plaintiff.

15. 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 also be filed with the pleadings.

16. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

17. List before the Joint Registrar on 4th December, 2024 for completion of service and pleadings.

18. List before the Court on 27th February, 2025.

I.A. 43343/2024 (O-XXXIX Rule 1 & 2 of CPC)

25. The present suit has been filed for permanent injunction, rendition of accounts and damages for the infringement of the exclusive rights in the plaintiff's original content/work, which is protected under the Copyright Act, 1957, against defendant no.1 which is a rogue app and associated websites that substantially indulge in online piracy by making original content available for download and otherwise providing access to infringing and illegal content.



26. It is averred in the plaint that the plaintiff is a leading entertainment and media company in India engaged in, *inter alia*, the production of popular content broadcast on its STAR channels. The plaintiff is also an exclusive right owner for several works broadcasted on its STAR channels. Plaintiff, along with its affiliates, is the owner of an extensive portfolio of more than 70 channels in over nine languages (all channels owned and/or distributed by the plaintiff are hereinafter collectively referred to as “STAR Channels”). Plaintiff owns and operates the online audio-visual streaming platform and website, ‘www.hotstar.com’, and the mobile application, ‘Disney+ Hotstar’, formerly known as ‘Hotstar’ (hereinafter collectively referred to as “Disney+ Hotstar”). With the widest range of content in India, Disney+ Hotstar offers over 100,000 hours of TV shows and movies across 8 languages, Disney+ originals, latest American shows, blockbuster Hollywood movies and content from international studios, exclusive new content from the Hotstar Specials label, regional and national news, and coverage of every major global sporting event.

27. Plaintiff claims to have exclusive rights in the aforesaid works by virtue of provision of Section 14(d) of the Copyright Act, 1957 including *inter alia* the rights to publicly exhibit and communicate the said content through any medium or mode, including on STAR Channels or Disney+ Hotstar. It is pleaded that by virtue of the exclusive media rights granted to the plaintiff, they broadcast, telecast and/or communicate to the public, its Original Shows / Original Content and the STAR Channels on the digital platform, Disney+ Hotstar, owned by the plaintiff.

28. It is contended that the defendant no. 1, (“defendant app and websites”) are online locations and mobile application whose purpose is to



communicate, make available for viewing and providing access to content of the plaintiff by offering subscription packages under two distinct categories: a) **Premium Package**, which is available at a starting monthly subscription fee of USD 15, and b) **Gold Package**, which is available at a starting monthly subscription fee of USD 20 and without any authorization. This Rogue App is a completely illegal mobile application and has no permission or authorisation to reproduce, store, transmit, communicate, make available for viewing or provide access to any of the plaintiff's content. It is also submitted that most of the content communicated through this Rogue App and associated websites/domains does not belong to it. It is also contended that the download, distribution and use of these Android based Rogue Apps, occurs through an .APK ("Android Package Kit" / "Android Application Package"). The primary intent and purpose of this Rogue App and associated websites/domains is to exploit various copyright-protected works, of the plaintiff's content and to provide an alternative to legitimate sources to the user, such that the user does not have to pay for enjoying the copyright-protected works. An illustrative list of illegal content made available by the defendant websites has been provided in paragraph 11 of the plaint.

29. In order to protect and enforce their exclusive rights, the plaintiff investigated and monitored the defendant's Rogue App/UIs/Domains/websites and gathered evidence of their infringing activities, which has been filed along with the suit.

30. It is further contended that despite the legal notice to the hosting service providers of the defendant no.1 websites, requesting disabling of access to the URLs/domains and suspending them from their servers to



prevent continued violation of the plaintiff's rights, the defendant no.1 continues to infringe the rights in the plaintiff's original content.

31. In light of the above, it is contended that the defendant no.1 is liable for infringement of the plaintiff's copyright works 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, the hosting, streaming, reproducing, distributing, making available to the public, and/or communicating to the public of the original content for streaming and downloading, or facilitating the same, without authorization of the plaintiff. In support of the aforesaid contention, reliance is placed on the decision of this court in CS(COMM) 724 of 2017 dated 10th April, 2019 titled ***UTV Software Communication Ltd. &Anr. v. 1337x.to and Ors.***

32. It is further contended by the plaintiff's counsel that it is apprehended that Mr. Tajkir Mohammad Tanvir (defendant no.1), is the owner and operator of the Rogue App King's Pro+ and the information provided in the public domain regarding the owner of the Rogue App and related websites is either incomplete, incorrect and/or protected behind a veil of secrecy. These Rogue Apps/UIs/Domains/websites hide behind domain privacy services offered by various Domain Name Registrars, which enable a website owner to hide behind a veil and not disclose any contact details publicly, to protect their privacy. Defendant no. 2 (Name Cheap Inc.) is a domain name registrar providing domain name registration to the defendant no.1.

33. In order to overcome this, the plaintiff has arrayed various internet and telecom services providers (ISPs) as the defendants no. 3-11 (hereinafter "the said ISPs"), DoT as the defendant no. 12, MEITY as the defendant no.



13, and online payment service provider PayPal Payment Private Limited as the defendant no.14 in the present suit to ensure the effective implementation of orders passed by this Court.

34. Issue notice

35. Notice be issued to the defendants through all modes.

36. Reply(ies) be filed within four (4) weeks.

37. Rejoinder(s) thereto, if any, be filed two (2) weeks thereafter.

38. In view of the averments noted hereinabove and in view of the judgment passed in ***UTV Software Communication Ltd.*** (*supra*), this Court is of the opinion that a *prima facie* case is made out in favour of the plaintiff. Balance of convenience is also in favour of the plaintiff. Further, irreparable harm or injury would be caused to the plaintiff if an interim injunction order is not passed.

39. Accordingly, the defendant no. 1 (and any such other UIs/websites which appears to be associated with any of the defendant apps and websites based on its name, branding or the identity of its operator, or discovered to provide additional means of accessing, the defendant apps and websites, and other domains/domain/apps/UIs along with their sub domains and subdirectories, owners/website operators/entities which are discovered to have been engaging in infringing the plaintiff's 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 App/UIs/websites, through the internet in any manner whatsoever, any



cinematograph work/content/programme/show in relation to which plaintiff has a copyright.

40. The defendant no.2 shall ensure compliance with this order by locking and suspending the domain name registration of the defendant no.1's associated rogue websites, their URLs and the respective UIs as filed along with the suit (Pg 1 - Vol 1) (also annexed herewith as annexure - A) and any other UIs/apps/websites notified by the plaintiff by filing of an affidavit.

41. The defendant no.2, their directors, partners, proprietors, officers, affiliates, 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 disclose the following information of the defendant no.1 (and any such other websites/UIs which are discovered during the course of the proceedings and notified on Affidavit by the plaintiff to have been infringing/ authorizing the infringement of the plaintiff's exclusive rights, copyrights and broadcast reproduction rights):

- A. Complete details (such as name, address, email address, phone number, IP address etc.) of the defendant no.1 (and any such other websites/UIs which are discovered during the course of the proceedings and notified on Affidavit by the plaintiff to have been infringing/ authorizing the infringement of the plaintiff's exclusive rights, copyrights).
- B. Mode of payment along with payment details used for registration of domain name by the registrant i.e., defendant no.1 (and any such other websites/UIs which are discovered during the course of the proceedings and notified on Affidavit by the plaintiff to have been



infringing/ authorizing the infringement of the plaintiff's exclusive rights, copyrights).

42. The defendants no. 3 to 11 their directors, partners, proprietors, officers, affiliates, 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 block access to the various associated websites, their URLs and the respective UIs as filed along with the suit (Pg 1 - Vol 1) (also annexed herewith as annexure - A) and any other apps/websites notified by the plaintiff by filing of an affidavit .

43. Further, the plaintiff shall, within one week of having filed such an affidavit in terms of paragraphs 40, 41 and 42 above, move an appropriate application for impleadment of the aforementioned websites/UIs notified by the plaintiff.

44. Defendants no. 12 and 13 are further directed to take immediate steps and issue requisite notifications within five working days, calling upon various internet and telecom service providers registered under them to block the aforementioned websites/UIs identified by the plaintiff.

45. Defendant no. 14 is further directed to freeze the defendant no.1's account (<https://www.paypal.me/TajkirMohammadTanvir>) and disclose the complete account statement (in sealed cover), the full Know Your Customer (KYC) details of the defendant no.1, including but not limited to the identity, address, and contact information associated with the defendant no.1's PayPal account.

46. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within one (1) week from today.



47. List before the Joint Registrar on 4th December, 2024 for completion of service and pleadings.
48. List before the Court on 27th February, 2025.

AMIT BANSAL, J

OCTOBER 25, 2024

PB



ANNEXURE-A

LIST OF WEBSITES / DOMAINS PROVIDING ACCESS TO THE .APK FILES OF THE IMPUGNED APPLICATION

S. NO.	WEBSITES
1.	https://bit.ly/king33
2.	http://secure.sept2024.xyz
3.	http://nasi.newkings24.xyz
4.	http://up.newkings24.xyz
5.	http://go2100ogle.xyz
6.	http://info.newkings24.xyz
7.	http://up2.newkings24.xyz