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

+ **CS(COMM) 625/2021 & I.A. 16078/2021, I.A. 6750/2022**

DB CORP LTD

..... Plaintiff

Through: Mr. Shivek Trehan and Ms.
Namami Jain, Advs.

versus

WHATSAPP LLC & ORS.

..... Defendants

Through: Mr. Tejas Karia, Ms. Binsy
Susan, Mr. Shashank Mishra, Mr. Mohit
Singh, Ms. Akshi Rastogi, Ms. Vani
Kaushik, Ms. Ritika Bansal and Mr. Vaarish
K. Sawlani, Advs. for D-1

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

O R D E R(ORAL)

27.04.2023

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1. Owing to events which have taken place during the pendency of these proceedings, the dispute forming subject matter of the grievance of the plaintiff does not survive for consideration and the suit is in a position to be decreed.

2. The grievance of the plaintiff was that, during the period when, owing to the COVID-2019 pandemic, physical copies of newspapers had been discontinued, the plaintiff was providing electronic copies of its newspaper *Dainik Bhaskar*, for a payment. The plaintiff's grievance was that various WhatsApp groups had been created, in which the e-paper *Dainik Bhaskar* was being circulated for a price, without any authorisation from the plaintiff.

3. This, alleges the plaintiff, constitutes violation of the plaintiff's intellectual property rights.

4. By order dated 24th December 2021, while issuing summons in the suit, this Court had directed Defendant 1, i.e., WhatsApp LLC., to take down/block the WhatsApp groups identified in para 7 of IA 16078/2021.

5. It appears that there were 74 WhatsApp groups which were identified in the said application and that 4 more groups were added in the replication filed by the plaintiff, leading to a total of 78 groups.

6. Of these 78 groups, Defendant 1 states that it has not been possible to identify 46 groups, for the reasons mentioned in para 19(4) of IA 6750/2022. As such, Mr. Karia submits that it was not possible to take down the said groups. Mr. Trehan, learned Counsel for the plaintiff, has no cavil with this proposition; indeed, he submits that, possibly, the groups may have ceased to exist after the order was passed by this Court.

7. Of the remaining 32 groups, 19 groups have been taken down by Defendant 1.

8. According to Mr. Karia, there is no evidence on record to indicate that the remaining 13 groups were indulging in infringing activities and, therefore, it was not possible to take down the said groups.

9. Mr. Trehan submits that he is satisfied with the action that has

been taken thus far.

10. Both sides agree that this case need not be kept pending awaiting any further adjudication and that the suit may be decreed in the aforesaid terms.

11. As such, recording the fact that, of the 78 groups which formed subject matter of controversy, (i) it would not be necessary to pass any order in respect of 46 groups, as they could not be identified, (ii) 19 groups already stand taken down and (iii) it would not be necessary to pass any orders for the remaining 13 groups either, as, according to Mr. Karia, there is no evidence on record to indicate that the remaining 13 groups were indulging in infringing activities, the suit stands decreed. Let a decree-sheet be drawn up by the Registry.

12. Pending miscellaneous applications also stand disposed of.

C. HARI SHANKAR, J.

APRIL 27, 2023

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