



\$~11

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

+ **CS(COMM) 291/2021, I.A. 7486/2021 & I.A. 17510/2023.**

SPORTA TECHNOLOGIES PVT. LTD. Plaintiff

Through: **Mr. Rohan Krishna Seth and Mr.
Prithvi Singh, Advs.**

versus

JOHN DOE AND OTHERS Defendant

Through: **Mr. Shashi Shekhar, Adv. for D-3.
Ms. Shweta Sahu, Adv. for D-14
Ms. Kruttika Vijay, Adv. for D-15 &
17.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

09.04.2024

%

I.A. 17510/2023

1. This application has been filed on behalf of the plaintiff under Order VIII Rule 10 read with Order XIII A of the Code of Civil Procedure, 1908 seeking a decree in their favour in view of the fact that the contesting defendant No.1 has not appeared despite summons/notice pursuant to order dated 04th October, 2021.

2. An *ex-parte ad interim* injunction was granted in favour of plaintiff by order of this Court *vide* order dated 09th June, 2021 in the following terms:

“17. Consequently, till the next date of hearing,

(i) defendant No. 1, his partners, officers, servants, employees, and all



others acting for and on their behalf, or anyone claiming through them in any manner, are restrained from making available to the public, any content which results in an infringement of the plaintiff's broadcast reproduction rights whether on its application Thop TV or in any other manner;

(ii) defendant Nos. 2 to 10 are directed to block access to the ten websites of defendant No. 1 listed in paragraph 11 of the application as well as the URLs listed in paragraph 13 of the application, which are providing the Thop TV mobile application/APK for download in India and/or any other website/URL that may subsequently be identified by the plaintiff as infringing its broadcast reproduction rights; and,

(iii) the defendant No. 11 are directed to issue a notification calling upon the various internet and telecom service providers registered under it to block access to the websites of defendant No. 1, listed in paragraph 11 of the application as well as the URLs listed in paragraph 13 of the plaint which are providing the Thop TV mobile application/APK for download in India and/or any other website/URL that may subsequently be identified by the Plaintiff as infringing its broadcast reproduction rights.

...

20. I have considered the submissions. At an ex-parte ad interim stage, keeping in mind that the plaintiff cannot be expected to approach the Court every time it comes across a new infringing website, and also considering that the cricket series is commencing on 10th June, 2021, till the next date of hearing, the defendants 12 to 17 are directed to suspend access to domains of the defendant No. 1 listed in paragraph 11 of the application as well as any other domains that may subsequently be identified by the plaintiff as infringing its broadcast reproduction rights. In respect of any such domain which may be identified by the plaintiff subsequently, the plaintiff shall file an affidavit before this Court within one week of such identification."

3. The above order was extended to further URLs/websites vide order dated 12th November, 2021. The relevant paragraphs of this order are



extracted as under:

3. It is submitted that subsequently to the aforesaid injunction passed, recently on 29.10.2021, the plaintiff has come across some additional websites/URLs which are providing access to the users to download the 'ThopTV' mobile application by sharing download links to its Android Application Package(APK), thereby infringing the plaintiff's broadcast reproduction rights and hence by this application he seeks direction to extend its *ex-parte* interim injunction order dated 09.06.2021 to the following websites/URLs:

- i. <https://apkpot.com/apps/thoptv-apk-final-version/?download=redirect>
- ii. [https://www.mediafire.com/file/478ia1hm5iu0n2p/ThopTV+v45.7.0.](https://www.mediafire.com/file/478ia1hm5iu0n2p/ThopTV+v45.7.0.apk/file)

apk/file

- iii. <https://www.nitestvapk.com/thoptv-apk-dl/?download=links>
- iv. <https://apkneed.com/en/thoptv-apk-latest-version/download/5614>
- v. <https://apkroot.net/thoptv/>
- vi. <https://techbigs.com/thop-tv-6.html>
- vii. <https://www.apkmart.net/app/thoptv-pro-apk-2/>
- viii. https://youtech.ooo/thoptv-apk-download3/#Direct_Download_ThopTV_Link
- ix. <https://apkity.com/thoptv-apk-download-2/>
- x. <https://m.wapsoft.net/app/thoptv-no-source/download>

4. The plaintiff seeks limited relief against Defendant Nos.2 to 10 (ISPs) to block access to the websites/URLs stated above. Additionally, the limited relief is being claimed against Defendant No.11 (DoT) qua the issuance of a notification to the internet and telecom service providers registered with them to disable access to the websites/URLs as provided above.



4. The facts and circumstances in which the suit was filed has been narrated in paragraph 8 of order dated 09th June, 2021; same is extracted as under:

“8. The plaintiff is the proprietor of multi-support aggregator platform called FanCode, which streams a variety of live sporting matches on the basis of licensing arrangements with sporting bodies and TV channels. The plaintiff is the owner of the broadcast reproduction rights in respect of South African cricket tour of West Indies in 2021, in terms of Section 37 of the Indian Copyright Act, 1957. It is stated that the defendant No. 1 (whose identity is not known and therefore designated as John Doe) is infringing and commercially misappropriating the said rights by hosting, streaming, broadcasting, making available for viewing, providing access to, and communicating to the public, pirated content on domains and specific URLs of third party websites enumerated in paragraphs 11 and 13 of the application filed by the plaintiff.”

5. Subsequent to directions passed by this Court in the aforementioned orders, counsel for defendant nos. 3, 11, 14, 15, and 17 have entered appearance on various occasions, since service was effected upon them. While *defendant no.1* was the contesting defendant and was hosting the infringing content on their sites and domain names, *defendant nos.2-10* were Internet Service Providers [**‘ISPs’**], *defendant no.11* was the Department of Telecommunications, *defendant nos.12-17* are Domain Name Registrars [**‘DNRs’**] who have registered the infringing domain names.

6. Counsel for plaintiff states that orders of this Court have been complied with by *defendant nos.2-17* and they have no grievance in that regard.

7. Accordingly, a decree is sought against *defendant no.1* contained in para 35(i) of the plaint:



“(i) Pass an order and decree of permanent injunction restraining the Defendant No. 1 his partners, officers, servants, employees, and all others acting for and on their behalf, or anyone claiming through them in any manner from making available to the public, any content which results in an infringement of the Plaintiff’s broadcast reproduction rights whether on its application Thop TV or in any other manner;”

8. Accordingly, decree is passed in these terms. Decree sheet be drawn up accordingly.
9. It is further directed that *defendant nos.2-10* shall continue to block access to the infringing websites of *defendant no.1* listed in paragraph 17 of the plaint as well as the URLs listed in paragraph 20 of the plaint, as also the URLs which have been mentioned in order dated 12th November, 2021. With respect to the aforementioned URLs, all the DNRs arrayed as *defendant nos.12-17* shall keep the domains locked and suspended till the expiry of their registration period.
10. Suit is disposed of. Pending applications, if any, also stand disposed of as infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 9, 2024/MK/sc