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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 567/2022 & I.A. 13067/2022**

STAR INDIA PRIVATE LIMITED & ANR. Plaintiffs
Through: Mr. Akshay Maloo & Ms. Runjhun
Tiwari, Advs.
versus

MHDTV.WORLD & ORS. Defendants
Through: Ms. Shweta Sahu & Mr. Brijesh
Ujjainwal, Advocates for D-12.
Mr. Gokul Sharma, GP for UOI

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
24.04.2024

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1. Instant suit has been filed by the plaintiffs seeking a decree of permanent injunction restraining defendant Nos. 1 to 11, which are URLs / websites, along with their owners and operators from hosting, streaming, broadcasting, disseminating in any manner plaintiffs' broadcast on Star Channels and Disney+ Hotstar in relation to the Asia Cup 2022 and content related thereto, so as not to infringe plaintiffs' broadcast reproduction rights.
2. An *ex parte ad interim* injunction was granted in favour of plaintiff by order of this Court dated 22nd August, 2022. Relevant facts in matter are stated in para 10 to 18 which are extracted as under:

10. The Plaintiffs, Star India Pvt. Ltd (*hereinafter "Plaintiff No. 1"*), and Novi Digital Entertainment Pvt. Ltd. (*hereinafter "Plaintiff No. 2"*), have filed the present suit seeking an injunction to restrain the illegal and unauthorized dissemination of the Asia Cup Cricket matches and associated content therewith, by the Defendants.

11. The Plaintiffs' case is that there are 65 TV Channels in eight languages, including general entertainment and sporting channels which are being telecasted by Plaintiff no.1. They also have rights in respect of events relating to cricket, football, Formula 1, Badminton, tennis, hockey, domestic and international cricket matches, organized by the Board of Control for Cricket in India (BCCI), and the International Cricket Council (ICC), etc. Plaintiff No. 2 owns and operates the online video streaming platform/



website known by the name 'Hotstar', and the mobile application, Disney+ Hotstar, over which all the events for which the rights are enjoyed by the Plaintiff No. 1, are also streamed by the Plaintiff No. 2. Plaintiff No. 2 is the affiliate company of Plaintiff No. 1.

12. The Asia Cup cricket tournament is to commence from 27th August, 2022 till 11th September, 2022. The case of the Plaintiffs is that they own the exclusive licence of the media rights of various sporting events which are telecasted on their sports channels. As per letter dated 18th August, 2022, the Asian Cricket Council granted to the Plaintiff No. 1, the exclusive global media rights for the Asia Cup Tournaments, for the period 2018 to 2023.

13. The present suit has been filed by the Plaintiffs, against the following Defendants:

- i. Nos. 1 to 11 are claimed to be rogue websites.
- ii. Defendant Nos. 12 to 18 are the Domain Name Registrars of the domain names used by the rogue websites.
- iii. Defendant Nos. 19 to 27 are the Internet Service Providers (*hereinafter "ISPs"*)
- iv. Defendant Nos. 28 & 29 are DoT and MEITY.
- v. Defendant No. 30 are John Does.

14. The Plaintiffs have severe apprehension that owing to the past conduct of these rogue websites, the said websites are likely to illegally stream and telecast the Asia Cup Cricketing events scheduled from 27th August, 2022 onward. Mr. Chopra, Id. Counsel appearing for the Plaintiffs, relies upon the documents on record, in respect of each of the websites to show how the said websites are generally involved in illegal streaming and broadcasting pirated content of various sporting events. In respect of some



of the websites, he highlights the fact that even past Asia Cup highlights are also illegally currently being streamed on www.mhdtv.world/ Defendant No. 1's website. He, further, submits that new websites are continuously surfacing and, therefore, a dynamic injunction ought to be granted by the Court.

15. A perusal of the aforementioned letter dated 18th August, 2022 issued by the Asian Cricket Council, shows that the Plaintiff No. 1 has been given exclusive global media rights vide agreement dated 29th June, 2017. The said rights include television rights, audio rights, internet rights and mobile rights. The period for each rights are enjoyed by the Plaintiff *qua* all Asia Cup Tournaments between the years 2018 and 2023. Thus, the ownership of the rights for exclusive telecast and broadcast as also online streaming in favour of the Plaintiff is not in doubt.

16. The documents also show that the websites are not merely indulging in streaming Star Sports channels, but various other established channels as well. Moreover, the broadcasting is not limited to cricket matches, but also other sporting events, such as the 'Tour De France', and the 'NRL Rugby League'. Therefore, the Court is convinced that the said websites belonging to Defendant Nos. 1 - 11, are rogue websites, primarily consisting of pirated content. The identity of these websites is also unknown as they are privacy protected with the Domain Name Registrars.

17. The past experience of various sporting events shows that such events are usually unauthorisedly broadcasted and streamed. The legal position as to grant of Dynamic injunctions is settled *UTV Software Communications Ltd. v 1337X.to (2019) 78 PTC 375 (Del)*. Several other orders have also been passed by this court with respect to rogue websites, such as in



CS(COMM) 157/2022 titled *Star India Pvt. Ltd v. Live Flixbub.Net*, *CS(COMM) 471/2019* titled *Star India Pvt. Ltd. Vs. Moviemad.biz & Ors*, and *CS(COMM) 195/2019* titled *Star India Pvt. Ltd. Vs. Extramovies.host & Ors*. These orders have clearly established that these websites surface frequently, and on a periodic basis, as domain names can be registered with minor modifications, and the content of the website can be very easily moved from one website to the other.

18. Under such circumstances, the Court is convinced that the Plaintiff has made out a *prima facie* case for grant of an *ex-parte ad interim* injunction, which is also a dynamic injunction. The balance of convenience lies in favour of the Plaintiffs and irreparable injury would be caused if the interim injunction is not granted. Disclosure orders are also liable to be passed against the Domain Name Registrars, and further, the MEITY and DoT ought to also issue blocking orders to all the ISPs, to block the said rogue websites.

3. Injunction was granted in favour of plaintiffs on the following terms:

19. Considering the investment which the Plaintiffs have made in acquiring the rights of these events, any illegal broadcasting would severely affect the monetary interest of the Plaintiffs, and also diminish the value of the rights of such sporting events. Accordingly, till the next date of hearing, the Defendant Nos. 1 to 11 and all others acting for or on their behalf, shall stand restrained from hosting, streaming, broadcasting, rebroadcasting, retransmitting or in any other manner communicating to the public, or disseminating to the public, any cricketing events, extracts, excerpts, highlights in relation to cricket matches relating to the Asia Cup 2022 commencing from 27th August, 2022 to 11th September, 2022.



20. The Domain Name Registrars shall also immediately block the said domain names and maintain status *quo* thereof. The said Domain Name Registrars shall also disclose to the Plaintiffs the following:

- a. Complete details (such as Name, Address, Email Address, Phone Number, IP Address etc.) of the Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights).
- b. Mode of Payment along with payment details used for registration of domain name by the Registrant i.e., Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights).
- c. Details of other websites registered by the Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights) using similar details, same credit card, payment gateway etc. (disclosed as per Clause b above) with the Defendant No. 12 to 18.



d. Details of Complaints received by the Defendant Nos. 12 to 18 in past against the Defendant Nos. 1 to 11 (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiffs to have been infringing the Plaintiffs' exclusive rights, copyrights and broadcast reproduction rights).

21. The DoT and MEITY, as also the ISPs, shall block the Defendant Nos. 1 to 11 websites. The said blocking orders shall be issued by the DoT within 24 hours after service of this order. Pursuant to the said blocking order/s, all the ISP's, i.e. Defendant nos. 19 – 27, shall block access to the URL's, as also the mobile applications within 24 hours and shall not permit the download of these applications or the streaming of the rogue websites. The said websites are listed hereinbelow:

S.NO.	LIST OF WEBSITES
1.	http://sportrush.xyz/
2.	http://besthdplayer.click/
3.	http://papahad1.xyz/
4.	http://www.cricket9x.com/
5.	http://larsenik.com/
6.	http://www.popofthestream.com/
7.	http://daddylive.futbol/
8.	http://deliriousholistic.net/
9.	http://ip1hd2.cf/
10.	http://mhdtv.world/
11.	http://www.tutele.nl/



22. During the currency of these events covered by the Plaintiffs' agreements, if the Plaintiffs discover other mirror websites or rogue websites which are broadcasting and telecasting the sporting events which are covered by the present suit, they may:

- i) File an affidavit in this regard before the Court along with evidence thereof. The said websites shall stand blocked with immediate effect, upon notice being issued by the Plaintiffs to the DoT and ISPs that such an affidavit has already been filed before this Court.
- ii) Upon DoT receiving the notices and communications from the Plaintiffs that the affidavits have been filed before the Court, the orders for blocking such further rogue websites shall be passed, immediately and in any case, within 24 hours, so that the websites do not continue to stream infringing content in any manner whatsoever.

4. It is stated by counsel for plaintiffs that the said order has been complied with by relevant defendants and, except for defendant no. 12, which is the domain name of GoDaddy.com, LLC, no one has appeared in the suit. Accordingly, he seeks a decree in favour of plaintiffs.

5. It is therefore, directed that decree be passed in terms of prayer 73 (i) of the plaint. As regards the takedown directions, issued by the Court as noted above, the said have been complied with.

6. It is also noted that rights agreement in favor of plaintiffs in respect to Asia Cup 2022 has now expired on 9th September, 2022.

7. The suit is disposed of in above terms. Decree sheet be drawn accordingly in terms of prayer 73 (i) of the plaint.

8. Pending applications, if any, stand disposed of as infructuous.

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 24, 2024/sm/ig

Click here to check corrigendum, if any



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 01/05/2024 at 12:20:30