

2022 LiveLaw (Del) 205

IN THE HIGH COURT OF DELHI AT NEW DELHI

CORAM: JUSTICE PRATHIBA M. SINGH

CS(COMM) 157/2022; 11.03.2022

STAR INDIA PVT. LTD. & ANR. versus LIVE.FLIXHUB.NET & ORS.

Plaintiffs Through: Mr. Saikrishna Rajgopal with Mr. Sidharth Chopra, Ms. Sneha Jain, Mr. Yatinder Garg, Mr. Akshay Maloo, Advocates.

Defendants Through: Mr. Harish Vaidyanathan, CGSC for D -18 & 19

ORDER

1. This hearing has been done through hybrid mode.

I.A. 3984/2022 (exemption from issuing notice)

2. In view of the urgent relief sought in this suit, the issuance of notice under Section 80 CPC qua the governmental authorities, i.e., Department of Telecommunications/Defendant No.18 (hereinafter "DoT") and the Ministry of Electronics and Information Technology/Defendant No.19 (hereinafter "MEITY"), is exempted.

3. Accordingly, this application is disposed of.

I.A. 3985/2022 (for exemption from filing clearer copies)

4. This is an application filed under Section 151 CPC for exemption from filing clearer copies or with exact margins and/or which are handwritten or English translations and from filing originals of the documents. For the reasons stated in the application, exemption is allowed.

5. Application is disposed of.

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6. Let the plaint be registered as a suit.

7. Issue summons to the Defendants through all modes upon filing of process fee. Mr. Vaidyanathan, Id. CGSC, accepts summons for DoT and MEITY.

8. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiffs, without which the written statement shall not be taken on record.

9. Liberty is given to the Plaintiffs to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

10. List before the Joint Registrar for marking of exhibits on 25th May, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

11. List before Court on 26th April, 2022.

I.A. 3983/2022 (for stay)

12. Issue notice. Mr. Vaidyanathan, Id. CGSC, accepts notice for DoT ad MEITY. The Plaintiffs have filed the present suit seeking permanent injunction restraining violation of their broadcasting rights as also for rendition of accounts and damages, etc. The suit is based on the premise that the Plaintiffs have acquired exclusive Media Rights which include Mobile Activation Rights and certain ancillary Rights (hereinafter “Exclusive Rights”) for the Indian Premier League matches for a period of 5 years w.e.f. 1st January, 2018 to 30th September, 2022. The Plaintiffs seek an injunction against various Defendants which are websites termed as Rogue Websites, namely, Defendants Nos.1 to 8 at this stage. Defendant Nos.9 to 17 are internet service providers (hereinafter “ISPs”). Defendant Nos.18 and 19 are Governmental authorities, i.e., DoT and MEITY.

13. The submission of Mr. Saikrishna, Id. Counsel for the Plaintiffs, is that Defendant Nos.1 to 8 have been habitually observed to be airing pirated content without any licence or authorization by the Plaintiffs. By way of illustration, it is submitted that the screenshots of footage from the previous cricket matches including the West India Tour of India 2022 and Sri Lanka Tour of India 2022, which was aired without authorization, has been placed on record. Mr. Saikrishna, Id. Counsel submits that these screenshots would show that the Defendants do not respect the Plaintiffs’ Exclusive Rights. He submits that the Defendants are indulging in gross violation of the Plaintiffs’ rights and piracy in as much as during the currency of the match, it is noticed that the telecast on the Rogue Websites is usually initiated and by the time action can be taken and the websites are taken down, the match itself is over. Thus, enormous loss is caused to the Plaintiffs due to the illegal streaming of the cricketing events in which the Plaintiffs own Exclusive Rights. He further submits that the manner in which the Rogue Websites emerge spontaneously during the currency of any series, an order deserves to be passed in such a manner that it would extend to such new Rogue Websites on an immediate/‘as and when’ basis.

14. Heard. The Court has perused the plaint as also the documents. The documentary evidence and the screenshots placed on record prima facie show that the following websites have previously streamed pirated content of the cricket matches for which the Plaintiffs hold Exclusive Rights:

1. live.flixhub.net
2. stitichsports.com
3. vipleague.im
4. maxsport.one
5. goal.top
6. t20wc.nl

7. vipstand.se
8. stream.btolat.online

15. Considering the fact that the Indian Premier League (IPL) series/TATA IPL 2022 is stated to be starting w.e.f. 26th March, 2022, there is an imminent need to protect the Plaintiffs' investment as also to ensure that these Rogue Websites do not stream illegally the cricket matches of TATA IPL 2022. The Court is also prima facie satisfied that the injunction deserves to be granted against any further websites which may suddenly emerge, showing pirated content or start streaming TATA IPL 2022 illegally and unauthorisedly. Under these circumstances, the following directions are issued:

- i. ISPs viz., Defendant Nos. 9 to 17 shall block the websites arrayed as Defendant Nos. 1 to 8 i.e.:
 1. live.flixhub.net
 2. stitichsports.com
 3. vipleague.im
 4. maxsport.one
 5. goal.top
 6. t20wc.nl
 7. vipstand.se
 8. stream.btolat.online
- ii. DoT and MEITY shall also issue orders for the blocking of these websites, in accordance with today's order.
- iii. As and when further websites which stream the contents of TATA IPL 2022 matches illegally and unauthorisedly emerge, an affidavit in this regard may be filed by the Plaintiffs before this Court along with evidence thereof. The said websites shall also stand blocked with immediate effect, upon notice being issued to the ISPs that such an affidavit has already been filed before this Court.
- iv. Upon DoT and MEITY receiving the notices and communications from the Plaintiff 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 the TATA IPL 2022 content in any manner whatsoever.

16. Compliance of Order XXXIX Rule 3 CPC be effected within one week.

17. Reply to the application be filed within four weeks from the date of service of the present order along with the paper book.

18. List the application before the Court on 26th April, 2022. Order be uploaded forthwith.

19. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as the certified copy of the order for the purpose of ensuring compliance. No physical copy of orders shall be insisted by any authority/entity or litigant.