

\$~15

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 26/2022**

HT MEDIA LTD

..... Plaintiff

Through : Mr. Saikrishna Rajagopal,  
Mr.Sidharth Chopra, Mr. Nitin  
Sharma, Mr.Vivek Ayyagari,  
Mr.Angad Singh Makkar, Advocates.

versus

POOJA SHARMA & ORS.

..... Defendants

Through : None.

**CORAM:**

**HON'BLE MR. JUSTICE YOGESH KHANNA**

**ORDER**

% **13.01.2022**

1. The hearing has been conducted through Video Conferencing.

**IA No.618/2022**

2. Exemption allowed, subject to the condition that plaintiff will file the duly sworn/attested affidavit and the requisite Court fee within 72 hours from the date of resumption of the regular functioning of this Court.

3. The application stands disposed of.

**IA No.617/2022**

4. This application is filed by the plaintiff seeking seven days' time to place on record the requisite Court fees.

5. In view of above submission, the application stands disposed of.

**IA No.616/2022**

6. Since urgent reliefs have been sought by the plaintiff, the requirement of pre-litigation mediation stands dispensed with.



7. The application stands disposed of.

**IA No.614-615/2022**

8. Exemption allowed, subject to all just exceptions.

9. The applications stand disposed of.

**CS(COMM) 26/2022 & IA Nos.612-613/2022, ..../2022 (To be numbered)**

10. The plaintiff herein has filed the present suit for permanent injunction and damages for infringement and illegal and unauthorised adoption and use of its trademarks i.e., 'SHINE';  ;  and copyright of the plaintiff's website [www.shine.com](http://www.shine.com) and other intellectual properties by the defendants no.1 to 8 (rogue defendants) for the purpose of deceiving members of the general public and trade by showing a false association between the plaintiff and the rogue defendants.

11. The plaintiff is engaged in the business of print media, radio, internet etc. and is one of the foremost media houses in India. The plaintiff owns and operates the domain name, [www.shine.com](http://www.shine.com) which is a platform that users and/or job seekers and employers utilize for taking services with respect to services provided by the plaintiff and interact with one another for their transactions. It is stated the plaintiff's website / domain name is one of the most comprehensive career management websites in India that provides opportunities with jobs and helps users build capability etc.

12. It is stated the plaintiff has observed, and received consumer complaints evincing, the rogue defendants websites are rogue websites / entities that target and solicit innocent members of the public by offering purported jobs / job interviews / career-related services under the aegis of the plaintiff by unauthorisedly using the name/trademark(s)/logo(s) of the plaintiff, and in the case of defendant nos. 1 - 3, by operating rogue websites which have copied the look and feel of the plaintiff's website / domain

name.

13. The defendant nos. 9 and 10 are telecom service providers which are being arrayed for the limited purpose of confirming if the phone numbers of the defendant Nos. 1, 2, 5, 6, 7 and 8, being used to commit fraud on unsuspecting members of the public, are registered with them and if so, to provide certain details in relation to these registrations. Similarly, defendant nos. 9 to 17 are internet and telecom service providers which are being arrayed for the limited purpose of restricting or blocking access to the rogue defendants' websites.

14. The defendant nos. 18 and 19 are the domain name registrars of defendant no. 2's website and defendant nos. 1, 3, 4 and 5's websites respectively and the said defendants are being arrayed for the limited purpose of providing further information about the rogue defendants and to suspend / terminate the domain name registration of the rogue defendants websites.

15. The defendant no.20 operates the e-mail service, 'Gmail', through which the defendant Nos. 2, 3, 6, 7 and 8 have registered email accounts, and thereby is being arrayed for the purpose of disclosing the identities / relevant information of the registrants of the impugned email IDs, and to shut down the impugned email IDs.

16. The defendant nos. 21 and 22 are DOT and MEITY, which are Government departments which are being arrayed for the purpose to issue notification calling upon the internet and telecom service providers to block access to the rogue defendants websites identified in the present suit as also such other websites which are subsequently discovered to be infringing the rights of the plaintiff.

17. No formal relief has been sought against the defendant nos.9 to 22.

18. It is submitted the plaintiff has filed the present suit seeking protection of statutory rights in its registered trademarks under the Trade Marks Act and/or its copyright in the contents of the plaintiff's website / domain name under the Copyright Act. It is submitted the plaintiff is a registered proprietor of its trademarks, domain name, logo and/or trade dress and the copyright-holder in the contents of the plaintiff's website / domain name and the fact defendant nos. 1 to 8 have been violating the rights of the plaintiff, which has established prima facie case.

19. It is submitted the plaintiff would suffer irreparable harm and injury if an order of injunction is not passed. The balance of convenience is also in favour of the plaintiff and against the defendants on account of being the rightful owner and having legitimate interest.

20. In the circumstances, issue notice to the defendants through all modes including email/whatsapp returnable before the learned Joint Registrar on 11.04.2022.

21. In the meanwhile, the defendant nos. 1 to 8 are restrained from infringing in any manner the plaintiff's registered trademarks and/or copyrights, and other intellectual property rights.

22. The defendant nos. 9 and 10 are directed to confirm if the phone numbers of the defendant nos. 1, 2, 5, 6, 7 and 8 are registered with them and if so, to provide certain details in relation to these registrations. The defendant nos. 9 to 17 are directed to block access to the websites identified at S. No. 1 of the list of documents, and the defendant nos. 21 and 22 are directed to issue notification to the internet and telecom service providers, to this effect.

23. The defendant nos. 18 and 19 are directed to provide further information such as name, email address, physical address, phone number, all IP addresses used by the rogue websites / domain names about the rogue defendants. The defendant no. 20 is directed to disclose the identity / relevant information of the registrants of defendant nos. 2, 3, 6, 7 and 8's email IDs, and to shut down the impugned email Ids till the next date of hearing. The defendant nos.21 and 22 are directed to issue notification qua various internet/telecom service providers to block access of the website identified by the plaintiff at serial no.1 of the list of the documents.

24. I.A.No.613/2022 is filed by the plaintiff seeking direction to the Cyber Crime Cell and Economic Offences Wing, Delhi Police to reveal the information as to user details of the rogue defendants. It is stated the plaintiff has already filed complaint with the Cyber Crime Cell and Economic Offences Wing, Delhi Police. In the circumstances, let the Cyber Crime Cell and Economic Offences Wing, Delhi Police obtain information as stated in para 9 (i) and (ii) and shall file a report before the next date of hearing.

25. Compliance of Order 39 Rule 3 CPC be made by plaintiffs within 10 days.

26. Upon completion of service/pleadings, the matter be listed before this Court.

27. Order *dasti*.

**YOGESH KHANNA, J.**

**JANUARY 13, 2022**

*DU*