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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 326/2021 & I.As. 8486-8490/2021  
SONY PICTURES NETWORKS INDIA PVT Ltd. .... Plaintiff  
Through: Mr. Abhishek Malhotra, Ms.  
Shilpa Gannani and Ms. Anjali Tewari,  
Advs.

versus

WWW.YALLASHOOTEXTRA.COM AND ORS .. Defendants  
Through: None

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**ORDER**  
% **19.07.2021**  
(Video-Conferencing)

**I.A. 8490/2021 in CS(COMM) 326/2021**

1. For the reasons stated in the application, exemption under Section 80(2) of the Code of Civil Procedure, 1908 from effecting prior service of the plaint, on official defendants, is allowed.
2. The application stands disposed of accordingly.

**I.A. 8489/2021 in CS(COMM) 326/2021**

1. Issue notice to Defendant Nos. 48 to 81, returnable on 29<sup>th</sup> September, 2021.
2. Reply, if any, be filed within four weeks with advance copy to

learned Counsel for the plaintiff, who may rejoiner thereto, if any, before the next date of hearing.

3. In the event any urgent necessity of any intervention by a local commissioner/commissioners is concerned, the plaintiff is at liberty to move an appropriate application for the said purpose.

**I.A. 8488/2021 in CS(COMM) 326/2021**

1. Subject to the plaintiff filing legible copies of any illegible documents on which it may seek to place reliance within four weeks from today, exemption is granted for the present.

2. The application stands disposed of.

**I.A. 8487/2021 in CS(COMM) 326/2021**

1. Mr. Abhishek Malhotra, learned Counsel for the plaintiff, undertakes to deposit the requisite court fees within a week from today, subject thereto, exemption is granted for the present.

2. The application is disposed of.

**CS(COMM) 326/2021**

1. Let the plaint be registered as a suit.

2. Issue summons.

3. Written statement, accompanied by affidavit of  
CS(COMM) 326/2021

admission/denial of documents filed by the plaintiff be filed within a period of four weeks, with advance copy to the learned Counsel for the plaintiff, who may file replication thereto, if any, accompanied by affidavit of admission/denial of documents filed by the defendants within two weeks thereof.

4. List before the Joint Registrar (Judicial) for completion of pleadings, admission/denial of documents and marking of exhibits on the documents on 15<sup>th</sup> September, 2021.

**I.A. 8486/2021(under Order XXXIX Rules 1 & 2 CPC) in CS(COMM) 326/2021**

1. This application, under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (CPC), seeks *ad interim* reliefs. The prayer clause in this application reads thus:

“I. Pass an order of interim injunction restraining the Defendants, their partners, proprietors, their officers, servants, agents and representatives, franchisees, head-ends and all others in capacity of principal or agent, acting for and on their behalf from:

a. broadcasting/communicating, telecasting, to subscribers or otherwise, through any means, the Tokyo Olympics, whether through the Plaintiff's Channels (viz. SONY TEN 1, SONY TEN 1 HD, SONY TEN 2, SONY TEN 2 HD, SONY TEN 3, SONY TEN 3 HD, SONY TEN 4, SONY TEN 4 HD, SONY SIX, SONY SIX HD, or any other channel or any other signal piracy;

b. transmitting/communicating to public / making available any match, footage, clip, audio-video, audio only and/or any part of the Tokyo Olympics, including live score updates, play-by-play and/or textual and/or audio-only commentary, through any website,

application and/or any other digital platform through internet, mobile and /or radio delivery and;

c. reproducing, making sound and/or visual recordings of the Plaintiffs Channels or the feed thereof and communicating the same to the public without authorization of the Plaintiff; or doing any other thing as is likely to lead to infringement of the exclusive rights of the Plaintiff in the Tokyo Olympics, shall form part of the Plaintiffs channel.

II. Pass an order making the aforesaid injunction order applicable to the mirror/ redirect/alphanumeric websites created by the Defendant Nos.1 to 47 or by any other person to grant access to the websites of Defendant Nos. 1 to 47

III. Pass an order directing the Station House Officer(s) of the concerned police station(s) to render necessary assistance to the Plaintiff in restraining the Defendants from violating/ infringing the Plaintiffs copyright in the broadcast and related activities, pertaining to the Tokyo Olympics;

IV. Pass an order giving the Plaintiff liberty to notify all search engines and seek take down/deletion from their search results pages, listings of websites/ URLs which are infringing upon the Plaintiffs copyright and broadcast reproduction rights;

V. Pass an order directing the Registry to assist with the service of notice of injunction on "Ashok Kumars" / MSOs / LCOs as and when the Plaintiff finds any unlicensed communication to the public of the Tokyo Olympics from specific locations / head-ends;

VI. Pass an order directing Defendant Nos. 82 to 112 to comply with Plaintiffs requests to block access to the unlicensed content of the infringing websites, upon the Plaintiff giving notice of the infringing activity to the said ISPs and Departments;

VII In respect of Defendants that are currently not identified and/ or are unknown as of date, an order may be passed imposing the following conditions:

i. The said Defendant(s) be restrained in terms of prayer (I) stated above;

ii. The prayer for appointment of one (1) Local Commissioners with the attendant powers may be applied in respect of the said Defendants as well;

VIII. Pass urgent ex-parte order in terms of prayers (I)-(VIII) above for reasons as set out in this application; AND

IX. Any further orders as this Hon'ble Court deems fit and proper in the facts and circumstances of this case.”

2. Issue notice.

3. Reply to this application, if any, be filed within four weeks with advance copy to learned Counsel for the applicant/plaintiff, who may file rejoinder thereto, if any, before the next date of hearing.

4. Mr. Abhishek Malhotra, learned Counsel for the plaintiff, submits that the plaintiff has acquired from the International Olympic Committee (IOC) the exclusive right to broadcast the Tokyo Olympics in India, Pakistan, Sri Lanka, Nepal, Bangladesh, Bhutan and Maldives. He has invited my attention, in this context, to Clause 4.1.1(a) of the agreement between IOC and the plaintiff, which reads thus:

“4. **LICENCE OF MEDIA RIGHTS AND YOUTH GAMES RIGHTS**

**4.1.1 Rights.** In consideration for, and subject to, the timely payment by RHB of the Rights Payment to the IOC in accordance with Paragraph 16. the IOC hereby grants to RHB the following broadcast and exhibition rights, in the

Language, whether live or delayed (including any repeats and highlights), of unlimited duration, in full or in part, Linear or on an On-Demand basis, as applicable, during the Term, to:

- a. the Games:
  - i. exclusive Pay Television rights in the Territory (the “Exclusive Pay Television Rights”),
  - ii. exclusive Digital Transmission rights (including non-exclusive Radio rights by means of Digital Transmission) in the Territory (the “Exclusive Digital Transmission Rights”),
  - iii. exclusive Terrestrial Television rights (including non-exclusive terrestrial Radio rights) solely in India to the exclusion of any other Countries (the “Exclusive Terrestrial Television Rights”),
  - iv. non-exclusive Theatrical rights in the Territory (the “Non-Exclusive Theatrical Rights”), and
  - v. non-exclusive Public Viewing Event rights in the Territory (the “Non- Exclusive Public Viewing Event Rights”)

(the Exclusive Pay Television Rights, the Exclusive Digital Transmission Rights, the Exclusive Terrestrial Television Rights, the Non-Exclusive Theatrical Rights and the Non-Exclusive Public Viewing Rights collectively the “Media Rights”)...

(RHB, it may be noted, is, under the opening recital in the agreement, an acronym used to denote the plaintiff.) The recital in this regard reads thus:

“This Agreement (hereinafter referred to as the “Agreement”),

made and entered into on 8 March, 2019 with an effective date as of 27 October, 2017, by and between:

**THE INTERNATIONAL OLYMPIC COMMITTEE**

a non-profit organization with headquarters at Chateau de Vidy, 1007 Lausanne, Switzerland (hereinafter referred to as “IOC”), and

**SONY PICTURES NETWORKS INDIA PRIVATE LIMITED-**

CIN: U92100MH1995PTC111487

With headquarters at Interface, Building No. 7, 4th Floor, Off Malad Link Road, Malad (West). Mumbai —400 064, India and its place of business at Sony Pictures Networks India Private Limited, 5th Floor, DLF Building No. 10, Tower-B, DLF Cyber City, Phase -2, Gurgaon -122002 (hereinafter referred to as “RHB”).”

5. The plaintiff, therefore, asserts exclusive right to broadcast or telecast the Tokyo Olympics over any media platform. Reliance has been placed, in this context, on Section 37 of the Copyright Act, 1957. The plaintiff claims that it is the exclusive licensee in respect of all media rights relating to broadcast of the Tokyo Olympics in the above territories, by virtue of the agreement executed between the plaintiff and IOC.

6. The plaint alleges that Defendant Nos. 1 to 47 are rogue websites, engaged in uploading pirated and unlicensed content, Defendant Nos. 48 to 81 are Multi Systems Operators (MSOs) and Local Cable Operators (LCOs), who aid in making available these broadcasts to the public and Defendant Nos. 82 to 112 are Internet

Service Providers (ISPs) who are responsible for allowing or limiting access to such unlicensed and pirated content. Entering or blocking of such contents, therefore, it is asserted, would have to be done by Defendant Nos. 82 to 112.

7. The plaint also places reliance on the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which requires ISPs to protect and preserve proprietary rights and remove unlicensed material from the internet.

8. Mr. Malhotra relies on the judgment of a learned Single Judge of this Court in *UTV Software Communications Ltd. v. 1337x.to*<sup>1</sup> which sets out the indicia to identify the rogue websites. He submits that, applying these indicia, the websites run by Defendant Nos. 1 to 47 are rogue websites, which are created solely for transmitting pirated and unlicensed content. He also relies on the aforesaid decision in *UTV Software Communications*<sup>1</sup> to justify his prayer for immediate blocking of such websites.

9. Mr. Malhotra has also drawn my attention to a number of orders passed by this Court in similar circumstances, where *ad interim* orders for blocking of websites were passed. The most recent of which has been passed on 4<sup>th</sup> June, 2021 in CS(COMM) 289/2021 (*Sony Pictures Networks India Pvt. Ltd. v. www.sportsala.tv*”), which dealt with an identical issue in the context of the India-England International Cricket Series, 2021. In the said decision, a Coordinate

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<sup>1</sup> 2019 SCC OnLine Del 8002  
CS(COMM) 326/2021



Bench of this Court has held and directed thus:

“9. In view of the submissions made in the plaint, application and supporting affidavits and documents, the fact that the plaintiff has exclusive media rights from ECB and SLC as detailed hereinbefore, a prima facie case is made out in favour of the plaintiff to have protection against the illegal transmission, broadcasting, communication, telecast and unauthorized distribution of any event, match, footage, clip, audio-video, audio only of India Tour of England 2021 scheduled to be held from 04.08.2021 till 14.09.2021 and India Tour of Sri Lanka 2021 to be held from 13.07.2021 to 27.07.2021. In case the plaintiff is not granted an injunction protecting its rights against the defendants, the plaintiff is likely to suffer an irreparable loss and injury, which cannot be compensated in terms of money. I find the balance of convenience in favour of the plaintiff.

10. Therefore, the following interim directions to protect the interest of the plaintiff are issued:-

(i) Defendant nos. 1 to 50 are restrained from, in any manner, hosting, streamlining, reproducing, distributing, making available to the public and/or communicating to the public or facilitating the same on their websites through the internet in any manner whatsoever, any cinematograph work, content, programme and show or event in which the plaintiffs have copyright.

(i)(a) This injunction shall also operate in respect of the mirror/redirect/alphanumeric websites, which are put in play by defendant nos. 1 to 50 to grant access to the websites.

(ii) Defendant nos. 112 to 143 are directed to block access to the websites of defendant nos. 1 to 50.

(ii)(a) This direction will also operate *qua* mirror/redirect/alphanumeric websites, which have their roots in the websites of defendant nos. 1 to 50.

(iii) Defendant nos. 51 to 111 and defendant No. 146 are restrained from, in any manner to host, stream, reproduce, distribute, broadcast, make available to the public and/or communicate to the public any unauthorized and unlicensed reproduction or broadcast on the local channels or through other means of various copyrighted content, including but not limited to the matches of the said sporting events through cable network.

(iv) Defendant nos. 144 and 145 shall issue necessary directions/notifications calling upon various ISPs, in general, to block access to the websites of defendant nos. 1 to 50 as also *qua* mirror/redirect/alphanumeric websites of the said defendants.

(iv) The plaintiffs are given liberty to file an application under Order I Rule 10 of the CPC to array other rogue websites if the same are discovered after the issuance of the instant interim order. The purpose being that the Court, in these cases, needs to dynamically monitor such egregious illegality and, if necessary, pass interim orders to restrain similar rogue websites from illegally streaming the creative content in which the plaintiffs have a copyright.”

**10.** For the reasons stated in the plaint and following the aforesaid precedent, the following *ad interim* directions are granted till the next date of hearing:

(i) Defendant Nos. 1 to 47 are restrained from, in any manner, hosting, streamlining, reproducing, distributing, making available to the public and/or communicating to the public or facilitating the same on their websites through the internet in any manner whatsoever, any cinematograph work,

content, programme and show or event in which the plaintiffs have copyright.

(ii) This injunction shall also operate in respect of the mirror/redirect/alphanumeric websites, which are put in place by Defendant Nos. 1 to 47 to grant access to the websites.

(iii) Defendant Nos. 82 to 112 are directed to block access to the websites of Defendant Nos. 1 to 47.

(iv) This direction will also operate *qua* mirror/redirect/alphanumeric websites, which have their roots in the websites of Defendant Nos. 1 to 47.

(v) Defendant Nos. 48 to 81 are restrained from, in any manner to host, stream, reproduce, distribute, broadcast, make available to the public and/or communicate to the public any unauthorized and unlicensed reproduction or broadcast on the local channels or through other means of various copyrighted content, including but not limited to the matches of the said sporting events through cable network.

(vi) Defendant Nos. 113 and 114 shall issue necessary directions/notifications calling upon various ISPs, in general, to block access to the websites of Defendant Nos. 1 to 47 as also *qua* mirror/redirect/alphanumeric websites of the said defendants.

(vii) The plaintiff is given liberty to file an application under Order I Rule 10 of the CPC to array other rogue websites if the same are discovered after the issuance of the instant interim order.

**11.** Inasmuch as this order has been passed *ex parte*, the plaintiff is directed to comply with the order XXXIX Rule 3 CPC.

**12.** Let a copy of this order be given *dasti* to learned Counsel for the plaintiff.

**13.** List this application before the court on 29<sup>th</sup> September, 2021.

**C. HARI SHANKAR, J.**

**JULY 19, 2021**

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