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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 366/2023 & I.A. 10681/2023, I.A. 10682/2023,
I.A. 10683/2023

SONY PICTURES ANIMATION INC. Plaintiff
Through: Mr. Saikrishna Rajagopal,
Ms.Suhasini Raina, Ms.Ramya Ramkumar,
Ms. Mehr Sidhu, Mr.Raghav Goyal, Mr.
Sanidhya Rao and Ms.Anjali Agrawal,
Advs.

versus

FLIXHD.CC/ & ORS. Defendants
Through: None

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

% **ORDER**
29.05.2023

CS(COMM) 366/2023

1. The plaintiff is aggrieved by the fact that the movie “Spider-Man: Across The Spider-Verse” is available for viewing on various websites – which are characterised in the suit as a rogue websites – though the plaintiff, as the copyright holder in the cinematograph film, has not licensed the right to broadcast or communicate, to the public, the said film to any other authorities/websites, except its own.

2. It is also pointed out that several of the impugned websites have also advertised the impending broadcast of the film, “Spider-Man: Across The Spider-Verse”, which is supposedly the sequel of the film “Spider-Man: Into The Spider-Verse”

3. Characterising the impugned websites as rogue websites as defined by this Court in its judgment in *UTV Software Communication Ltd. v. 1337X.To*¹, the plaintiff seeks a decree of permanent injunction restraining the said Defendant websites Nos. 1 to 101, as well as any mirror/redirect/alphanumeric website associated with them, as well as all others acting on their behalf, from posting, streaming, distributing or making available to the public, the films “Spider-Man: Across The Spider-Verse” and “Spider-Man: Into The Spider-Verse”. Additionally, a direction has been sought, directing Defendants 102 to 110, who are the internet service providers (ISPs), to block access to the websites at serial nos. 1 to 101 of the array of parties in the suit. It is further prayed that Defendant 111 and 112 be directed to issue a notification, calling on internet and telecom service providers registered under them to block access to Defendants 1 to 101.

4. Mr. Saikrishna Rajagopal, learned Counsel for the plaintiff submits that several earlier similar orders have been passed by this Court, starting with the decision in *UTV Software Communication Ltd.*¹. He also submits that the impugned websites at S. Nos. 1 to 101 of the array of parties in the suit eminently qualify the criteria prescribed by this Court in *UTV Software Communication Ltd.*¹ to characterise a website as a rogue website.

5. *Prima facie*, the submission of Mr. Rajagopal merits acceptance.

6. As such, let the plaint be registered as a suit.

¹ (2019) 78 PTC 375

7. Issue summons in the suit.
8. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiff be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants within 30 days thereof.
9. List before the learned Joint Registrar (Judicial) for completion of the pleadings, admission and denial of documents and marking of exhibits on 31st July 2023, whereafter the matter would be placed before the Court for case management hearing and further proceedings.

I.A. 10681/2023 (under Order XXXIX Rules 1 and 2 of the CPC)

10. This is an application by the plaintiff under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908(CPC), seeking interlocutory injunctive reliefs.

11. The facts of the case as recited hereinabove indicate that the plaintiff's copyright in the films "Spider-Man: Across The Spider-Verse" and "Spider-Man: Into The Spider-Verse" have/are in the process of being infringed and violated by the Defendants 1 to 101.

12. Having perused the judgment in *UTV Software Communication Ltd.*¹, this Court also finds that, *prima facie*, the websites at serial Nos. 1 to 101 qualify as "rogue websites" as defined in the said decision.

13. As such, the plaintiff would be entitled to *ex-parte* interim relief.

14. Issue notice, returnable before the Court on 4th September 2023.

15. Notice be served by all modes.

16. Reply to the application be filed within four weeks with advance copy to learned Counsel for the plaintiff, who may file rejoinder thereto, if any, within four weeks.

17. Till the next date of hearing, the following interim directions are issued:

(i) Defendants 1 to 101, as well as all others acting on their behalf, are restrained from posting, streaming, reproducing, distributing or making available to the public, on their websites, or through the internet, in any manner whatsoever, any cinematograph work/content/program in which the plaintiff has copyright, including the films “Spider-Man: Across The Spider-Verse” and “Spider-Man: Into The Spider-Verse”.

(ii) Defendants 102 to 110 are directed to block access to the websites at S. Nos. 1 to 101, as well as any mirror/redirect/alphanumeric websites which appear to be associated with any of the said websites.

(iii) Defendants 111 to 112 are directed to issue a notification calling on all internet and telecom service providers to block the access to the websites at Serial Nos. 1 to 101 of the Memo of

Parties in the suit.

18. The plaintiff is directed to comply with the requirement of Order XXXIX Rule 3 of the CPC within a period of one week from today.

I.A. 10682/2023 (under Section 80 of the Code of Civil Procedure, 1908 (CPC))

19. This is an application by the plaintiff seeking exemption from the requirement of serving an advance notice under Section 80 of the Code of Civil Procedure, 1908 (CPC) on Defendants 111 , Department of Telecommunications (DoT) and Defendant No.112, the Ministry of Electronics and Information Technology (MEITY) respectively.

20. Given the nature of the reliefs sought in the plaint, the prayer is allowed.

21. The application stands disposed of.

I.A. 10683/2023 (Exemption)

22. Subject to the plaintiff's filing legible copies of any dim or illegible documents on which it may seek to place reliance within 30 days from today, exemption is granted for the present.

23. The application is disposed of.

24. *Dasti.*

C. HARI SHANKAR, J.

MAY 29, 2023/dsn