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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 25th August, 2023

+ **CS(COMM) 604/2022 and I.A. 14117/2022**

STAR INDIA PRIVATE LIMITED Plaintiff
 Through: Mr. Yatinder Garg, Mr. Akshay Maloo & Ms. Rimjhim Tiwari, Advs. (M:9999064036)

versus

7MOVIERULZ.TC & ORS. Defendants
 Through: Mr. Piyush Beriwal, Mr. Sahaj Garg, Ms. Disha Choudhary & Ms Anandita Aggarwal, Advs for D-38 & 39. (M:9910396352)
 Mr. Mrinal ojha, Mr. Debarshi Dutta, Mr. Anand Raja, Ms. Tanya Choudhry Adv. for D-22. (M: 9990952258)

CORAM:
JUSTICE PRATHIBA M. SINGH
JUDGMENT

1. This hearing has been done through hybrid mode.
2. The present suit has been filed by the Plaintiff - Star India Pvt. Ltd. seeking protection against unauthorized, illegal distribution of the film Brahmastra Part One: Shiva.
3. The Plaintiff is a leading production and distribution company in India which has produced a number of Hindi films whose details are set out in the plaint. One such cinematograph film was Brahmastra Part One: Shiva (film) which was released in 2022 starring Ranbir Kapoor, Alia Bhatt, Mouni Roy, Amitabh Bachchan, Shahrukh Khan and many more.



4. The present suit was filed by the Plaintiff seeking injunction against several rogue websites and other related platforms who are involved in the piracy of the said film. The Defendants in the suit are as under:

- i. Defendant Nos. 1 to 18 - Rogue websites.
- ii. Defendant Nos. 19 to 21 - Co-producers of the film.
- iii. Defendant Nos. 22 to 28 - Domain Name Registrars (DNRs).
- iv. Defendant Nos. 29 to 37 - ISPs.
- v. Defendant Nos. 38 & 39 - DoT and MEITY.
- vi. Defendant Nos. 41 to 359 - Additional rogue websites who were impleaded during the pendency of the present suit.

5. It is submitted that the said film was co-produced with Defendant Nos. 19 to 21 namely M/s Dharma Productions Pvt. Ltd., Mr. Ayan Mukerjee and Mr. Ranbir Kapoor respectively. The film was released on 9th September, 2022.

6. The present case was filed by the Plaintiff apprehending that the rogue websites, Defendants Nos.1 to 18 are likely to broadcast or communicate infringing copies of the film on various websites which would directly impact the Plaintiff's business and erode the value of the film besides infringing its copyright. At the inception of proceedings, when the suit was initially filed only against Defendant Nos. 1 to 39, the Court had granted an interim injunction on 2nd September, 2022 in the following terms:

“19. There is no gain saying that piracy has to be curbed and needs to be dealt with a heavy hand and injunction against screening of copyrighted content by rogue websites ought to be granted. This position is acknowledged and re-affirmed in several decisions and



*in order to avoid prolixity, I may only allude to two judgments of this Court in **Department of Electronics and Information Technology v. Star India Private Limited, 2016 SCC OnLine Del 4160 and UTV Software Communication Ltd. (Supra)**. The legal position with regard to grant of dynamic injunctions is settled in **UTV Software Communication Ltd. (Supra)** and learned counsel for the Plaintiff is right in his submission that several orders have been passed by this Court in the past, restraining the rogue websites.*

20. Tested on the anvil of these decisions, in my view, Plaintiff has made out a prima facie case for grant of ex parte ad-interim relief. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the injunction, as prayed for, is not granted. For the sake of convenience particulars of Defendants No.1 to 18, i.e. the rogue websites along with their domain name Registrars are set out as under:-

S. No.	Websites	Registrar
1.	7starhd.agency (Defendant No.15)	GoDaddy.com, LLC (Defendant No. 22)
2.	vegamovies.wtf (Defendant No.2)	NameCheap Inc. (Defendant No. 24)



3.	extramovies.pics (Defendant No.3)	
4.	9xmovies.yoga (Defendant No.4)	
5.	1tamilmv.pics (Defendant No.5)	
6.	Cinevood.vip (Defendant No.6)	
7.	full4movies.store (Defendant No.7)	
8.	hdmovie2.click (Defendant No.8)	
9.	yomovies.skin (Defendant No.9)	
10.	prmovies.wiki (Defendant No.10)	
11.	movierulzhd.lol (Defendant No.11)	
12.	torrentcue.co (Defendant No.12)	
13.	tamilblasters.cloud (Defendant No.13)	
14.	7movierulz.tc (Defendant No.1)	Gandi SAS (Defendant No. 23)
15.	ssrmovies.kim (Defendant No.18)	NameSilo, LLC (Defendant No. 25)
16.	tamilblasters.unblockit.ist (Defendant No.14)	Tucows Domains Inc (Defendant No.26)
17.	mkvmoviespoint.art (Defendant No.17)	Dynadot, LLC (Defendant No.27)
18.	uwatchfree.be (Defendant No.16)	AXC.NL (Defendant No. 28)

21. Looking at the investments made by the Plaintiff in the production and promotion of the film as also the exclusive right vested in it under the provisions of the Copyright Act, this Court prima facie agrees with the Plaintiff that if the rogue websites communicate the film in any manner, on any platform, simultaneously with the theatrical release of the film on 09.09.2022 or in its close proximity thereafter, it would severely impact the interest of the Plaintiff monetarily and will also erode the value of the film.

22. Accordingly, the following directions are issued:-

a. Defendants No.1 to 18 and all others acting for and/or on their behalf are restrained from in any



manner hosting, streaming, retransmitting, exhibiting, making available for viewing and downloading, providing access to and/or communicating to the public, displaying, uploading, modifying, publishing, updating and/or sharing on their websites through the internet or any other platform, the film 'Brahmastra Part One: Shiva' and contents related thereto, so as to infringe the Plaintiff's copyright therein, till the next date of hearing.

b. Defendants No. 22 to 28, who are the Domain Name Registrants shall suspend/block the domain names registrations of the respective Defendants, as mentioned in the table at para 20 above.

c. Defendants No. 22 to 28 shall provide complete details such as name, address, email address, IP address and phone numbers of Defendants No.1 to 18.

d. Defendants No. 29 to 37 shall block access to the various websites identified by the Plaintiff and as aforementioned and Defendants No. 38 and 39, i.e. Department of Telecommunications and Ministry of Electronics and Information Technology, respectively, shall issues necessary notifications calling upon various ISPs to block access to the web sites of Defendants No.1 to 18.

23. Plaintiff is given the liberty to file an appropriate application to array other rogue websites, as and when the same are discovered in the future.

24. Plaintiff shall comply with the provisions of Order 39 Rule 3 CPC within a period of one week from today.”

7. Thereafter, vide subsequent orders, the said injunction has been extended by the Joint Registrar to other rogue websites as also mirror websites being Defendant Nos. 41 to 359.

8. It is the case of the Plaintiff that the copyright in the film is not in dispute and there were several mirror websites which also cropped up during the pendency of the present suit.



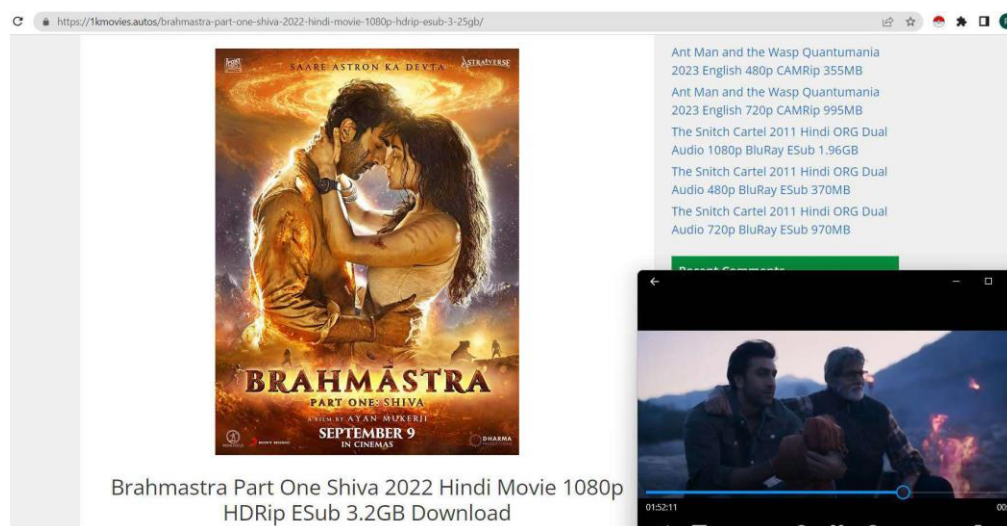
9. It is submitted that despite knowledge of the order dated 2nd September, 2022 passed by this Court, the Defendant Nos. 1-3 and 6-11, continued to infringe the Plaintiff's content and to circumvent the Court orders by creating mirror/redirect rogue websites of the domains already blocked by the ISPs and DOT. The details of the same are set out below:

<i>Original Websites</i>	<i>Mirror Websites</i>
<i>7movierulez.tc</i> (Defendant No.1)	<i>7movierulzfree.co</i> (Defendant No.58) <i>7movierulz.watch</i> (Defendant No. 105) <i>7movierulz.zone</i> (Defendant No.145) <i>7movierulz.biz</i> (Defendant no.227) <i>7movierulz.win</i> (Defendant No.4) [SIPL vs moviesverse.ac CS(COMM) 87 of 2023]
<i>vegamovies.</i> wtf (Defendant No.2)	<i>vegamovies.blog</i> (Defendant No. 219, <i>vegamovies.rodeo</i> (Defendant No. 350).
<i>Extramovies.pic</i> (Defendant No.3)	<i>extramovies.loan</i> (Defendant No. 113), <i>extramovies.autos</i> (Defendant No. 148)
<i>9xmovies.yoga</i> (Defendant No. 4)	<i>9xmovie.mom</i> (Defendant No. 5) [SIPL vs moviesverse.ac CS(COMM) 87 of 2023]
<i>Cinevood.vip</i> (Defendant No.6)	<i>cinevood.help</i> (Defendant No.238)
<i>full4movies.store</i> (Defendant No. 7)	<i>full4movies.media</i> (Defendant No. 245) <i>full4movies.team</i> (Defendant No. 334)
<i>Hdmovie2.click</i> (Defendant No.8)	<i>hdmovie2.cx</i> (Defendant No. 169)
<i>yomovies.skin</i> (Defendant No. 9)	<i>yomovies.guru</i> (Defendant no. 268),
<i>Prmovies.wiki</i>	<i>prmovies.wtf</i> (Defendant No.261),



<i>(Defendant No. 10)</i>	<i>prmovies.space (Defendant No. 300)</i>
<i>movierulzhd.lol (Defendant No. 11)</i>	<i>movierulzhd. world (Defendant No. 339)</i> <i>movierulzhd.pics (Defendant No. 257)</i> <i>movierulzhd. world (Defendant No. 339)</i>

10. It is the submission of Id. Counsel for the Plaintiff that evidence has been placed on record to show that these mirror websites were in fact illegally broadcasting the Plaintiff's film Brahmastra Part One: Shiva. Illustratively, a screenshot of the plaintiff's film being broadcasted on one of the Defendant rogue websites is provided hereinbelow:



11. In view thereof, Id. Counsel for the Plaintiff submits that this is a case where the decree along with the heavy costs is liable to be granted against all the websites which have been impleaded as Defendants in this matter.

12. Heard and perused the record. It needs no reiteration that piracy of cinematograph films is one of the biggest causes for losses in the film industry. Judicial pronouncements over the years have protected rights of



producers in cinematographic films. In addition, various legislative steps have been taken to curb piracy. Recently, amendments have been carried out in the Cinematograph Act, 1952 to deal with piracy in a much stricter manner. Cinematograph (Amendment) Act, 2023 has been enacted and notified on 4th August, 2023 to curb the menace of film piracy. The relevant provisions of the said act are as under:

“8. After section 6A of the principal Act, the following sections shall be inserted, namely:—

‘6AA. No person shall use any audio-visual recording device in a place licensed to exhibit films with the intention of making or transmitting or attempting to make or transmit or abetting the making or transmission of an infringing copy of such film or a part thereof.

Explanation.—For the purposes of this section, the expression “audio-visual recording device” means a digital or analogue photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted cinematographic film or any part thereof, regardless of whether audio-visual recording is the sole or primary purpose of the device.

6AB. No person shall use or abet the use of an infringing copy of any film to exhibit to the public for profit—

(a) at a place of exhibition which has not been licensed under this Act or the rules made thereunder; or

(b) in a manner that amounts to the infringement of copyright under the provisions of the Copyright Act, 1957 or any other law for the time being in force.’.

9. In section 7 of the principal Act, after sub-section (1), the following sub-sections shall be inserted, namely:—

‘(1A) Save as otherwise provided in section 52 of the Copyright Act, 1957, if any person contravenes the provisions of section 6AA or section 6AB, he shall be



punishable with imprisonment for a term which shall not be less than three months, but may extend to three years and with a fine which shall not be less than three lakh rupees but may extend to five per cent of the audited gross production cost.”

13. The present suit reveals that the mushrooming of websites has become the norm, especially, in respect of popular copyrighted content. The rights of the Plaintiff are not in doubt. Further, the DNRs, DoT, MEITY, ISPs have all given effect to the various orders passed in this case. However, in most of these cases the identity of the persons or entities who are running these infringing websites remains anonymous or known only some times to the DNRs and non-else. Under such circumstances, insofar as the rogue websites and mirror websites are concerned, since there is no representation or defence which has been filed, permanent injunction restraining infringement, is liable to be granted.

14. Accordingly, the suit is decreed in terms of paragraph 69(i) of the plaint in respect of all the rogue websites i.e., Defendant Nos. 1 to 18 and 39 to 359. The said prayer reads as under:

“69. In light of the foregoing, it is most respectfully prayed that this Hon'ble Court may be pleased to:

i. Pass an order and decree of permanent injunction restraining the Defendants No. 1 to 18 on both 'http' and 'https' (and such other websites which are discovered during the course of the proceedings and notified on Affidavit by the Plaintiff to have been infringing the Plaintiffs exclusive rights and copyrights in the film Brahmastra Part One: Shiva), their owners, partners, proprietors, officers, servants, employees, and all others in capacity of principal or agent acting for and on their behalf, or anyone claiming through, by or under it, from in any manner communicating, hosting, streaming, and/or



making available for viewing and downloading, without authorization, on their websites or other platforms, through the internet in any manner whatsoever, the Film and content related thereto, so as to infringe the Plaintiffs exclusive rights and Copyrights”

15. In addition, considering the fact that such a large number of websites were streaming or were found infringing the Plaintiff’s copyright, the suit is also decreed against the Defendants for damages to the tune of Rs.20,00,000/- which will be jointly and severally payable by the mirror websites extracted in paragraph 9 above.

16. In addition, the actual costs of the suit are also liable to be awarded to the Plaintiff. In view thereof, considering that the present case is a commercial suit, as per the judgment of the Hon’ble Supreme Court in *Uflex Ltd. v. Government of Tamil Nadu & Ors. [Civil Appeal Nos.4862-4863 of 2021]*, decided on 17th September, 2021] the decree for actual costs is passed.

17. Accordingly, let the cost statement be filed with the Joint Registrar. Let the decree sheet be drawn.

18. The suit, along with pending applications, is disposed of.

**PRATHIBA M. SINGH
JUDGE**

AUGUST 25, 2023/dj/kt