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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 738/2024

WARNER BROS. ENTERTAINMENT INC. & ORS.....Plaintiffs

Through: Mr. Saikrishna Rajagopal, Ms.
Suhasini Raina, Ms. Anjali
Agrawal, Ms. Mehr Sidhu, Ms.
Priyanka Jaiswal, Advocates.

Versus

MOVIESMOD.BET & ORS.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

30.08.2024

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I.A. 37866/2024-Exp

1. Exemption allowed, subject to all just exceptions.
2. The applications stand disposed of.

I.A. 37867/2024-Exp. from issuing notice to D-55 and D-56

3. This is an application seeking exemption from serving notice under Section 80 CPC to exempt the plaintiff from issuing notice to the defendant No.55, Department of Telecommunications (DoT) and defendant No.56, the Ministry of Electronics and Information Technology (MEITY) under Section 80 of the Code of Civil Procedure, 1908, as the relief being claimed against the said defendants is limited to ensure compliance of any orders of this Hon'ble Court in favour of the plaintiffs.
4. Exemption is granted.
5. The application stands disposed of.

CS(COMM) 738/2024

Page 1 of 18

I.A. 37868/2024-Exp from filing documents in separate volumes

6. Exemption allowed, subject to all just exceptions.
7. The application stands disposed of.

I.A. 37869/2024-Addl.doc.

8. The plaintiffs seek time of thirty days to file additional documents.
9. The plaintiffs will be at liberty to file additional documents within thirty days, *albeit*, strictly as per the provisions of the Commercial Courts Act, 2015 and Delhi High Court (Original Side) Rules, 2018.
10. Accordingly, the present application is disposed of.

CS(COMM) 738/2024

11. Let the plaint be registered as a suit.
12. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 28.11.2024.
13. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiffs, without which the written statement(s) shall not be taken on record.
14. Replication(s) thereto, if any, be filed by the plaintiffs within a period of *fifteen days* from the date of receipt of written statement(s). The said replication(s), if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.
15. If any of the parties wish to seek inspection of any document(s), the

same shall be sought and given within the requisite timelines.

16. List before the Joint Registrar for completion of pleadings on 28.11.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

17. List before the Court on 13.01.2025.

I.A. 37865/2024-Stay

18. The plaintiff seeks temporary injunction restraining the defendant Nos.1-45 from hosting, streaming, 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/ show to which the plaintiffs have a copyright and to block access to the defendant Nos.1-45 websites identified by the plaintiffs in the instant suit.

19. As per the pleadings of the plaintiff and after hearing arguments of the learned counsel, the following emerge:-

19.1. The plaintiffs namely, Warner Bros. Entertainment Inc., Columbia Pictures Industries, Inc., Disney Enterprises, Inc., Netflix US, LLC, SBS Co. Ltd., SLL Joongagng Co. Ltd. and CJ ENM Co. Ltd., are all owners of content. Plaintiffs claim to be leading global entertainment companies engaged in the business of creation, production, and distribution of motion pictures/ cinematograph films.

19.2. The works created by plaintiffs include sound recordings accompanied with visuals, and qualify as cinematograph film under Section 2(f) of the Copyright Act, 1957 [‘the Act’] and, therefore, are entitled to protection by virtue of Section 13(1) read with Sections 13(2) and (5) of the Act.

19.3. The content in question, in this suit is cinematograph films [‘plaintiffs’ works’], an illustrative list of which included in the plaint are extracted as under:-

Studio	Film	Year
Warner	Friends	1994-2004
Warner	Suicide Squad	2016
Warner	Mob Psycho	2016
Warner	The Conjuring 2	2016
Warner	Wonder Woman	2017
Warner	A Star Is Born	2018
Warner	Aquaman	2018
Warner	Batman	2022
Columbia	This is the End	2013
Columbia	Miracles from Heaven	2016
Columbia	Ghostbusters: Afterlife	2021
Columbia	Spider-Man: No Way Home	2021
Disney	Finding Dory	2016
Disney	The Jungle Book	2016
Disney	Mulan	2020
Disney	Encanto	2021
Netflix	Stranger Things – Season 1	2016
Netflix	Stranger Things – Season 2	2017
Netflix	Ibiza	2018
Netflix	Stranger Things – Season 3	2019
Netflix	Triple Frontier	2019
Netflix	Ghost Stories	2020
Netflix	Stranger Things- Season 4	2022
SBS	Running Man	2010
SBS	Romantic Doctor, Teacher Kim	2016
SBS	The Fiery Priest	2019
SBS	The Penthouse: War in Life	2020
SBS	Taxi Driver	2021
SBS	Business Proposal	2022
SBS	Revenant	2023
SLL	Sky Castle	2018
SLL	The World of the Married	2020
SLL	Reborn Rich	2022

SLL	Doctor Cha	2023
CJ ENM	Grandpas Over Flowers	2013
CJ ENM	Ode to My Father	2014
CJ ENM	Veteran	2015
CJ ENM	I Can See Your Voice	2015
CJ ENM	Guardian: The Lonely and Great God	2016
CJ ENM	Crash Landing on You	2019
CJ ENM	Parasite	2019
CJ ENM	Vincenzo	2021

19.4. The plaintiffs, therefore, claim to have exclusive rights under Section 14(d) read with Section 17 of the Act.

19.5. Grievance of plaintiffs is against defendant nos.1-45 who are hosting and operating the respective domain names/websites [‘infringing domains/ websites’] tabulated by plaintiffs are extracted as under:-

Defendant Nos.	Domain Name
01	moviesmod.bet; moviesmod.win; and moviesmod.band
02	vegamovies.nu; vegamovies.nz; vegamovies.tw; and vegamovies.to
03	fmoviesto.cc
04	animeflix.website
05	animixplay.st; animixplay.best; and animixplay.funanimixplayer.top
06	onlykdrama.sbs
07	watchsomuch.to; and watchsomuch.se
08	animerulz.pro; and animerulz.to
09	starflix.in
10	animeTMdubbers.net
11	kdramasmaza.com
12	24baze.com

13	animesuge.to
14	popcornonline.xyz
15	dramanice.la
16	myasiantv.ac; myasiantv.ru; and myasiantv.tv
17	onetouchtv.co
18	starflixdrama.com
19	1flix.to
20	movieshd.watch
21	hdtodayz.to
22	winnoise.com
23	anix.vc; anixtv.to
24	1hd.to
25	9anime.com.pl
26	thenollyverse.com
27	draplay.info; draplay2.pro; and asianhd1.net
28	katmoviehd.fyi; katmoviehd.foo
29	6movies.stream
30	anicrush.to
31	animefox.in
32	binge.lol; binged.in; and binged.live
33	hydrahd.com
34	nites.is
35	vxanime.com
36	kissasiantv.cx
37	kshow123.tv
38	newasiantv.pro
39	asianc.sh
40	runasian.net

41	kissasian.lu
42	theflixertv.to
43	braflix.ru
44	gostream.to
45	1tamilblasters.mov; and 1tamilblasters.link

19.6. Further, these infringing domains/ websites are carrying and disseminating content, consisting of plaintiffs' copyrighted works, without any license or authorization. More than twenty of plaintiffs' works are being unauthorisedly made available by defendant nos.1-45. Further, legal notices were sent to these infringing domains/ websites operated by defendants to take down infringing content. However, none of them have responded to the said legal notices.

19.7. Further, defendant nos.46 to 54 are various Internet Service Providers ['ISPs'] available domestically in India who provide access to internet in India. They control access to internet and are in a position to ensure that access to these infringing websites is not available.

19.8. Defendant no.55 is DoT, while defendant no.56 is MeitY, which form part of the Government of India and are the overall Regulators of the internet environment in the country. They have been called upon for the purpose of ensuring that the ISPs are in compliance with any directions which may be passed by this Court.

19.9. Defendant no.57 has been arrayed as "Ashok Kumar" which is a generic name to include all those who, in the future, may be discovered to be using the plaintiffs' content.

20. The present is a classic case exhibiting the evolution of "hydra-

headed” DNRs/ websites for streaming, reproducing, distributing, making available to the public and/ or communicating to the public any copyrighted content without appropriate licensing, where ownership of copyright is undisputed, the broad parameters to deal such issues were set out by this Court, in *UTV Software Communication Ltd. And Ors. vs. 1337X.to and Ors.*, 2019:DHC:2047 which were “... ..required to be considered for determining, whether the website complained of is a FIOL/ Rogue Website... ..” as under:-

- i. “whether the primary purpose of the website is to commit or facilitate copyright infringement;
- ii. the flagrancy of the infringement, or the flagrancy of the facilitation of the infringement;
- iii. Whether the detail of the registrant is masked and no personal or traceable detail is available either of the Registrant or of the user.
- iv. Whether there is silence or inaction by such website after receipt of take down notices pertaining to copyright infringement.
- v. Whether the online location makes available or contains directories, indexes or categories of the means to infringe, or facilitate an infringement of, copyright;
- vi. Whether the owner or operator of the online location demonstrates a disregard for copyright generally;
- vii. Whether access to the online location has been disabled by orders from any court of another country or territory on the ground of or related to copyright infringement;
- viii. whether the website contains guides or instructions to circumvent measures, or any order of any court, that disables access to the website on the ground of or related to copyright infringement;
- ix. the volume of traffic at or frequency of access to the website; and
- x. Any other relevant matter.”

21. Technology, certainly has its (ill)effects, which can be (mis)utilized if there is no proper channelisation. It may be a ‘boon’ for one, but if it is without any right, it can (soon) prove to be a ‘bane’ as well. The use of the contents of the plaintiffs by the defendants on multiple websites in the present case, without any of the said defendants having any right, title and/

or interest, much less having obtained any authority, permission, sanction, clearance to do so from any of the plaintiffs, are certainly a 'bane' which calls for some remedial order(s).

22. The mushrooming of the defendants like the present types and that too by blatant and utter slavish activities with ulterior purpose(s), cannot be allowed to continue and calls upon for grant of an order of *ex parte ad interim* injunction against them by this Court, both not only qua the present but also qua the future, more so, since the plaintiffs do not know what beholds for them in future causing them to be helpless despite having an order of a Court of Law in their favour. The present is a situation where the defendants herein are like a sapling with very few branches and will soon grow into a big tree with many branches and deep roots. The defendants, as also anyone like them, need to be stopped as earliest as possible and they are required to abide by any such order passed by a Court of Law, both in the present as also in the future, which being binding upon them, has to be followed and adhered by them in letter and spirit.

23. As per the case set up by the plaintiff, the defendants are in flagrant infringement/ facilitation of infringement as is evident from the vast volume of content available on its websites, the systematic, organised and intentional nature of the infringement, and the regularity and consistency with which content is updated/uploaded on the websites. The defendants are also attempting to mask their websites' registration/ contact details which make it virtually impossible to locate the operators of most of the defendants' websites and extremely difficult to contact the operators of these websites to demand seizure of this infringing conduct.

24. Further, the defendants' silence/ inaction to notices demonstrates the hydra-headed nature of these rogue websites, which even if blocked, multiply and resurface as alphanumeric or mirror websites. Moreover, the defendants' websites provide directories, indexes and categories for hyperlinks to copyrighted content located on a host/ server, where the end user can stream/ download the content. Thereby, defendants' websites provide a means of locating sources for content to be directly downloaded from a cloud storage site, hence, facilitating infringement.

25. Lastly, the defendants' general disregard for copyright is evident from the fact that the defendants websites tout that they provide content from third party websites which they are supposed to know, are not authorized to distribute copyright materials of the plaintiffs or other rights holders, also from the fact that latest content of the plaintiffs is regularly and consistently made available on majority of the defendants websites.

26. The plaintiff today is asking for a dynamic injunction, which recently has also been considered in Interim Application (Lodging) No.10257 of 2023 titled "***Applause Entertainment Private Limited vs. Meta Platforms Inc. and others***" wherein the Bombay High Court, while dealing with clips of the audio-visual content of the webseries, copyright whereof were held by the plaintiff therein, has granted an *ex parte ad interim* injunction of the same nature.

27. Similarly, this Court in ***Universal City Studios LLC. and Ors. vs. Dotmovies.baby and Ors.*** [2023:DHC:5842] has also recently, while considering similar issues, after noting the necessity and change, granted an *ex parte ad interim* injunction and held as under:-

"20. To keep pace with the dynamic nature of the infringement

that is undertaken by hydra-headed websites, this Court has deemed it appropriate to issue this 'Dynamic+ injunction' to protect copyrighted works as soon as they are created, to ensure that no irreparable loss is caused to the authors and owners of copyrighted works, as there is an imminent possibility of works being uploaded on rogue websites or their newer versions immediately upon the films/shows/series etc. The Plaintiffs are permitted to implead any mirror/redirect/alphanumeric variations of the websites identified in the suit as Defendants Nos. 1 to 16 including those websites which are associated with the Defendants Nos. 1 to 16, either based on the name, branding, identity or even source of content, by filing an application for impleadment under Order I Rule 10 CPC in the event such websites merely provide new means of accessing the same primary infringing websites that have been injuncted. ”

28. For the afore-going reasons, especially as set out in paragraph nos.23 to 25 hereinabove as also the legal position qua grant of dynamic injunction in suits of the present nature, the plaintiffs have been able to make out a *prima facie* case with the *balance of convenience* for grant of an *ad interim ex-parte* injunction as also for dynamic injunction in their favour and against the defendants. In case the defendants are not restrained by way of an *ad interim ex-parte* injunction, there is a likelihood of the plaintiffs suffering *irreparable harm, loss, injury and prejudice* which cannot be compensated for in terms of money.

29. Accordingly, keeping in mind the existing position of law as also since this Court has taken note of the changing times coupled with the changing technology to keep pace, till the next date of hearing:

29.1. Defendant nos.1 to 45 including their owners, partners, proprietors, officers, servants, affiliates, employees, and all others in capacity of principal or agent acting for and on its behalf, or anyone claiming through, by or under it, are restrained from communicating to the public in any manner i.e. by hosting, storing, reproducing,

streaming, broadcasting, re-broadcasting, causing to be seen or heard by public on payment of charge and/or making available for viewing plaintiffs' content through their websites including those listed in **Annexure A**, attached to this order.

29.2. Defendant nos.46 to 54 (ISPs) are directed to block access to the infringing websites tabulated in **Annexure A** within 48 hours of receipt of this order.

29.3. Defendant nos.55 and 56 (DoT and MeitY) shall take steps to ensure that ISPs comply with the directions issued above, through appropriate communications and notices sent to the said ISPs, including other ISPs which are registered with them.

29.4. Lastly, '**Dynamic+ injunction**' is granted to the plaintiffs to protect their copyrighted works as soon as they are infringed/created, in order to ensure no irreparable loss is caused to the owners of copyrighted works. Consequently, the plaintiffs are permitted to implead any mirror/redirect/alphanumeric variations of the websites, as given in **Annexure A**, including those websites which are associated with them, either based on the name, branding, identity or even source of content, by making an appropriate application for impleadment.

30. Upon filing of process fee, issue notice to the defendants through all permissible modes including through email returnable before the Joint Registrar on 28.11.2024.

31. Reply be filed within eight weeks with advance copy to counsel for plaintiffs. Rejoinder thereto, if any, be filed on or before the next date of hearing.

32. The provisions of Order XXXIX Rule 3 CPC be complied within one week.

33. List before the Court on 13.01.2025.

SAURABH BANERJEE, J

AUGUST 30, 2024/akr



Annexure A

List of defendants as per the plaint:

S. No.	Domain Name	URL	IP Address
Defendant No. 1			
1.	moviesmod.bet	https://moviesmod.bet	172.67.188.82
2.	moviesmod.win	https://moviesmod.win	172.67.201.249 104.21.42.62
3.	moviesmod.band	https://moviesmod.band/	104.21.32.135 172.67.152.75
Defendant No. 2			
4.	vegamovies.nu	https://vegamovies.nu	172.67.171.168 104.21.55.159
5.	vegamovies.nz	https://vegamovies.nz	104.21.45.226 172.67.219.173
6.	vegamovies.tw	http://vegamovies.tw	172.67.135.105 104.21.6.224
7.	vegamovies.to	http://vegamovies.to	104.21.1.231 172.67.152.143
Defendant No. 3			
8.	fmoviesto.cc	https://fmoviesto.cc/	104.21.234.98 104.21.234.99
Defendant No. 4			
9.	animeflix.website	https://animeflix.website	104.199.204.141
Defendant No. 5			
10.	animixplay.st	https://animixplay.st	104.21.1.133 172.67.129.78
11.	animixplay.best	https://animixplay.best	104.21.15.217 172.67.164.130
12.	animixplay.fun	https://animixplay.fun	104.21.91.205 172.67.179.89
13.	animixplayer.top	https://animixplayer.top	104.21.70.227 172.67.140.41
Defendant No. 6			
14.	onlykdrama.sbs	https://onlykdrama.sbs/	188.114.96.2

			188.114.97.2
Defendant No. 7			
15.	watchsomuch.to	https://watchsomuch.to	104.21.55.24
			172.67.144.34
16.	watchsomuch.se	https://watchsomuch.se	104.21.88.143
			172.67.182.96
Defendant No. 8			
17.	animerulz.pro	https://animerulz.pro	104.21.47.247
			172.67.174.214
18.	animerulz.to	http://animerulz.to	104.21.19.156
			172.67.186.205
Defendant No. 9			
19.	starflix.in	https://starflix.in	103.163.247.98
Defendant No. 10			
20.	animeTMdubbers.net	https://animeTMdubbers.net	142.251.16.121
Defendant No. 11			
21.	kdramasmaza.com	https://kdramasmaza.com/	188.114.96.2
			188.114.97.2
Defendant No. 12			
22.	24baze.com	https://download.24baze.com	104.21.16.200
Defendant No. 13			
23.	animesuge.to	https://animesuge.to	172.64.108.25
			172.64.109.25
Defendant No. 14			
24.	popcorntimeonline.xy z	https://popcorntimeonline.x yz	104.21.92.197
			172.67.197.93
Defendant No. 15			
25.	dramanice.la	https://dramanice.la/	104.21.67.145
			172.67.177.87
Defendant No. 16			
26.	myasiantv.ac	https://myasiantv.ac/	104.26.4.93
			104.26.5.93
			172.67.73.22

27.	myasiantv.ru	https://w1.myasiantv.ru/	188.114.96.2 188.114.97.2
28.	myasiantv.tv	https://www13.myasiantv.tv /	188.114.96.0 188.114.97.0
Defendant No. 17			
29.	onetouchtv.co	https://onetouchtv.co	104.21.5.43 172.67.132.243
Defendant No. 18			
30.	starflixdrama.com	https://starflixdrama.com/	188.114.96.2 188.114.97.2
Defendant No. 19			
31.	1flix.to	https://1flix.to/	104.21.5.50 172.67.132.251
Defendant No. 20			
32.	movieshd.watch	https://movieshd.watch	104.21.42.172 172.67.206.207
Defendant No. 21			
33.	hdtodayz.to	https://hdtodayz.to/	104.21.74.225 172.67.164.13
Defendant No. 22			
34.	winnoise.com	https://winnoise.com/	104.21.28.76 172.67.144.225
Defendant No. 23			
35.	anix.vc	https://anix.vc	104.21.32.84
36.	anixtv.to	https://anixtv.to	104.21.27.168
Defendant No. 24			
37.	1hd.to	https://1hd.to/	104.21.65.16 172.67.139.69
Defendant No. 25			
38.	9anime.com.pl	https://9anime.com.pl	172.67.144.128
Defendant No. 26			
39.	thenollyverse.com	https://www.thenollyverse.com	104.21.24.42
Defendant No. 27			
40.	draplay.info	https://draplay.info/	188.114.96.2 188.114.97.2
41.	draplay2.pro	https://draplay2.pro/	188.114.96.2

			188.114.97.2
42.	asianhd1.net	https://asianhd1.net/	104.21.9.118 172.67.189.61
Defendant No. 28			
43.	katmoviehd.fyi	https://katmoviehd.fyi	172.67.143.13 104.21.79.92
44.	katmoviehd.foo	https://katmoviehd.foo	172.67.131.48 104.21.3.208
Defendant No. 29			
45.	6movies.stream	https://6movies.stream	104.21.22.150 172.67.205.88
Defendant No. 30			
46.	anicrush.to	https://anicrush.to	104.21.71.65 172.67.143.183
Defendant No. 31			
47.	animefox.in	https://animefox.in	104.21.73.123 172.67.190.6
Defendant No. 32			
48.	binge.lol	https://binged.lol	104.21.33.224 172.67.151.22
49.	binged.in	https://binged.in	104.21.40.228 172.67.157.144
50.	binged.live	https://binged.live	104.21.20.12 172.67.190.197
Defendant No. 33			
51.	hydrahd.com	https://hydrahd.com	104.21.64.103
Defendant No. 34			
52.	nites.is	https://w1.nites.is	79.124.78.248
Defendant No. 35			
53.	vxanime.com	https://vxanime.com	104.21.17.86 172.67.175.99
Defendant No. 36			
54.	kissasian.tv.cx	https://kissasian.tv.cx	104.26.14.2 104.26.15.2 172.67.75.226
Defendant No. 37			
55.	kshow123.tv	https://kshow123.tv/	188.114.96.2

			188.114.97.2
Defendant No. 38			
56.	newasianv.pro	https://www2.newasianv.pro/	188.114.96.2
			188.114.97.2
Defendant No. 39			
57.	asianc.sh	https://asianc.sh/	104.26.10.121
			104.26.11.121
			172.67.69.240
Defendant No. 40			
58.	runasian.net	https://runasian.net/	104.26.6.4
			104.26.7.4
			172.67.74.124
Defendant No. 41			
59.	kissasian.lu	https://kissasian.lu	188.114.96.2
			188.114.97.2
Defendant No. 42			
60.	theflixertv.to	https://theflixertv.to/	104.21.76.15
			172.67.185.15
Defendant No. 43			
61.	braflix.ru	https://www.braflix.ru/	104.26.2.82
			104.26.3.82
			172.67.72.132
Defendant No. 44			
62.	gostream.to	https://gostream.to/	104.31.16.8
			104.31.16.121
Defendant No.45			
63.	1tamilblasters.mov	https://1tamilblasters.mov	104.21.68.88
			172.67.192.127
64.	1tamilblasters.link	https://1tamilblasters.link	104.21.19.85
			172.67.185.175