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

+ **CS(COMM) 449/2024**

NETWORK18 MEDIA AND INVESTMENTS LIMITED & ORS.

.....Plaintiff

Through: Mr. SaiKrishna Rajagopal, Advocate.

versus

WWW.BRAWLERSFIGHTCLUB.COM & ORS..... Defendants

Through: Mr. Tejas Karia, Advocate with Mr. Varun Pathak, Mr. Yash Karunakarun, Ms. Adya Joshi and Ms. Arunima Srivastava, Advocates for Defendant No. 11.

Ms. Mrinal Ojha, Advocate with Ms. Debarshi Datta and Ms. Tanya Chaudhury, Advocates for Defendant No. 16.



LEGALERA
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CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.05.2024

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I.A. 30576/2024 (seeking exemption from invoking pre-institution mediation)

1. As the present suit contemplates urgent interim relief, in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Krithi*,¹ exemption from attempting pre-institution mediation is granted.
2. Disposed of.

¹ 2023 SCC OnLine SC 1382.

I.A. 30578/2024 (seeking exemption from filing certified copies/clear copies of documents with appropriate margin)

3. Exemption is granted, subject to all just exceptions.
4. The Plaintiff shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
5. Accordingly, the application stands disposed of.

I.A. 30577/2024 (application under Section 80 read with Section 151 of the Code of Civil Procedure, 1908)

6. Upon filing of process fee, issue notice to Defendant No. 27 and 28, by all permissible modes, returnable on the next date of hearing.
7. Reply, if any, be filed within four weeks from the date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.
8. Renotify on 25th October, 2024.

I.A. 30579/2024 (application under Section 151 of the Code of Civil Procedure, 1908 seeking leave to file and place on record a pen drive containing the video of the interview with supporting affidavit)

9. Plaintiff seeks the leave of the Court to place on record a video recording, forming the subject matter of the present suit. Rule 24 of Chapter XI of the Delhi High Court (Original Side) Rules, 2018 makes it clear that electronic records can be received in CD/DVD/Medium encrypted with a hash value. The said Rule is extracted below:

“24. Reception of electronic evidence -A party seeking to tender any electronic record shall do so in a CD/ DVD/ Medium, encrypted with a hash value, the details of which shall be disclosed in a separate memorandum, signed by the party in the form of an affidavit. This will be tendered along with the encrypted CD/ DVD/ Medium in the Registry. The electronic record in the encrypted CD/ DVD/ Medium will be uploaded on the server of the Court by the Computer Section and kept in

an electronic folder which shall be labeled with the cause title, case number and the date of document uploaded on the server. Thereafter, the encrypted CD/ DVD/ Medium will be returned to the party on the condition that it shall be produced at the time of admission/denial of the documents and as and when directed by the Court/ Registrar. The memorandum disclosing the hash value shall be separately kept by the Registry on the file. The compliance with this rule will not be construed as dispensing with the compliance with any other law for the time being in force including Section 65B of the Indian Evidence Act, 1872.”

10. Registry may receive electronic record on CD-ROM/ DVD so long as it is encrypted with a hash value or in any other non-editable format. The video recording contained in CD-ROM be placed in the electronic record of the present suit in a format which is non-editable, so that the same can be viewed by the Court during hearing.

11. Application is disposed of.

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12. Let the plaint be registered as a suit.

13. Issue summons. Counsels mentioned in the appearance above, accept summons. Upon filing of process fee, issue summons to remaining Defendants by all permissible modes. Summons shall state that the written statement(s) shall be filed by the Defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the Defendants shall also file affidavit(s) of admission/denial of the documents of the Plaintiffs, without which the written statement(s) shall not be taken on record.

14. Liberty is given to the Plaintiffs to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the Plaintiffs, affidavit(s) of admission/denial of documents of the

Defendants, be filed by the Plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

15. List before the Joint Registrar for marking of exhibits on 28th August, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

16. List before Court for framing of issues thereafter.

I.A. 30575/2024 (application on behalf of the Plaintiff under Order XXXIX Rule 1 & 2 read with Section 151 of the Code of Civil Procedure, 1908 along with supporting affidavit)

17. The Plaintiffs have filed the present suit seeking *inter-alia* permanent injunction restraining the infringement of their intellectual property rights i.e., copyright in cinematograph film (the video of an interview), trademarks as well as personality rights- which are being infringed by various rogue websites (Defendant No.1-8 working/operating in conjunction with Defendant No. 9 and 10).



18. Plaintiff No.1, Network18 Media & Investments Limited (“Network18”), is diversified media and entertainment (M&E) conglomerates, with interests across television, digital content, filmed entertainment, e-commerce, print and allied businesses. Plaintiff No.2, TV18 Broadcast Limited, is a subsidiary of Plaintiff No.1 and is primarily engaged in the business of news broadcasting. Plaintiff No. 6 is the Managing Editor, Special Projects and senior anchor at CNN-News18. He writes extensively on Indian politics and sports and is a well-renowned journalist in India.

19. At the outset, Mr. Saikrishna Rajagopal, counsel for the Plaintiffs,

clarifies that, while the instant application also seeks protection of personality rights of Plaintiffs Nos. 3, 4, and 5, he is currently confining interim relief in respect of the personality rights of only Plaintiff No. 6, Mr. Anand Narasimhan, the anchor in the interview video at issue.

20. Additionally, Plaintiff No.1 and 2 also assert common law rights in



their mark “” and statutory rights in their registered mark “” and its formative marks,² details of which are mentioned in paragraph no. 30 of the Plaint.³

21. Plaintiff No. 2 also asserts their copyright in an interview, which was communicated to the public through Plaintiff No. 1’s news platform “CNBC TV18” on its YouTube Channel. The content communicated to the public through YouTube Channel “CNBC TV18,” is owned and controlled by the Plaintiff No. 2. The interview is accessible to the public at <https://www.youtube.com/watch?v=BhGxCx1d0e4>, which features Mr. Anand Mukesh Ambani, Director of Reliance Industries Ltd. in an exclusive interview with the Plaintiff No. 6 i.e. Mr. Anand Narasimhan, where he talks about his various projects, his love for wildlife and his dream project.⁴ Mr. Narasimhan’s Interview was uploaded on the “CNBC TV18” YouTube channel on 26th February, 2024 and has more than 3,67,000 views. One of the screenshots of the Interview is as follows:

² Collectively referred to as ‘TV18 marks’

³ Collectively referred to as Plaintiff’s marks.

⁴ Mr. Narasimhan’s Interview



22. As per Section 14 (d) (i) of the Copyright Act, 1957, only a copyright owner of the cinematograph film, has an exclusive right to make a copy of the film, including “a photograph of any image forming part thereof”. Asserting this right, Plaintiff No. 2 claims that the exclusive right to utilize and communicate Mr. Narasimhan’s Interview/photograph from the cinematograph film to the public is that of the Plaintiff No. 2.

23. Defendant Nos. 1 to 8 are rogue websites which contain a false article [titled “CNBC-TV18 management refuses to comment on the scandal surrounding its interview ‘Vantara(star of the forest)’”],⁵ about an Interview involving Mr. Anand Ambani and Plaintiff No. 6. The article on the websites describes a fake/made-up interview from the actual Interview of

⁵ Impugned article

Mr. Ambani with Plaintiff No. 6 uploaded on Plaintiff No.1's Youtube channel. Relevant screenshot of the impugned article is as follows:



24. The impugned article references and redirects to a cryptocurrency trading platform called "Everix Edge"/Defendant No.9 which allegedly helps in earning a passive income and offering astronomical returns. The impugned article details an interview of Mr. Ambani with Defendant No.6,

the contents of which are completely fake/made-up, where Mr. Ambani allegedly claims that anyone can make money through passive income on Defendant No. 9 Platform. The Impugned article quotes Mr. Ambani as claiming that anyone can register with Everix Edge with a minimum deposit of Rs. 26,000/- and transform this amount into Rs. 10,00,000/-, yielding a 4,000% return within a few months. To lend credibility to the article, it is falsely presented as being published by the BBC, the renowned public broadcaster and news agency of the United Kingdom.

25. Various links embedded in Defendant Nos. 1 to 4 and 6 to 8 websites redirect to a page containing the name of Defendant No. 9- Everix Edge platform. Further, the impugned article on Defendant No. 5 website redirects to Defendant No. 10 website- Immediate 7x Alrex.

26. The screenshots of the redirected pages are as follows:





27. Furthermore, it is contended that through this impugned article, Defendant Nos.1 to 8 are infringing and passing off the Plaintiff's trademarks and also infringing Plaintiff No.2's copyright in the said video.

28. That apart, the Plaintiffs have also found URLs of Defendant No.1-8 websites being shared as "posts" uploaded by the users of Defendant No.11's platform "Facebook" and Defendant No. 12's platform "(X)".

29. It is evident from the screenshot extracted above that the impugned article contains a picture from the Mr. Narasimhan's interview in which Plaintiff No.2 holds copyright. The said article is *prima facie* defrauding and scamming the public by using the name, likeness, image and reputation of Plaintiff No.6, screengrab/screenshot of the interview in which the copyright is owned by the Plaintiff No.2, name of Plaintiff No.2's channel

"CNBCTV18", and the mark  which is deceptively similar to

Plaintiff No.1 and 2's marks  and TV18 marks

30. In light of the above, Court is satisfied that the Plaintiffs No.1, 2 and 6 have demonstrated a *prima-facie* case for infringement of Plaintiffs' TV18

marks and copyright, as well as passing off of the Plaintiff's mark



“CNBC TV18”. Furthermore, the impugned article also *prima facie* violates the personality rights of Plaintiff No.6.

31. Accordingly, the following directions are issued:

a. Till the next date of hearing, owners of Defendants No.1-8 or anyone acting on their behalf, are restrained from infringing Plaintiff No. 1 and 2's TV18 marks and copyright in Mr. Narasimhan's interview and passing off



of the Plaintiff No.1 and 2's mark “CNBC TV18”. They are also restrained from violating Plaintiff No.6's personality rights in Mr. Narasimhan's interview.

b. Defendants No. 13 to 17 [Domain Name Registrars] are directed to block/ suspend access to the respective domain names parked at websites mentioned in Annexure-A attached to this order. They shall, within four weeks from today, file in a sealed cover, the KYC details concerning the registrants of the aforesaid domain names, as are available with them. A copy of the said documents shall also be provided to counsel for Plaintiffs, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

c. Defendant No. 18 (Domain name registrar) is directed to file in a sealed cover, the KYC details concerning the registrants of the domain name parked at website - <https://everixedge.com/> (Defendant No.9), as are available with them. A copy of the said documents shall also be provided to counsel

for Plaintiffs, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

d. Defendant No.11 (Meta Platforms Inc.), is directed to block/ remove the Facebook post available at the URL identified in paragraph no. 70 of the plaint. They shall, within four weeks from today, file in a sealed cover, the complete details of the user who made the post, as are available with them. A copy of the said documents shall also be provided to counsel for Plaintiffs, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

e. Defendant No.12(X Corp.), is directed to block/ remove the posts available at the URLs identified in paragraph no. 70 of the plaint. They shall, within four weeks from today, file in a sealed cover, the complete details of the users who made the posts, as are available with them. A copy of the said documents shall also be provided to counsel for Plaintiffs, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

f. Defendants No. 27 and 28 [Ministry of Electronics and Information Technology and Department of Telecommunications, Ministry of Communications and Information Technology, respectively] are directed to issue necessary directions to the telecom service providers and internet service providers to the block websites mentioned in Annexure-A attached to this order.

g. In the event, Plaintiffs discover other mirror websites that contains the impugned article, they shall intimate the said URLs to concerned Defendant Nos. 13-17, who shall then block/ take down the same, in accordance with law. If the said Defendants come to the conclusion that the said URLs does

not contain content identical to the impugned article, they shall inform the same to the Plaintiff, who shall then apply to the court for necessary directions. Furthermore, if they come across social media posts (containing links to Defendant No.1-8 websites) they shall intimate the said URLs to concerned Defendant Nos. 11-12, who shall then block/ take down the same, in accordance with law.

32. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 be done within two weeks from today.

33. Issue notice. Counsel for Defendants mentioned in the appearance above, accept notice. Reply, if any, be filed within four weeks from today.

34. Upon filing of process fee, issue notice to the remaining Defendants, by all permissible modes, returnable on the next date of hearing. Reply, if any, be filed by the said Defendants within four weeks from the date of service. Rejoinder thereto, if any, be filed within two weeks thereafter.

35. Renotify on 25th October, 2024.

SANJEEV NARULA, J

MAY 28, 2024/sapna

ANNEXURE A

<u>Domain Name</u> <u>Registrar (DNR)</u>	<u>Websites</u>
Defendant No. 13 (Squarespace Domains II LLC)	Defendant No. 1- https://brawlersfightclub.com
Defendant No. 14 (Hello Internet Corp)	Defendant No. 2- https://mihexa.com/
Defendant No. 15 (Name Cheap Inc.)	Defendant No. 5- https://escapekpom.com/ Defendant No. 7- https://militarymirrorng.com/ Defendant No. 8- https://thefinancemoney.com/
Defendant No. 16 (Godaddy.com LLC)	Defendant No. 3- https://infohomesecurity.com/ Defendant No. 4- https://streamanalyticsai.com/
Defendant No. 17 (Automattic Inc.)	Defendant No. 6- https://muschablaw.com/