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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 402/2024, I.A. 11179/2024, I.A. 11180/2024, I.A.
11181/2024, I.A. 11182/2024
UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP & ORS.

..... Plaintiffs
Through: Mr. Siddharth Chopra, Ms. Suhasini
Raina, Ms. Anjali Agrawal and Ms.
Mehr Sidhu, Advocates.

versus

MOVIES123.LA & ORS.

..... Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
16.05.2024

I.A. 11180 /2024 (*Exemption from filing certified, clearer/proper/translated annexures etc*).

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file certified/clearer/proper/translated copies on which the applicant may seek to place reliance before the next date of hearing.
3. Accordingly, the present application is disposed of.

I.A. 11181/2024 (*Exemption from issuing notice to the defendant*).

1. This application has been filed for exempting the plaintiff from issuing notice to defendant no. 36, Department of Telecommunications [**DoT**] and



defendant no. 37, Ministry of Electronics and Information Technology [*MeitY*].

2. Exemption is granted.
3. Application stands disposed of.

I.A. 11182/2024 (Exemption from segregating the documents).

1. This application has been filed by plaintiffs to exempt the plaintiffs from segregating the documents filed along with the suit in separate parts/volumes.
2. Exemption is granted, subject to all just exceptions.
3. Accordingly, the present application is disposed of.

CS(COMM) 402 /2024

1. Let the plaint be registered as a suit.
2. Upon filing of process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statements be filed by the defendants within 30 days from the date of receipt of summons. Along with the written statements, the defendant shall also file affidavits of admission/denial of the documents of the plaintiffs, without which the written statement shall not be taken on record. Liberty is given to the plaintiffs to file a replication within 30 days of the receipt of the written statements. Along with the replication, if any, filed by the plaintiffs, affidavits of admission/denial of documents filed by the defendants, be filed by the plaintiffs, without which the replications 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.
3. List before the Joint Registrar for marking of exhibits on 21st August,



2024.

4. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

I.A. 11179/2024 (Application Under Order XXXIX Rules 1 & 2, CPC).

1. This application has been filed under Order XXXIX Rules 1 & 2 of Code of Civil Procedure, 1908 [**CPC**], as part of the accompanying suit filed by plaintiffs seeking permanent injunction restraining the defendant nos. 1-26 and all those acting for/on their behalf, from hosting, streaming, reproducing, distributing, disseminating on the internet in any manner whatsoever, any cinematograph work/content/programme in relation to which the plaintiffs have copyright, and other attendant reliefs.

2. Plaintiff nos. 1-6 are all owners of content and companies which are incorporated in the United States of America. Plaintiff nos. 1-6 are members of Motion Pictures Association, [**MPA**] and are represented by common counsel.

3. Plaintiffs claim to be leading global entertainment companies engaged in the business of creation, production, and distribution of motion pictures/cinematograph films.

4. 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.



5. The content in question, in this suit is cinematograph films [*‘plaintiffs’ works’*], an illustrative list of which has been included in the plaint; extracted as under:

Studio	Film	Year
Universal	Straight Outta Compton	2015

Universal	The Purge: Election Year	2016
Universal	The Secret Life of Pets 2	2019
Universal	F9: The Fast Saga	2021
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
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
Paramount	Transformers: Age of Extinction	2014
Paramount	Ghost in the Shell	2017
Paramount	xXx: Return of Xander Cage	2017
Paramount	Sonic the Hedgehog	2020
Paramount	Top Gun: Maverick	2022
Disney	Finding Dory	2016



Disney	The Jungle Book	2016
Disney	Mulan	2020
Disney	Encanto	2021

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

7. Grievance of plaintiffs is against defendant nos. 1-26 who are hosting and operating the respective domain names/websites [*'infringing domains/websites'*] which are tabulated by plaintiffs; extracted as under:

Defendant Numbers	Defendant Domain
(1)	movies123.la 123movies.com.pk movies123.com.pk 123movies-hd.com hdmaza.pk
(2)	animeflix.live animeflix.co.in animeflix.lol animeflix.mobi
(3)	myfixer.onl
(4)	vegamovies.yt vegamovies.llc vegamovies.ph vegamovies.rsvp vegamovies.cash
(5)	gogoanimex.to
(6)	hdfilmer.net
(7)	hdobox.se



(8)	cinego.tv
(9)	eztvx.to
(10)	f2movies.mx
(11)	favmovies.to
(12)	soaper.tv
(13)	netfilm.app
(14)	mydownloadtube.net
(15)	movieuniverse.li movieuniverse.se
(16)	losmovies.id
(17)	m4ufree.tv
(18)	isaimini.com.lk isaimini.com.hn isaimini.com.sb isaimini.com.es
(19)	megashare-website.com
(20)	animedekho.com
(21)	proxyninja.net
(22)	yify.guide yify.app
(23)	huramovies.to
(24)	myanimeindia.in
(25)	cartoonsarea.xyz
(26)	animeheaven.me

8. According to the plaintiffs' counsel, these infringing domains/websites are carrying and disseminating content, consisting of plaintiffs' copyrighted works, without any licence or authorization.

9. An illustrative list of plaintiffs' works unauthorisedly made available by defendant nos.1-26 is tabulated by plaintiffs; list is extracted as under:



Studio	Film	Year
Universal	The Secret Life of Pets	2016
Universal	F9: The Fast Saga	2021
Warner	Mob Psycho 100- Season 1	2016
Warner	Aquaman	2018
Warner	Wonder Woman 1984	2020
Warner	Suicide Squad	2021
Columbia	Spider Man: No Way Home	2021
Netflix	Squid Games	2021
Netflix	Stranger Things Season 4	2022
Netflix	Romantic Killer Season 1	2022

Netflix	One Piece Season 1 Episode 7	2023
Paramount	Transformers: The Last Knight	2017
Disney	Finding Nemo	2003
Disney	Finding Dory	2016
Disney	Encanto	2021

10. Legal notices were sent to these infringing domains/websites operated by defendants to take down infringing content, however, none of them, except defendant nos. 13-14, have responded to said legal notices.

11. Defendant no. 13 stated in an email dated 10th May, 2024 that they “...have removed the requested content”, while an email by Domain Name



Registrar [*'DNR'*] of defendant no. 14 stated that the domain name arrayed as defendant no. 14 *"has been suspended"*.

12. Plaintiffs *inter alia* rely on numerous previous orders of this Court which have protected content owners from piracy through infringing websites; some of them being as under:

- a. *UTV Software Communication Ltd. & Ors. v. 1337x & Ors.*, 2019:DHC:2047;
- b. *Universal City Studios LLC. & Ors. v. dotmovies.baby & Ors.*, 2023:DHC:5842;
- c. *UTV Software Communications Ltd. & Ors. v. bmovies.is & Ors.*, CS(COMM) 768/2018, Order dated 04th April, 2018;
- d. *Warner Bros. Entertainment Inc. v. https:hindilinks4u.to & Ors.*, 2022:DHC:3530;
- e. *Warner Bros. Entertainment Inc. v. https://tamilrockers.ws & Ors.*, 2022:DHC:4171.

13. In light of these facts and circumstances, the plaintiffs advert to the guidelines enunciated in *UTV Software Communication (supra)* of parameters to determine if such websites were rogue websites, and applicable to facts in this case:

- i. It is evident from the overall content available on the infringing websites, of which screenshots have been placed on record, that the primary purpose is to commit or facilitate copyright infringement;
- ii. The flagrancy of the infringement and the facilitation thereof, is evident from the messages on some of these infringing websites;



- iii. As noted above, there has been silence and inaction by infringing websites after legal notices were sent, except from defendant nos. 13 and 14, as already noted above;
- iv. The infringing websites clearly make available indexes to the content to which the plaintiffs claim copyright;
- v. These websites are updating on a day-to-day basis and providing latest content of the plaintiffs.

14. Defendant nos. 27 to 35 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.

15. Defendant no. 36 is DoT, while defendant no. 37 is MeitY, which represents the Government 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.

16. Defendant no. 38 has been arrayed as “*Ashok Kumar*” which is a generic name to include all those who, in the future, may be discovered as using the plaintiffs’ content.

17. In light of these circumstances, this Court is of the view that plaintiffs have made out a *prima facie* case for grant of an *ex-parte ad interim injunction* as also a **dynamic injunction**. Balance of convenience lies in favour of plaintiffs as irreparable loss would be caused if the same is not granted.

18. Accordingly, till the next date of hearing the following directions are issued:



- a. Defendant nos.1 to 26 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 in any manner communicating to the public, 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 as under:

S. No.	Domain Name	URL	IP Address
Defendant No. 1			
1.	movies123.la	https://movies123.la	104.31.16.10
2.	123movies.com.pk	https://123movies.com.pk	45.141.58.143
3.	movies123.com.pk	https://movies123.com.pk	104.21.86.214
4.	123movies-hd.com	https://123movies-hd.com	104.21.94.212
			104.21.94.212
5.	hdmaza.pk	https://hdmaza.pk	194.145.209.115



Defendant No. 2			
6.	animeflix.live	https://animeflix .live	104.21.95.213
			172.67.148.160
7.	animeflix.co.in	https://animeflix .co.in	104.21.64.241
8.	animeflix.lol	https://animeflix .lol	104.21.49.99
			172.67.161.156
9.	animeflix.mobi	https://animeflix .mobi	104.21.65.62
			172.67.158.200
Defendant No. 3			
10.	myflixer.onl	https://myflixer. onl	104.21.86.159
			172.67.221.187

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Defendant No. 4			
11.	vegamovies.yt	https://vegamovies.yt	172.67.181.82
12.	vegamovies.llc	https://vegamovies.llc	104.21.38.3 172.67.216.182
13.	vegamovies.ph	https://vegamovies.ph	172.67.218.180
14.	vegamovies.rsvp	https://vegamovies.rsvp	104.21.38.166
15.	vegamovies.cash	https://vegamovies.cash	104.21.50.57 172.67.168.22
Defendant No. 5			
16.	gogoanimex.to	https://gogoanimex.to	104.21.36.51 172.67.185.163



Defendant No. 6			
17.	hdfilmer.net	https://hdfilmer.	104.21.66.54
		net	172.67.201.78
Defendant No. 7			
18.	hdobox.se	https://hdobox.s	104.21.8.135
		e	172.67.188.120
Defendant No. 8			
19.	cinego.tv	https://cinego.tv	104.21.30.92
			172.67.172.179
Defendant No. 9			
20.	eztvx.to	https://eztvx.to	104.31.16.8

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Defendant No. 10			
21.	f2movies.mx	https://f2movies .mx	104.31.16.124
Defendant No. 11			
22.	favmovies.to	https://favmovie s.to	104.21.41.99
Defendant No. 12			
23.	soaper.tv	https://soaper.tv	104.21.16.232
			172.67.216.210
Defendant No. 13			
24.	netfilm.app	https://netfilm.a pp	104.21.79.64
			172.67.142.142
Defendant No. 14			
25.	mydownloadtub e.net	https://mydownl oadtube.net	104.21.36.51
			172.67.185.163



Defendant No. 15			
26.	movieuniverse.l i	https://movieuni verse.li	185.178.208.148
27.	movieuniverse.s e	https://movieuni verse.se	104.21.66.230
			172.67.209.26
Defendant No. 16			
28.	losmovies.id	https://losmovie s.id	104.21.31.200
Defendant No. 17			
29.	m4ufree.tv	https://ww1.m4 ufree.tv	104.26.6.40
			104.26.7.40
			172.67.74.121

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Defendant No. 18			
30.	isaimini.com.lk	https://www.isaimini.com.lk	104.21.33.248
31.	isaimini.com.hk	https://www.isaimini.com.hk	104.21.26.9
			172.67.135.29
32.	isaimini.com.sb	https://isaimini.com.sb	104.21.2.181
			172.67.129.136
33.	isaimini.com.es	https://isaimini.com.es	104.21.23.33
			172.67.208.163
Defendant No. 19			
34.	megashare-website.com	https://megashare-website.com	104.21.73.35
			172.67.157.114
Defendant No. 20			
35.	animedekho.com	https://animedekho.com	104.21.61.9



Defendant No. 21			
36.	proxyninja.net	https://proxynin ja.net	104.21.41.103 172.67.146.131
Defendant No. 22			
37.	yify.guide	https://yify.guid e	104.21.61.37 172.67.205.200
38.	yify.app	https://yify.app	104.21.87.183
Defendant No. 23			
39.	hramovies.to	https://hramovi es.to	104.21.54.160
Defendant No. 24			
40.	myanimeindia.i n	https://myanime india.in	142.251.111.121
Defendant No. 25			
41.	cartoonsarea.xy z	https://www.car toonsarea.xyz	5.196.64.218
Defendant No. 26			
42.	animeheaven.m e	https://animehea ven.me	192.99.9.229

- b. The DNRs of the infringing websites, upon being intimated by the plaintiffs, shall lock and suspend the said domain names. In addition, any details relating to the registrants of the said domain names including



KYC, credit card, mode of payment, mobile number, etc. be also provided to the plaintiffs.

- c. Defendant nos. 27 to 35 (ISPs) are directed to block access to these infringing websites tabulated above, within 48 hours of receipt of this order.
- d. Defendant nos. 36 and 37 (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.
- e. To keep up with the hydra-headed nature of the infringement actions of such infringing domains/websites, this Court finds it fit to grant a **‘Dynamic+ injunction’** to protect copyrighted works as soon as they are created, to ensure that no irreparable loss is caused to the owners of copyrighted works, as there is an imminent possibility of works being uploaded on infringing websites or their newer versions immediately thereafter. Plaintiffs are permitted to implead any mirror/redirect/alphanumeric variations of the websites identified in the suit as defendants nos. 1 to 26, including those websites which are associated with them, 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 enjoined.
- f. Plaintiffs will be at liberty to also file such an appropriate application seeking protection *qua* their copyrighted works, including future works, if the need so arises. Upon filing such applications along with an



affidavit with sufficient supporting evidence seeking extension of the injunction to such websites, which be listed before the Joint Registrar, the injunction shall become operational against the said websites and *qua* such works. If there is any work in respect of which there is any dispute as to ownership of copyright, an application may be moved by the affected party before the Court, to seek clarification regarding the same.

19. In view of the same, upon filing of process fee, issue notice on steps taken by plaintiff by all permissible modes including email.
20. List on 12th September, 2024
21. Reply be filed within eight weeks with advance copy to counsel for plaintiffs, who may file rejoinder thereto, if any, before the next date of hearing.
22. Compliance of Order XXXIX Rule 3, CPC be effected within a week.
23. *Dasti.*
24. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 16, 2024/RK/sc

Click here to check corrigendum, if any