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

+ **CS(COMM)No.264/2020 & I.A.Nos.5848-52/2020**

SNAPDEAL PRIVATE LIMITEDPlaintiff

Through : Ms. Swetashree Majumder, Adv.

versus

SNAPDEALLUCKY – DRAWS.ORG.IN & ORS.Defendants

Through : Mr. Shantanu Sahay and Ms. Imon Roy, Advs. For D-51.

Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant, Adv. for D-62.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **20.07.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A.No.5849/2020

1. Allowed. The plaintiff is permitted to file additional documents.

1.1 The additional documents will be filed within 30 days of the lockdown *qua* this Court being lifted.

I.A.No.5850/2020

2 Allowed, subject to just exceptions.

I.A.Nos.5851-52/2020

3. Allowed, subject to the plaintiff curing the deficiencies referred to in the captioned applications within five days of the lockdown *qua* this Court being lifted.

CS(COMM)No.264/2020 & I.A.No.5848/2020

4. Issue summons in the suit and notice in the captioned application *via*

all means including email.

4.1 Mr. Shantanu Sahay accepts service on behalf of defendant no. 51 while Mr. Anurag Ahluwalia accepts service on behalf of defendant no. 62.

5. It is averred that the plaintiff which was incorporated in 2008, *albeit* under a different name, launched a website in February 2010 i.e. www.snapdeal.com. This website, it is averred, is an online marketplace which enables the sellers and the buyers to conduct business in the virtual sphere.

5.1 The plaintiff's immediate grievance is that rogue websites are *inter alia* degrading its goodwill and infringing its registered trademark by offering fraudulent prize schemes, lotteries and luck draws in a manner which tends to portray that they either emanate from it or are connected with it.

5.2 These rogue websites are arrayed as defendant nos. 1 to defendant no. 50.

5.3 The plaintiff is concerned that not only are they damaging its commercial and statutory interests but would also end up defrauding gullible customers by having them erroneously believe that the said defendants are connected to the plaintiff.

5.4 The plaintiff has, thus, to protect its interest, arrayed not only the domain registrars of the aforementioned rogue websites [i.e. defendant nos. 1 to 50] but also the Department of Telecommunications i.e. defendant no. 60, Ministry of Electronics and Information Technology i.e. defendant no. 61, and National Internet Exchange of India i.e. defendant no. 63 so that orders passed by this Court can be efficaciously enforced.

6. In this context, it is required to be noticed that defendant no. 51 is the

domain registrar for defendant nos. 1 to 26. Defendant no. 52 is the domain registrar for defendant nos. 27 to 38. Defendant no. 53 is the domain registrar for defendant nos. 39 and 40. Defendant no. 54 is the domain registrar for defendant nos. 41 to 43. Defendant no. 55 is the domain registrar for defendant no. 44. Defendant no. 56 is the domain registrar for defendant no. 45. Defendant no. 57 is the domain registrar for defendant nos. 46 and 47. Defendant no. 58 is the domain registrar for defendant no. 48. Defendant no. 59 is the domain registrar for defendant no. 49 and defendant no. 60 is the domain registrar for defendant no. 50.

6.1 This apart, defendant no. 64 i.e. John Doe represents all those defendants whose particulars are not known as yet but are also carrying on the illegal activity complained of by the plaintiff to which I have made a brief reference hereinabove.

7. It is important to note that in similar circumstance, the plaintiff had approached this Court when this Court had issued an interim order dated 01.11.2018, in CS (COMM) 1214/2018, titled ***Jasper Infotech Private Limited vs. Aadi Sins & Ors.***

8. I have heard learned counsel for the plaintiff and perused the record.

9. According to me, the plaintiff has, no doubt, been able to set up a *prima facie* case in its favour. The balance of convenience is also in favour of the plaintiff inasmuch as continuation of such fraudulent prize schemes, lotteries and lucky draws have the ability to affect a large number of persons who would be deluded into believing that the fraudulent prize schemes, lotteries and lucky draws either emanate from the plaintiff or the plaintiff is, in some way, connected with them.

10. Therefore, in my view, continuation of such like schemes would

jeopardise not only the plaintiff's interest but also of the public at large.

11. I may indicate that Ms. Swetashree Majumder, who appears on behalf of the plaintiff, has sought liberty to array such like rogue websites in case information is received hereafter *qua* them without having to file a fresh action.

12. Having regard to the enormity of the damage caused by such like schemes by rogue websites, I am inclined to grant such liberty.

13. Accordingly, defendant nos. 1 to 50 are injuncted from carrying on their activities either under the plaintiff's trademark or any other trademark which is deceptively similar to the plaintiff's trademark.

13.1 Furthermore, defendant nos. 51 to 60, who are the domain registrars, are directed to suspend/block the domain names of those defendants which are registered with them. The details, in that behalf, are set forth hereafter.

S. No.	Registrars	Defendants
1.	Defendant no. 51	Defendant nos. 1 to 26
2.	Defendant no. 52	Defendant nos. 27 to 38
3.	Defendant no. 53	Defendant nos. 39 and 40
4.	Defendant no. 54	Defendant nos. 41 to 43
5.	Defendant no. 55	Defendant no. 44
6.	Defendant no. 56	Defendant no. 45
7.	Defendant no. 57	Defendant nos. 46 and 47
8.	Defendant no. 58	Defendant no. 48
9.	Defendant no. 59	Defendant no. 49
10.	Defendant no. 60	Defendant no. 50

13.2 Besides this, defendant nos. 61 and 62 are directed to issue

notification(s) to concerned Internet Service Providers to block access to the websites of defendant nos. 1 to 50.

13.3 This apart, leave is given to the plaintiff to approach this Court to array other rouge website(s) who carry on similar activities, *albeit* illegally, as and when the same comes to its notice.

14. The plaintiff will comply with the provisions of Order XXXIX Rule 3 of the CPC within 5 days of the receipt of a copy of this order.

15. Renotify the matter on 04.09.2020.

RAJIV SHAKDHER, J

JULY 20, 2020
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Click here to check corrigendum, if any