

JUDGMENT UPDATE

DISPUTE RESOLUTION



Star India Pvt Ltd & Anr v. Filmyclub.wapkiz.com & Ors

Hon'ble Delhi High Court Judgement (IA 13527/ 2021 IN CS(COMM) 518/2021)

Background facts

- In the instant case, Star India Pvt Ltd (**Plaintiffs**) owned exclusive global media rights vide a 'Media Rights Agreement' for various ICC events, inter alia the ICC Men's T20 World Cup from the International Cricket Council for a duration of eight years i.e., from 2015-2023 for a substantial consideration.
- On the grounds of violation of the Plaintiffs' broadcasting reproduction rights granted vide the said Agreement, the Plaintiffs filed a suit in the Hon'ble Delhi High Court (**HC**) against the set of rogue websites, the Internet Service Providers and the Department of Telecommunications (**DoT**) (**Defendants**).
- By way of this suit, the Plaintiffs sought permanent injunction restraining the Defendants from infringing the Plaintiffs' exclusive rights and broadcasting reproduction rights, rendition of accounts, damages, etc.

Issue at hand?

- Whether an interim injunction can be granted against the Defendants for infringing the exclusive broadcasting rights of the Plaintiffs or not?

Decision of the Court

- At the outset, the HC took note of the previous infringements of the Plaintiffs' exclusive rights in the sporting events, inter-alia 'Vivo IPL 2021' by the Defendants and acknowledged the genuineness of the Plaintiffs' apprehension that the Defendants will continue to infringe the Plaintiffs' exclusive rights by analyzing the screenshots of the 'rogue websites' which mentioned various sporting events to be held/ streamed on their website, including the upcoming ICC Men's CWC. The HC accepted the submissions of the Plaintiffs pitched upon the difficulty in tracking the information of the Defendants' websites due to the anonymity of the owners or incorrect addresses of the websites.
- The HC perused the Orders¹ passed by other co-ordinate benches, wherein injunctions were granted against 'rogue websites', not only those known to the Plaintiffs but also other websites of a similar nature which the Plaintiffs fathomed would surface at the time of the telecasting/broadcasting of the events and would continue to infringe the Plaintiffs' rights. In those Orders, after appreciating the apprehensions of the Plaintiffs, the Court widened the scope of the injunctions by permitting the Plaintiffs to approach the DoT in the event similar websites emerged later. Moreover, the HC took in account the Plaintiffs' last limb of submission that the extended injunctions in the above Orders did not serve the purpose of protecting their rights considering the brief period of the T20 World Cup matches and the substantial time taken in accomplishing the removal of the website.
- In view of the above, the HC arrived at the conclusion that the Plaintiffs had established a prima facie case and hence, granted an interim injunction against the Defendants in terms of the websites known and the ones discovered at the later stage so as to not infringe the Plaintiff's broadcasting reproduction rights.

Our viewpoint

The HC's decision to grant injunction against the rogue websites from broadcasting the ICC Men's T20 World Cup safeguards the rights of the authentic broadcasting entity from the talons of sham websites. The entire point of obtaining broadcasting/media rights lawfully gets completely vitiated if other sources start broadcasting the event without due permission. The essence of obtaining such rights to broadcast such events is nestled in exclusivity. The HC's decision in granting an interim injunction not only against the known websites but also against those entities which may be discovered at a later stage, will save significant time and effort of the Plaintiff from approaching the Hon'ble Court every time a third-party entity attempts to infringe on their rights.

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¹ CS (COMM) 394/2020 dated 23rd March 2020 and CS (COMM) 181/2021 dated 16th April 2021

