IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 564 OF 2024
IN
COMMERCIAL INTELLECTUAL PROPERTY RIGHTS SUIT (L) NO. 537 of 2024

In the matter of:-
UTI Infrastructure Technology and Services Limited   ...Plaintiff/ Applicant
      Versus
Extra Tech World and Ors.   ...Respondents/ Defendants

CORAM: BHARATI DANGRE, J.

ORDER

11.   On consideration of the necessary information provided in the Interim Application, the plaintiff/ applicant deserves an ad-interim ex-parte order even without service, as it is impossible to track all the defendants and effect service upon them, and with the fake websites being continued to be active, it would cause irreparable damage and severe compromise of valuable confidential data of the plaintiff and also pose a threat at a national level.

12.   In the wake of the above, the plaintiff is entitled to the following reliefs:-

"*a)   That pending the hearing and final disposal of the suit a temporary order and injunction be passed by this Hon'ble Court restraining the Defendants, their proprietors, partners, employees, owners, associates, affiliates, entity and/or any other person claiming through them from infringing the Applicant's exclusive copyright in its Label at Exhibits A and D of the plaint by the use of any label that is identical and / or that is deceptively similar and / or substantial reproduction of the Applicant's Labels inter alia including through the offending / infringing copying of the Plaintiff's Label identified at Exhibits G to G-16 to the Plaint;*

b)   That pending the hearing and final disposal of the suit a temporary order and injunction be passed by this Hon'ble Court restraining the Defendants, their proprietors, partners, employees,owners, associates, affiliates, entity and/ or any other person claiming through them from passing off its websites and/ or domain and/ or business as and for that of the Applicant by the use of the Applicant's Labels at Exhibits A and D and/or of the words/marks "UTI"/ "UTI Infrastructure Technology and Services Limited"/ "UTI ITSL"/ "UTI PAN"/ "UTIITSL" (identified at Paragraph No. 1 of the Plaint) and/ or by the use of any label/mark that is identical and/ or deceptively similar thereto, and further restraining the Defendants from misleading/ misrepresenting to any person that they have any association with the Applicant and/ or its business activities in any manner whatsoever;

c)   That pending the hearing and final disposal of the suit a temporary order and injunction be passed by this Hon'ble Court directing Defendant Nos. 5 to 13, their directors/ proprietor/partners, their principals, employees, agents, distributors, franchisees, representatives and assignees to:
(i)   Remove/ delete/ take down/ disable the unauthorised domainsand/ or websites identified at Exhibit G1 to Exhibit G16; and
(ii)   Remove/ delete/ take down/ disable other offending/ unauthorised domains and/ or websites as and when shared by the Applicant;

e)   An order directing the concerned police station(s)/ CyberCrime Departments/ to render necessary assistance to the Applicantin to ensure full and effective execution of the ad-interim / interim order of this Hon'ble Court in terms of the above."

In addition to the above relief, it is directed that in case the Registrars i.e. defendant nos.5 to 13, who has registered the websites/domain names of distinct entities, notice the name and label of the plaintiff/ applicant, they are empowered to direct the entities, who have sought registration to pull down or remove/ delete the use of the name and label of the plaintiff, on confirming that it is offending/ unauthorized, by conducting a summary inquiry and upon the directions of the Registrars, such material from the website shall be taken down by the defendant no.14 and the other unknown defendants.

List the Application for further consideration on 20/2/2024.

Ex-parte ad-interim relief shall continue to operate till then.

-sd/-

Date: 12thJanuary 2024   Smt. Bharati Dangre, J.

Exhibit A:

Exhibit D: