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

Date of decision: 20th November, 2023

+ **CS(COMM) 395/2020, I.As. 8516/2020 & 3065/2021**

LIVING MEDIA INDIA LIMITED & ANR. Plaintiffs

Through: Mr. Rahul Beruar, Ms. Jyotsana
Sinha, Advs. (M. 9910044787)

versus

WWW.NEWS-AAJTAK.CO.IN & ORS. Defendants

Through: Ms. Shweta Sahu, Mr. Alipak
Banerjee & Mr. Brijesh Ujjainwal,
Advs. for D-3

CORAM:

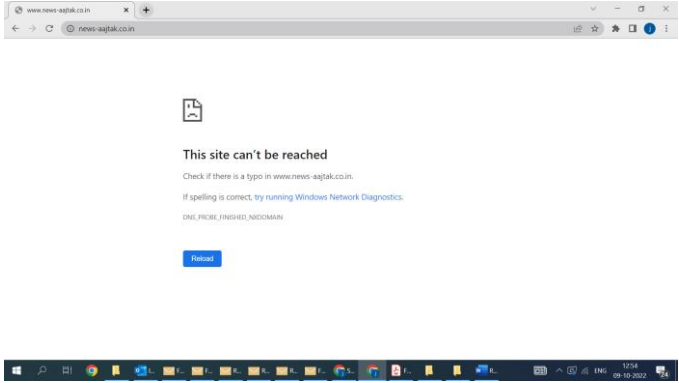
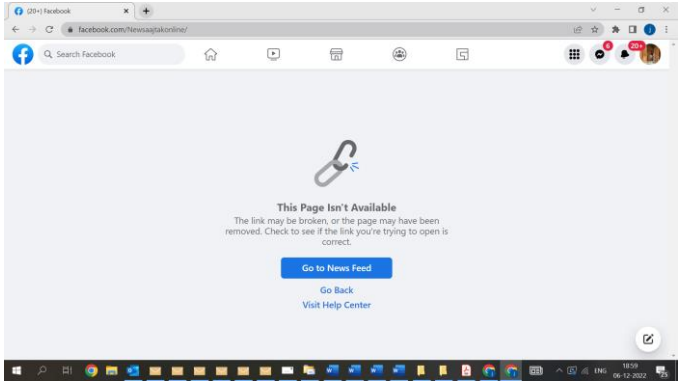
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

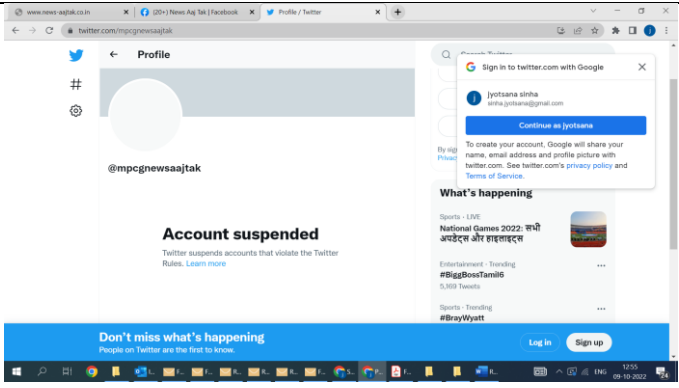
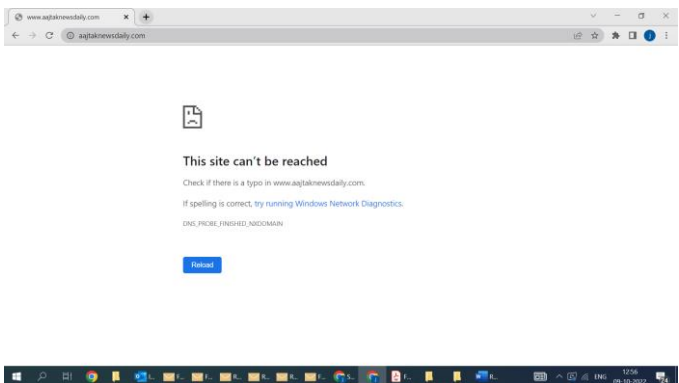
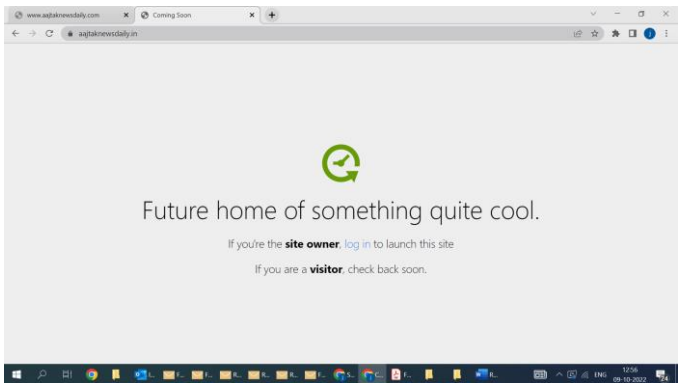
1. This hearing has been done through hybrid mode.
2. The present suit relates to various domain names and other online media usage of the mark 'AAJ TAK', 'AB TAK' and various other similar marks/names to that of the Plaintiff's mark/name 'AAJ TAK'.
3. The mark 'AAJ TAK' has been repeatedly protected in various proceedings. In the present suit, vide order dated 24th September, 2020, an *ex parte* injunction was granted against the use of the domain names www.news-ajtak.co.in, www.ajtaknewsdaily.com, www.newsajtaklive.com and www.ajtakreport.com.
4. Further domain names were also included and the injunction order dated 24th September, 2020 was also extended to the said domain names vide order dated 6th September, 2021 read with order dated 17th September, 2021.
5. The Plaintiffs have also impleaded numerous Domain Name Registrars



(DNRs) and other platforms where the infringing use of the name 'AAJ TAK', including its content, was observed. During the pendency of this suit, all the domain names and other instances of infringing use of the Plaintiffs' mark at the following links has been either removed or disabled. A complete status report dated 20th November 2023 as handed over by the Id. Counsel for the Plaintiffs is set out below:

S. No.	Defendant No.	Infringing website/ profile/ channel.	Screenshots from weblinks Updated status as on 20.11.2023	Status
1.	Defendant No. 1	NewsAajTak <ul style="list-style-type: none">- Website- Facebook profile- Twitter profile	<p>www.news-aajtak.co.in</p>  <p>https://www.facebook.com/Newsaajtakonline/</p>  <p>https://twitter.com/mpcgnewsajtak</p>	Website, Twitter and Facebook profile disabled.

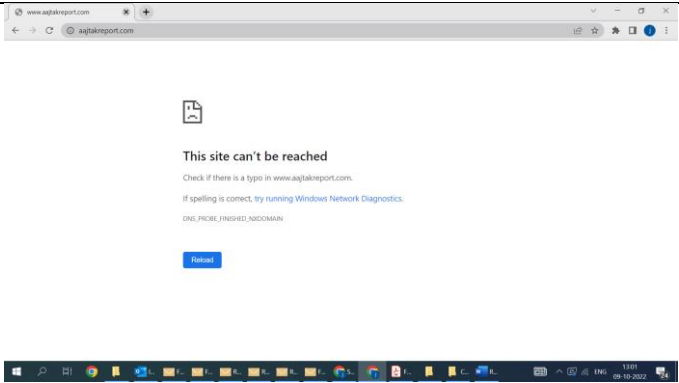
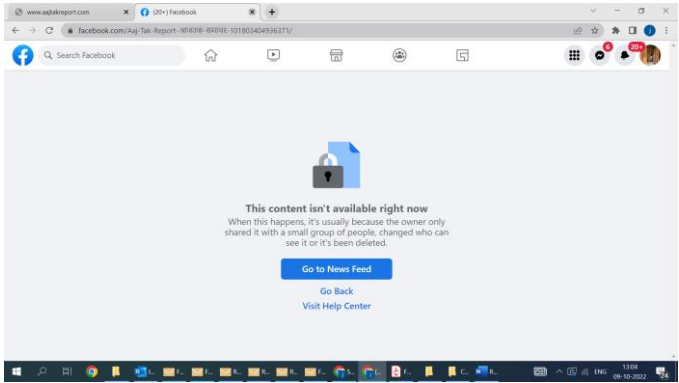
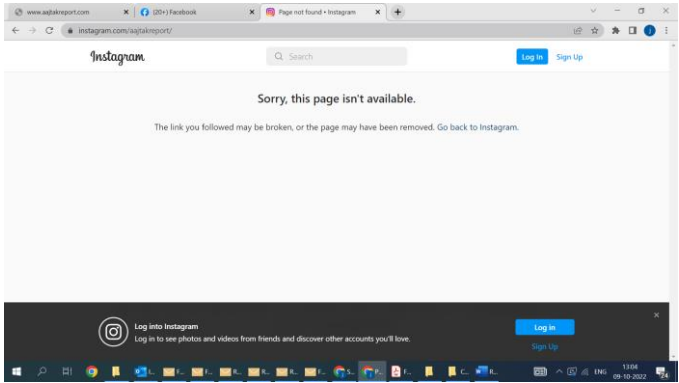


				
2.	Defendant No. 2	<p>AAJTAK NEWS DAILY</p> <p>- Websites</p>	<p>www.ajtaknewsdaily.com</p>  <p>D2's new website – www.ajtaknewsdaily.in (I.A. No. 3065/2021 under O39 R2A pending)</p> 	<p>Website disabled.</p> <p>D2's new website shows this message.</p> <p>Whois says – not been registered yet.</p>
3.	Defendant No. 4	<p>Newsaajtaklive</p> <p>- Website</p> <p>- Facebook profile</p>	<p>www.newsaajtaklive.com</p>	<p>Website and YouTube channel disabled.</p>

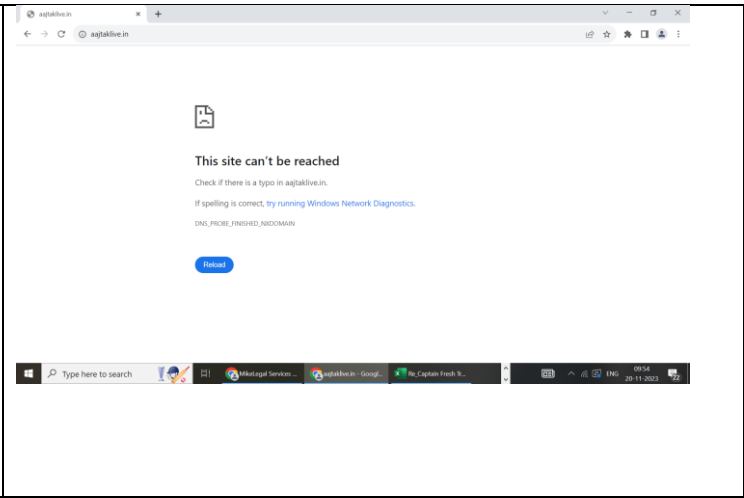
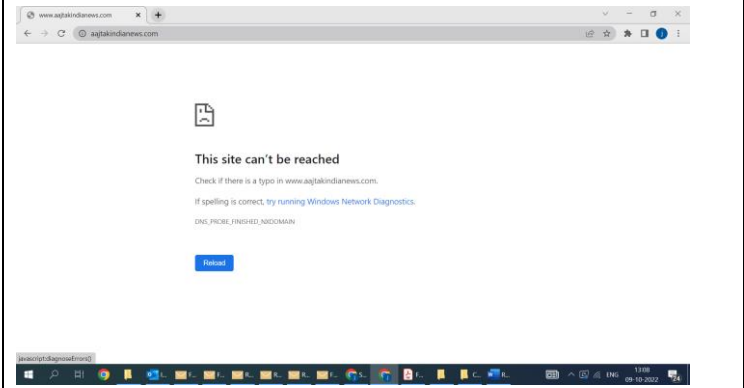


		<p>- YouTube channel</p>	 <p>https://www.facebook.com/NEWSAJTAKLIVENTW/?ref=page_internal</p>  <p>https://www.youtube.com/channel/UCxaDLaOIAUoK_gJmP4uGrYg</p> 	<p>Facebook profile now disabled.</p>
<p>4.</p>	<p>Defendant No. 6</p>	<p>Aaj Tak Report</p> <p>- Website</p>	<p>www.aajtakreport.com</p>	<p>Website, Facebook profile and Instagram profile</p>

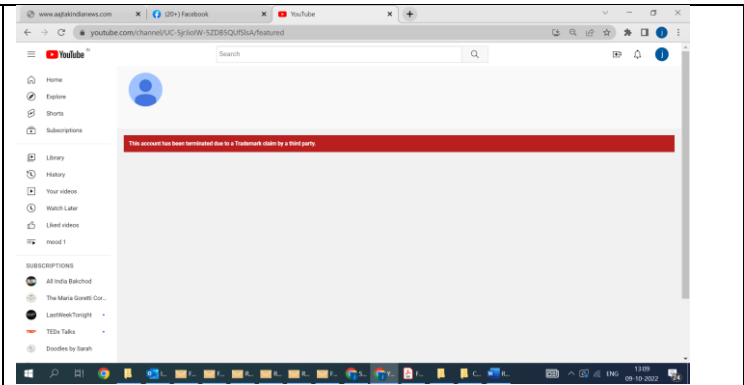
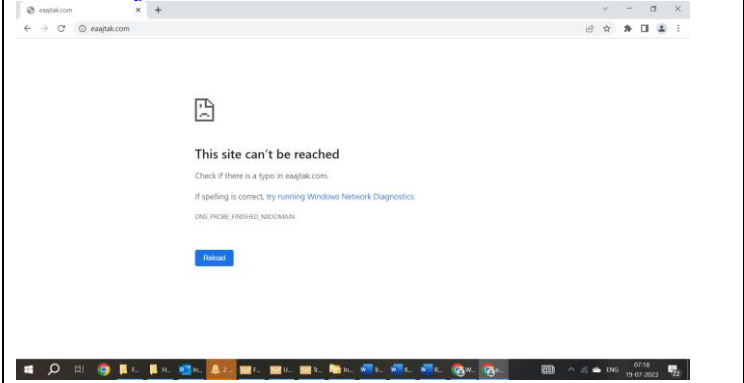
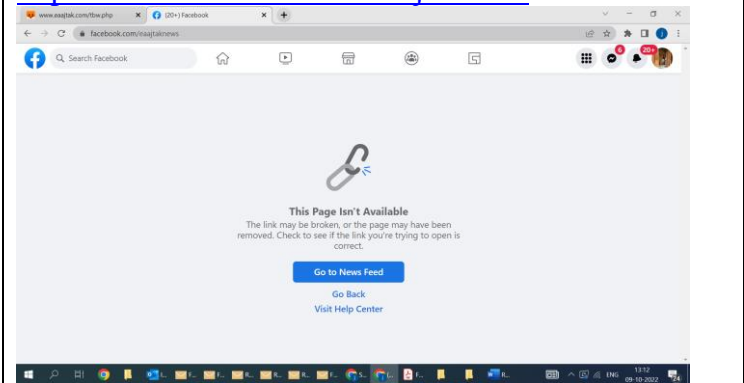


		<ul style="list-style-type: none"> - Facebook profile - Instagram profile 	 <p>https://www.facebook.com/Aaj-Tak-Report-%E0%A4%86%E0%A4%9C%E0%A4%E0%A4%E0%A4%B8%E0%A4%AE%E0%A4%BE%E0%A4%9A%E0%A4%B0-101803404936371/</p>  <p>https://www.instagram.com/aajtakreport/</p> 	disabled.
5.	Defendant No. 9	Aaj Tak Live <ul style="list-style-type: none"> - Website 	<p>www.aajtaklive.in</p>	Website disabled. Domain

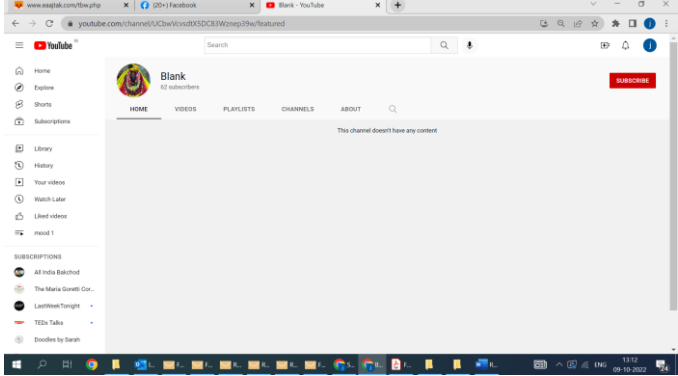
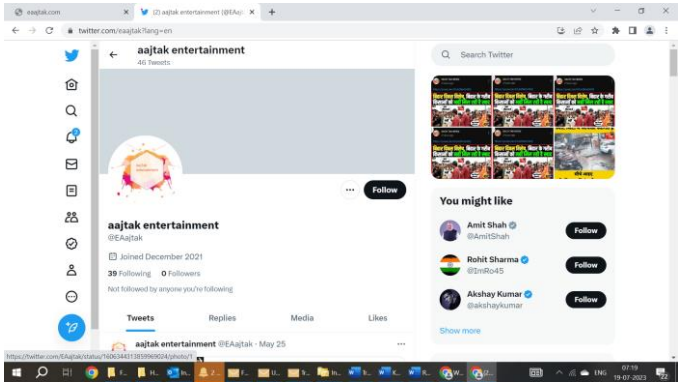
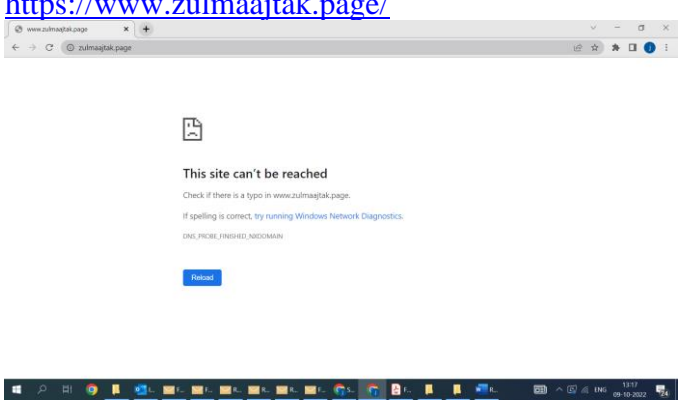


				<p>first registered with Def.3 (GoDaddy) and now registered with Def.16 (Hosting Concepts B.V.)</p>
6.	10	<p>Aaj Tak India News</p> <ul style="list-style-type: none"> - Website - Facebook profile - YouTube channel 	<p>www.aajtakindianews.com</p>  <p>https://www.facebook.com/aajtakindianews1/</p>  <p>https://www.youtube.com/channel/UC-5jrJioIW-5ZDB5QUfSlA/featured</p>	<p>Website, Facebook Profile and YouTube channel disabled.</p>

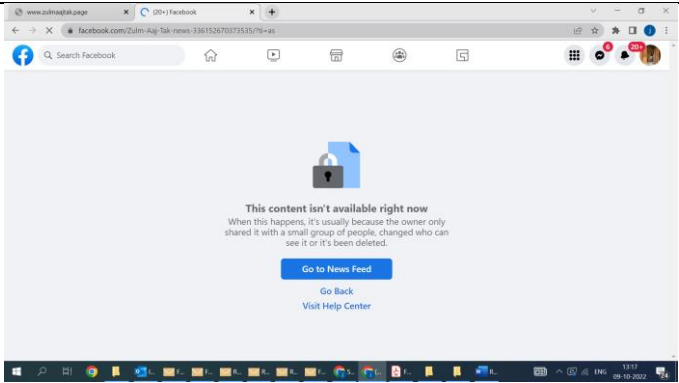
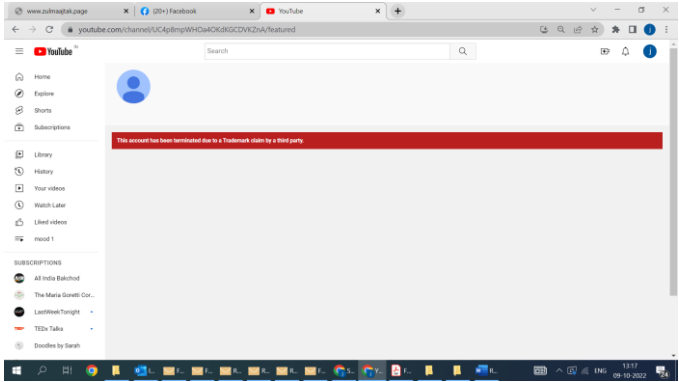
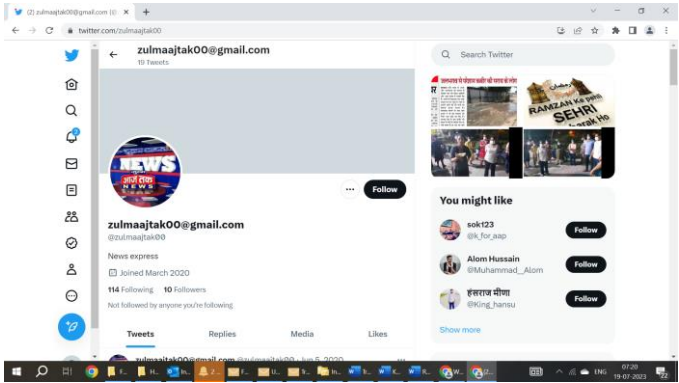


				
7.	11	<p>E Aaj Tak</p> <ul style="list-style-type: none"> - Website - Facebook profile - YouTube channel - Twitter profile 	<p>www.eajtak.com</p>  <p>https://www.facebook.com/eajtaknews</p>  <p>https://www.youtube.com/channel/UCbwVcvsdtX5DC83Wznep39w/featured</p>	<p>Domain name seems inactive. Website can't be reached.</p> <p>Facebook Profile disabled.</p> <p>YouTube channel renamed and content removed.</p> <p>Twitter profile active.</p>



			 <p>https://twitter.com/eaajtak?lang=en</p> 	
8.	Defendant No. 12	<p>Zulm aajtak</p> <ul style="list-style-type: none"> - Website - Facebook profile - YouTube channel - Twitter profile 	<p>https://www.zulmaajtak.page/</p>  <p>https://www.facebook.com/Zulm-Aaj-Tak-news-336152670373535/?ti=as</p>	<p>Website, Facebook profile and YouTube channel disabled.</p> <p>Twitter profile active.</p>

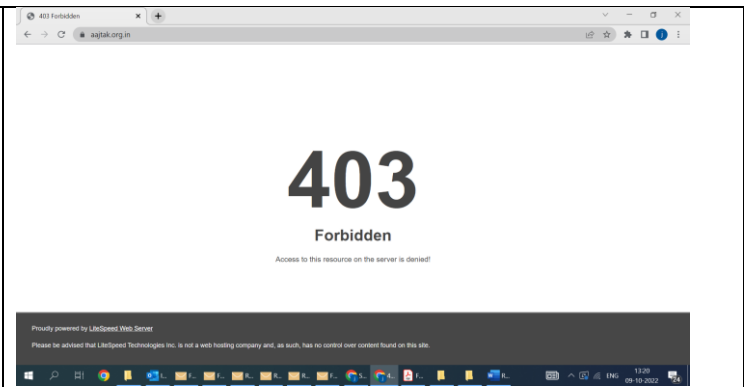
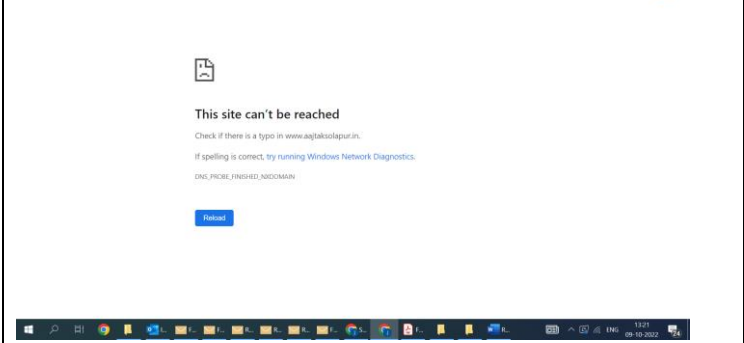
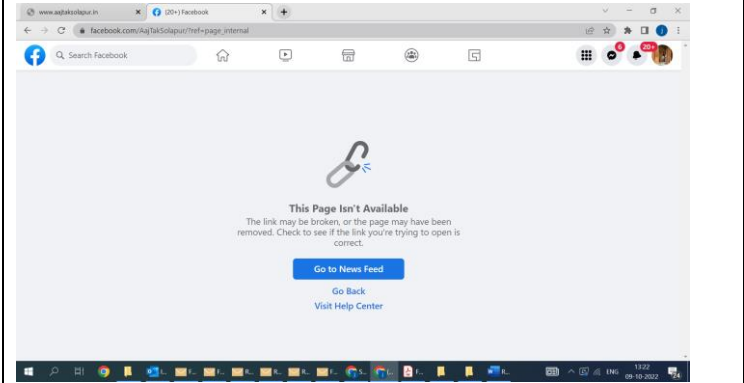


			 <p>https://www.youtube.com/channel/UC4p8mpWHOa4OKdKGCDVKZnA/featured</p>  <p>https://twitter.com/zulmaajtak00</p> 	
9.	Defendant No. 14	<p>Aaj Tak Hind</p> <ul style="list-style-type: none"> - Website - Instagram profile 	<p>www.aajtakhind.com</p>	<p>Website and Instagram profile disabled.</p>

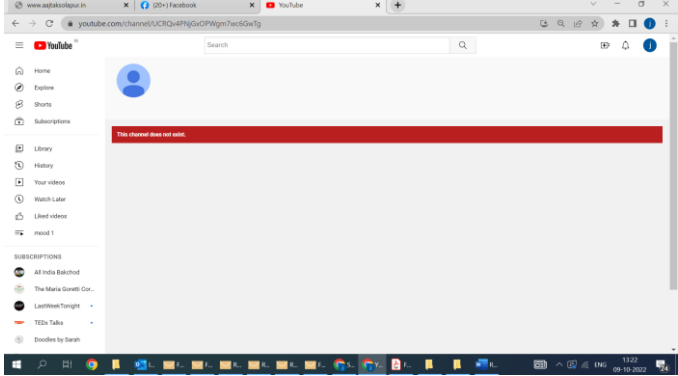
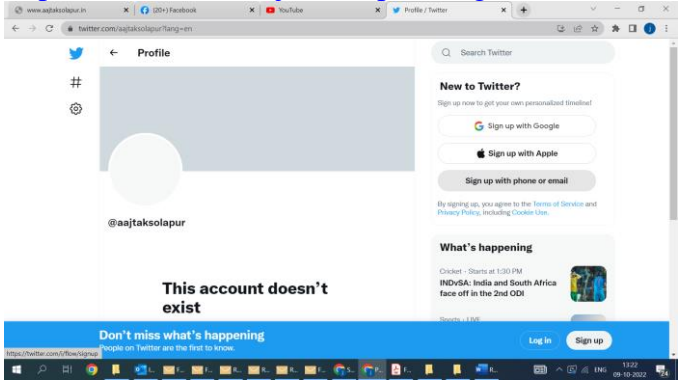
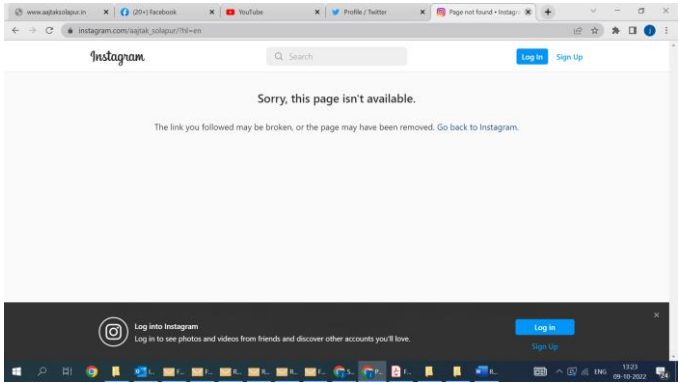


		<p>- Twitter profile</p>	 <p>https://www.instagram.com/aajtakhind</p>  <p>https://twitter.com/aajtakhind094</p> 	<p>Twitter profile active.</p>
<p>10.</p>	<p>Defendant No. 15</p>	<p>Aaj Tak org. - Website</p>	<p>https://aajtak.org.in/</p>	<p>Access to website denied.</p>

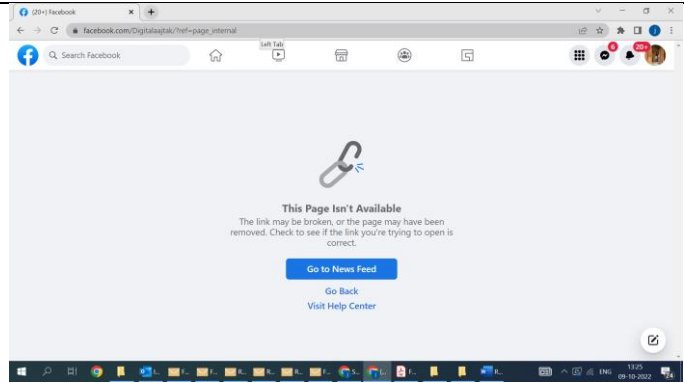
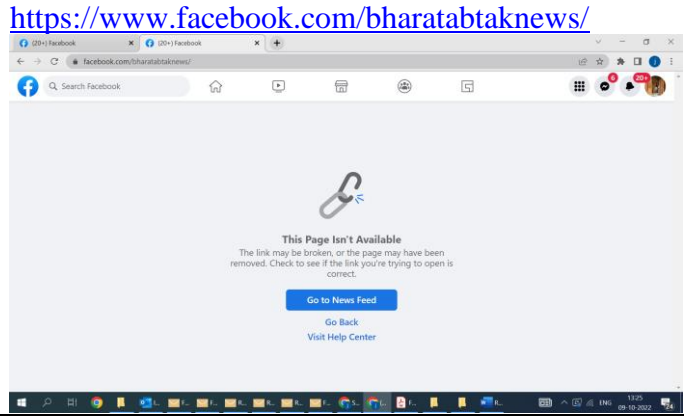
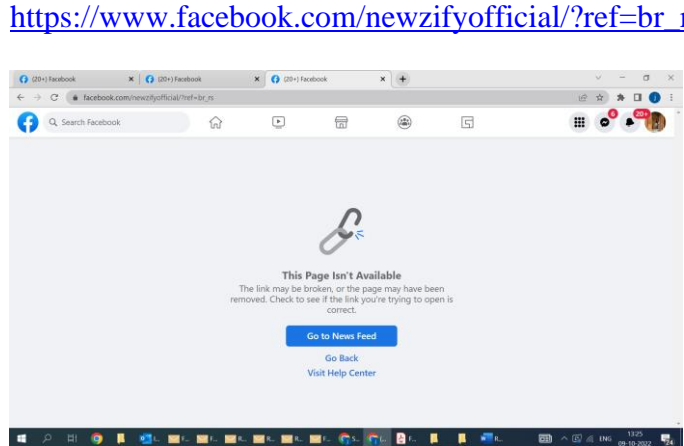


				
11.	Defendant No. 17	<p>Aaj Tak Solapur</p> <ul style="list-style-type: none"> - Website - Facebook profile - YouTube channel - Twitter profile - Instagram profile 	<p>www.aajtaksolapur.in</p>  <p>https://www.facebook.com/AajTakSolapur/?ref=page_internal</p>  <p>https://www.youtube.com/channel/UCRQv4PNjGxOPWgm7wc6GwTg</p>	Website, Facebook, Twitter and Instagram profile and YouTube channel disabled.



			 <p>https://twitter.com/aajtaksolapur?lang=en</p>  <p>https://www.instagram.com/aajtak_solapur/?hl=en,</p> 	
12.	Defendant No. 18	Digital Tak - Facebook profile	<p>https://www.facebook.com/Digitalaajtak/?ref=page_int_ernal</p>	Disabled.

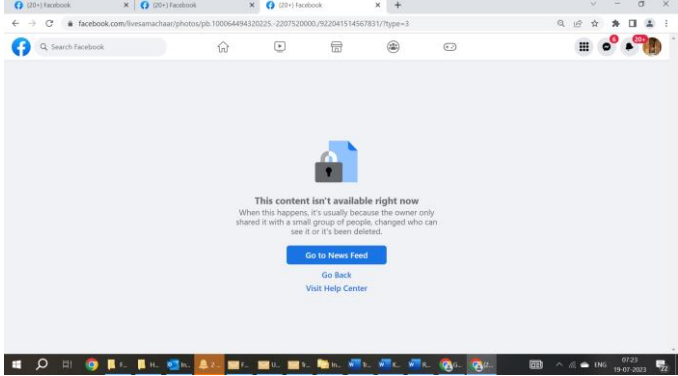
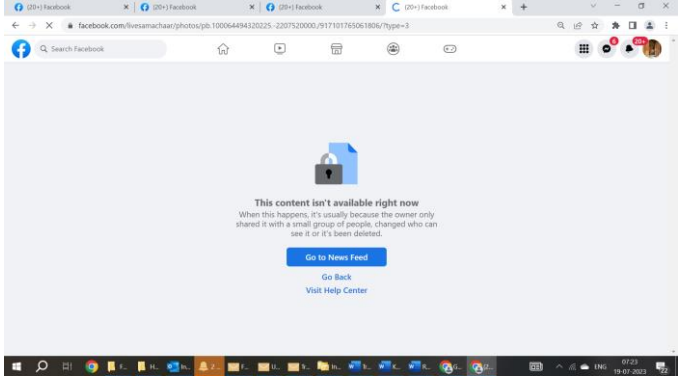
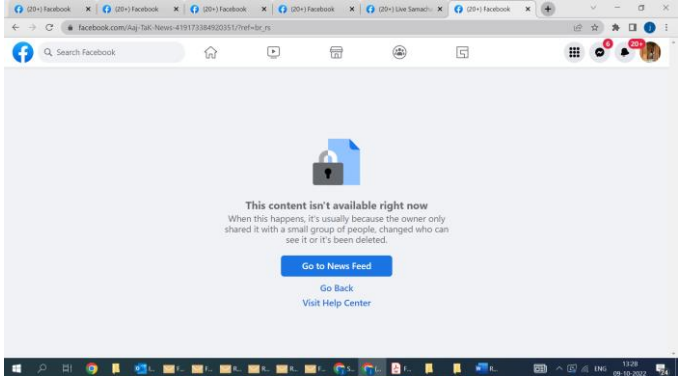


				
13.	Defendant No. 19	Bharat Ab Tak News - Facebook profile	https://www.facebook.com/bharatabtaknews/ 	Disabled.
14.	Defendant No. 20	Aaj Tak News - Facebook profile	https://www.facebook.com/newzifyofficial/?ref=br_rs 	Disabled.
15.	Defendant No. 21	Aaj Tak News Official - Facebook profile	https://www.facebook.com/Aaj-Tak-News-Official-675416789301363/?ref=br_rs	Disabled.

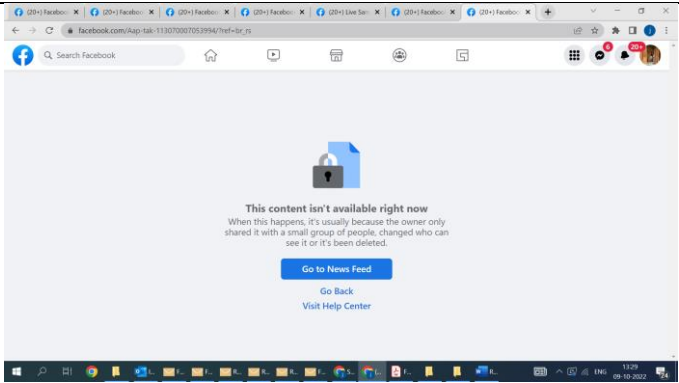
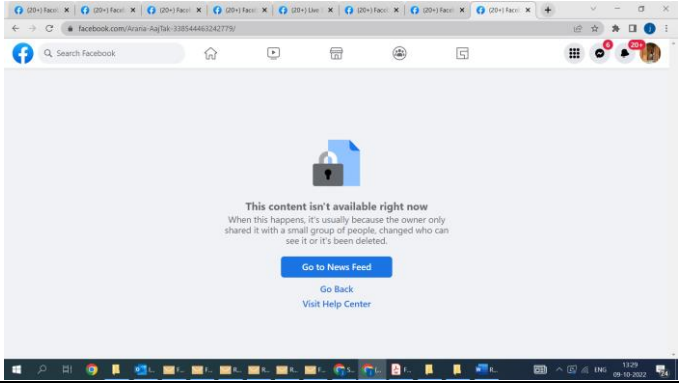
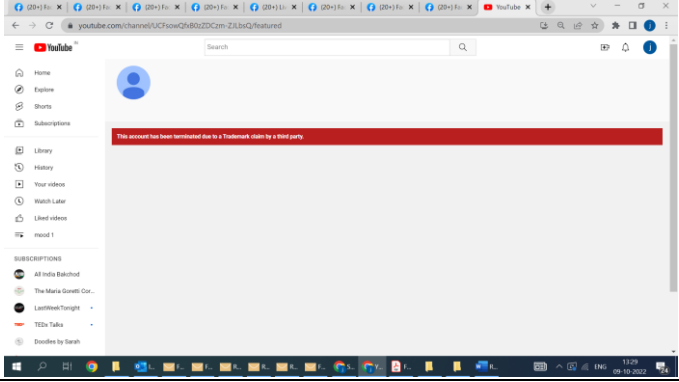


16.	Defendant No. 22	Live Samachar - Facebook profile	<p>https://www.facebook.com/livesamachaar/?ref=page_internal</p>	Facebook profile disabled.
			<p>https://www.facebook.com/livesamachaar/photos/pb.100064494320225.-2207520000./913114392127210/?type=3</p>	
			<p>https://www.facebook.com/livesamachaar/photos/pb.100064494320225.-2207520000./922041514567831/?type=3</p>	

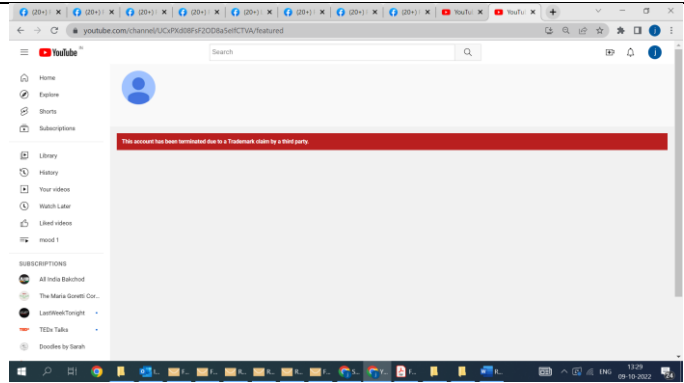
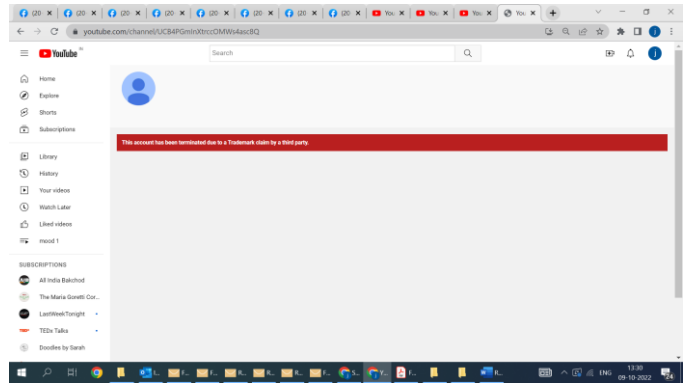


			 https://www.facebook.com/livesamachar/photos/pb.100064494320225.-2207520000./917101765061806/?type=3	
				
17.	Defendant No. 23	Aaj Tak News - Facebook profile	https://www.facebook.com/Aaj-TaK-News-419173384920351/?ref=br_rs 	Disabled.
18.	Defendant No. 24	Aap Tak - Facebook profile	https://www.facebook.com/Aap-tak-113070007053994/?ref=br_rs	Disabled.

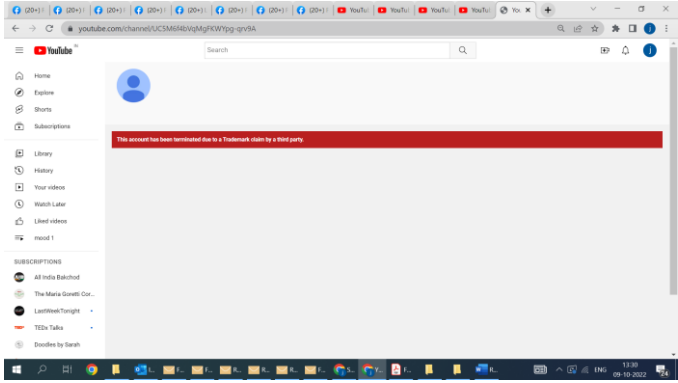
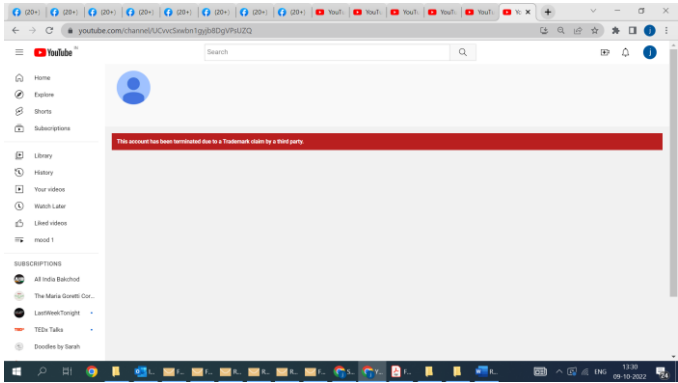
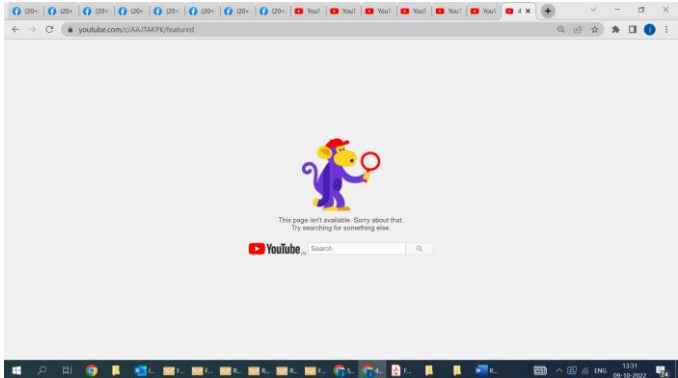


				
19.	Defendant No. 25	Araria Aaj Tak - Facebook profile	https://www.facebook.com/Araria-AajTak-338544463242779/ 	Disabled.
20.	Defendant No. 27	Aaj Tak News Jahanabad - YouTube channel	https://www.youtube.com/channel/UCFsowQfxB0zZDCzm-ZJLbsQ/featured 	Disabled.
21.	Defendant No. 28.	Aaj Tak News - YouTube channel	https://www.youtube.com/channel/UCxPXd08FsF2OD8a5eIfCTVA/featured	Disabled.

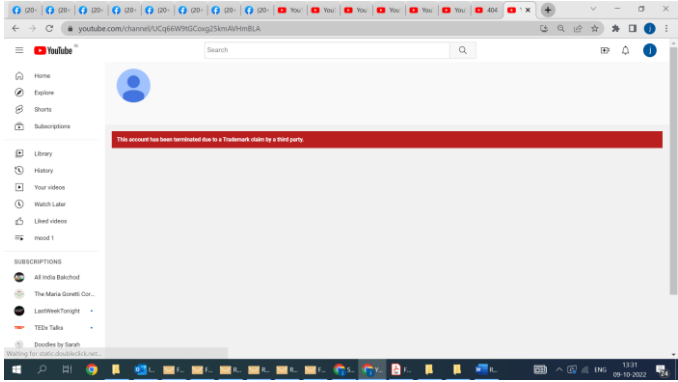
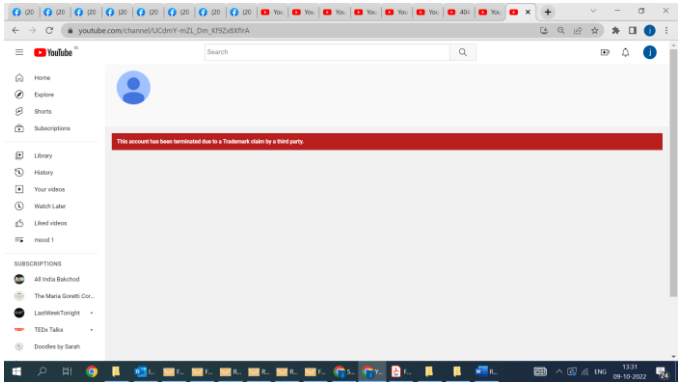


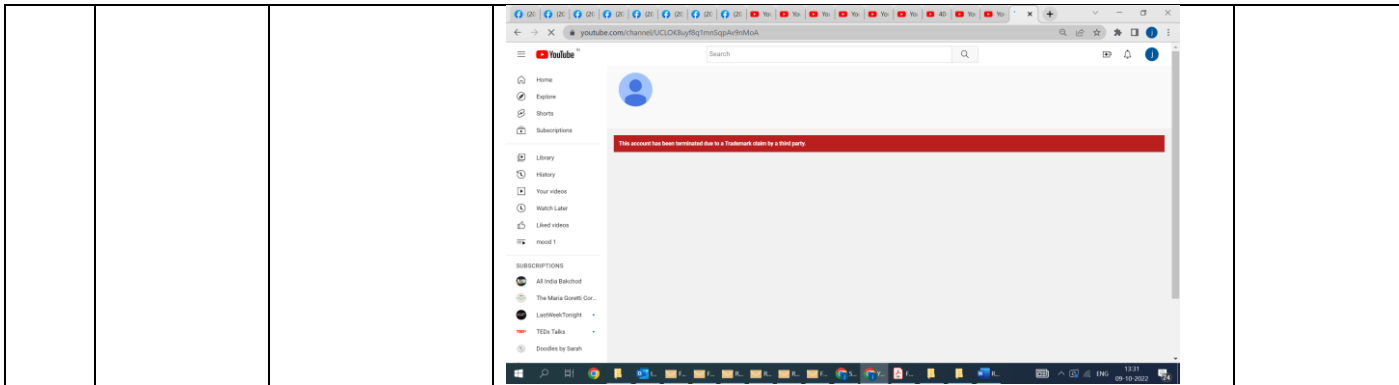
				
22.	Defendant No. 29.	MP Aaj Tak - YouTube channel	https://www.youtube.com/channel/UC6IXoyHzqHtR9We7D4iYSBA/featured 	Disabled.
23.	Defendant No. 30	Only Aaj Tak - YouTube channel	https://www.youtube.com/channel/UCB4PGmInXtrccOMWs4asc8Q 	Disabled.



24.	Defendant No. 31	Aaj Tak Hindi - YouTube channel	https://www.youtube.com/channel/UC5M6f4bVqMgFKWYpg-qrv9A 	Disabled.
25.	Defendant No. 32	Hindustan Aaj Tak - YouTube channel	https://www.youtube.com/channel/UCvvcSxwbn1gyjB8DgVPsUZQ 	Disabled.
26.	Defendant No. 33	AAJ TAK PK - YouTube channel	https://www.youtube.com/c/AAJTAKPK/featured 	Disabled.



27.	Defendant No. 34	Sanchar Aajtak News - YouTube channel	https://www.youtube.com/channel/UCq66W9tGCoxg25kmAVHmBLA 	Disabled.
28.	Defendant No. 35	M.आजतक (M. Aajtak) - YouTube channel	https://www.youtube.com/channel/UCdmY-mZL Dm Kf9Zx8XfIrA 	Disabled.
29.	Defendant No. 36	Aaj Tak Haryana - YouTube channel	https://www.youtube.com/channel/UCLOK8uyf8q1mmSqAv9nMoA	Disabled.



6. Even Defendant No. 16- Hosting Concepts B.V. is stated to have complied with the order of suspension. Vide affidavit dated 25th July 2023, the authorised signatory of Defendant No. 16 has deposed as under:

*“4. On becoming aware of these orders, Hosting Concepts immediately acted upon them by: (i) suspending the domain names 'aajtaklive.in' and 'aajtak.org.in'; and (ii) **sending an email dated July 19, 2023 to the Plaintiff's counsel, informing them of the suspension of the two domain names.** A copy of the email dated July 19, 2023 sent by Hosting Concepts to the Plaintiff's counsel is annexed herewith and marked as Document-2. A copy of the WHO IS details of the domain names aajtaklive.in and aajtak.org.in, showing that these domains have been suspended, is annexed herewith and marked as Document-3”*

7. In view of the above status report indicating that the use of the mark 'AAJ TAK' has been disabled on all channels, and the domain names have been either suspended, locked or blocked, the suit shall stand decreed against the Defendant Nos. 1, 2, 4, 9 to 12, 14, 15, 17, 18, 20 to 25 and 27 to 37. The said Defendants are permanently restraining from using the mark 'AAJ TAK' or any other deceptively similar or identical mark, in any manner whatsoever for media, news, entertainment, or any other similar services.



8. Insofar as the DNRs are concerned, the DNRs/the platforms including YouTube and Facebook shall continue keeping the infringing account disabled. It is submitted by Ms. Shweta Sahu, Id. Counsel that some domain names have already expired and already have been released. This statement is taken on record and if any domain names have been so released and subsequently registered through any other DNR, the DNR in the present suit would no longer be responsible.

9. The application under Order XXXIX Rule 2A CPC being *I.A 3065/2021* is no longer pressed and is accordingly disposed of.

10. The suit is decreed in the above terms. Let the decree sheet be drawn up. All pending applications are also disposed of.

PRATHIBA M. SINGH
JUDGE

NOVEMBER 20, 2023

Rahul/dn