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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 671/2022 & I.As. 15836-38/2022**

LIVE LAW MEDIA PVT LTD Plaintiff
Through: Ms. Shwetasree Majumdar, Ms.
Vrinda Bhandari, Ms. Archita Nigam,
Mr. Prithvi Gulati, Ms. Natasha
Maheshwari & Mr. Madhav
Aggarwal, Advocates.

versus

M/S TIYA LAW LIBRARY & ORS. Defendants
Through: None.

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **26.09.2022**

1. This hearing has been done through hybrid mode.

I.A. 15838/2022 (for exemption)

2. This is an application seeking exemption from filing certified/cleared/typed or translated copies of documents. Exemption is allowed, subject to all just exceptions.

3. **I.A. 15838/2022** is disposed of.

I.A. 15837/2022 (u/O 11 Rule 1(4))

4. This is an application filed on behalf of the Plaintiff seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (*hereinafter*, 'Commercial Courts Act'). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.

5. **I.A.15837/2022** is disposed of.

CS(COMM) 671/2022

6. Let the Plaint be registered as a suit.
7. Issue summons to the Defendants through all modes upon filing of Process Fee.
8. The summons to the Defendants shall indicate that a written statement to the Plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.
9. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication 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.
10. List before the Joint Registrar for marking of exhibits on 16th November, 2022. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
11. List before Court on 15th December, 2022.

I.A. 15836/2022 (u/O XXXIX Rules 1 & 2 CPC)

12. The present suit concerns the mark `LIVE LAW'. The Plaintiff seeks permanent and mandatory injunction restraining infringement of the mark `LIVE LAW', domain name, passing off, dilution, rendition of accounts, delivery up, damages, etc. It is the case of the Plaintiff - Live Law Media Pvt. Ltd., who claims to be the proprietor of the mark `Live Law', that the Defendant No.1 - M/s. Tiya Law Library and Defendant No.2 - Mr. Sanjeev

Kumar Sharma, an advocate, have registered the website ‘www.livelaw.info’ and are also using various e-mail addresses, such as ‘livelaw19@yahoo.com’, ‘livelaw31@rediffmail.com’, and ‘livelaw21@rediffmail.com’. The remaining Defendants i.e., Defendant Nos.3 to 10, are the ISPs who provide access to the said impugned websites. A representation of the competing marks used by Plaintiff and the Defendant No. 1, as set out in the Plaint, is depicted hereinbelow:

PLAINTIFF'S MARKS	DEFENDANTS IMPUGNED MARKS
	<p data-bbox="924 871 1321 907">LIVE LAW/ LIVELAW.INFO</p>

13. The Plaintiff owns and runs ‘LIVE LAW / LIVE LAW.IN’ which is an online legal news portal. The said portal covers significant legal developments in the Supreme Court, High Courts and other major courts and tribunals in India, as also, some foreign and international legal development. As set out in the Plaint, the Plaintiff also covers legal events; publicizes legal job opportunities; broadcasts real-time updates of court proceedings (both on Twitter and via its Websites/App); analyses landmark judgments, significant legal provisions, contemporary issues, and legal concepts; publishes columns and Op-eds; and, interviews famous legal personalities, under the mark/name ‘LIVE LAW’. The Plaintiff claims user in respect of the mark ‘LIVE LAW’ since the year 2013. The Plaintiff obtained the

registration of the domain name 'www.livelaw.in' on 8th March, 2013. The mark 'LIVE LAW' is also being used as part of the corporate name of the Plaintiff - Company which was incorporated on 13th May, 2013.

14. The Plaintiff has obtained registration of the mark 'LIVE LAW', vide Application No.3379144 dated 2nd October, 2016 in Class 45 in respect of "legal service; security services for the physical protection of tangible property and individuals; personal and social security services rendered by others to meet the needs of individuals". The Plaintiff's registered mark 'LIVE LAW' is depicted hereinbelow:

The logo for Live Law.in features the word "Live" in a bold, red, sans-serif font, positioned above the word "Law" in a bold, black, sans-serif font. The ".in" domain extension is written in a smaller, black, sans-serif font to the right of "Law".

The Plaintiff also operates a Hindi news portal, by the name 'www.hindi.livelaw.in', and the same is depicted hereinbelow:

The logo for the Hindi news portal features the word "लिव" (Live) in a stylized, red, Devanagari font, positioned above the word "लॉ" (Law) in a stylized, black, Devanagari font. The ".in" domain extension is written in a smaller, black, sans-serif font to the right of "लॉ".

15. The Plaintiff avers that 'LIVE LAW.IN' is one of the leading legal news portals in the country and is accessed by lakhs of customers, including lawyers, judges, courts and other stakeholders in the legal community. It's presence is also visible on various social media platforms, such as Twitter, Facebook, Youtube, Instagram and LinkedIn, under the following accounts / handles:

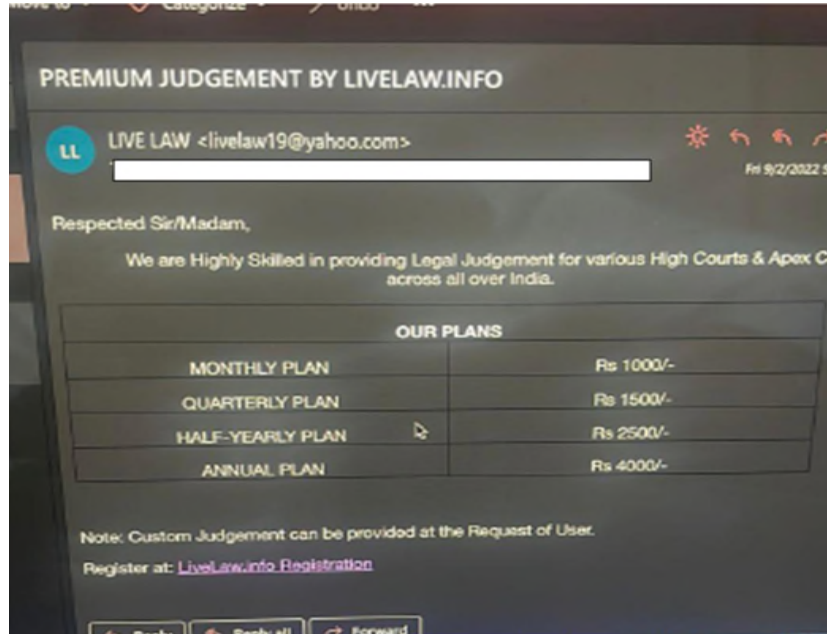
<i>Social Media Platform</i>	<i>Social-media handle</i>	<i>Number of Followers to date</i>
<i>Twitter</i>	<i>@LiveLawIndia</i>	<i>5.5 lakh followers</i>
<i>Facebook</i>	<i>@livelawindia</i>	<i>3 lakh followers</i>
<i>YouTube</i>	<i>'LiveLaw'</i>	<i>2 lakh followers</i>
<i>Instagram</i>	<i>@livelaw.in</i>	<i>2.5 lakh followers</i>
<i>LinkedIn</i>	<i>LiveLaw</i>	<i>1.7 lakh followers</i>

16. The Plaintiff avers that the Plaintiff's portal under the mark 'LIVE LAW' is, in fact, referred to and quoted in various judgments of the Courts across the country. Some examples of the same have also been placed on record. It is also submitted that the credibility and popularity of the Plaintiff is also established by the use of news reported by the Plaintiff under the mark 'LIVE LAW', by leading mainstream media outlets, such as BBC, L.A. Times, Al Jazeera, CNN, etc.

17. The Plaintiff's online portal under the mark 'LIVE LAW' is accessible in two ways. Firstly, as a free website for a limited period, and thereafter, by way of its subscription-based model, which offers unlimited and ad-free access to the Plaintiff's archives of news reports, judgment and order copies, daily briefings, access to weekly and monthly digests, special coverage on tax, IBC and arbitration and in-depth articles on current 24 legal and constitutional articles. The Plaintiff offers three paid subscription plans for 6 months, 1 year and 2 years respectively, which are widely popular, and currently, the Plaintiff is stated to have a subscriber base of over 26,000 subscribers. The Plaintiff also offers institutional subscription for various

courts, legal institutions, law firms, banks, etc. It is claimed that due to the large subscriber base and the sheer number of persons who follow the 'LIVE LAW' portal, the mark/name 'LIVE LAW' has acquired distinctiveness, and has garnered immense reputation and goodwill.

18. The grievance of the Plaintiff is that the Plaintiff's co-founder - Mr. P.V. Dinesh received an email on 2nd September, 2022 which was sent by the Defendant No.1, through the email address being 'livelaw19@yahoo.com', offering monthly, quarterly, half yearly and annually plans for the website 'www.livelaw.info.' In the said email, the Defendant No.1 was offering subscription plans of 'LIVELAW.INFO'. The said email was also marked to the employees of various law firms, as also, other members of the legal fraternity. A screenshot of the body of the said email has been placed on record, and is reproduced below:



19. The screenshots of the website of the Defendant Nos.1 and 2 have also been placed on record, and the same are reproduced below:



Get Latest Legal Updates On Your Mobile

[Get started \(https://www.livelaw.info/register\)](https://www.livelaw.info/register)

Why Choose Us

202002_12-04

- Our firm focuses on our clients' requirements for an exceptional legal service model that delivers value. We realize that value for clients is not just a comparison of hourly rates. Value means systematic procedures for tracking and reporting, creative approaches for reducing legal risk, enhanced cost reliability, and consequences.
- The strong legal identification of our team of lawyers for our clients means that we always strive to find solutions for everyday problems that we do not anticipate. Our team of lawyers ensures the best value for our clients.
- With vast experience at the forefront of service, we have expertise that spans a range of sectors, as well as knowledge of specific legal protocols and local regulations.
- We have developed a system focused on client service. We have achieved this by aligning our culture, structure and processes towards one goal - client satisfaction. As a result, we strive to share the experience with our larger legal community.

Our Features



Latest Judgements

We provide the latest court judgements from High courts and Supreme court of India right on your mobile device.



User Friendly Search

Our search feature makes it easier to find the things you are looking for from our large collection of rulings.



Bookmark Judgements

The bookmark feature helps to shortlist the things that you are looking for and read them later when needed.

Clients Feedback

What do the clients say about our services

The illustration of the authorities are quite descriptive
the sections and its analogy in a very natural manner

B.S. Rathore, Advocate, District Bar Association Karnal, Ex-Vice



ABOUT US

Livewlaw.info is an emerging website dedicated towards bringing the latest updates to the legal community and providing them what they need.

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IMPORTANT LINKS

[Terms & Conditions \(https://www.livewlaw.info/terms\)](https://www.livewlaw.info/terms)

[Privacy Policy \(https://www.livewlaw.info/privacy\)](https://www.livewlaw.info/privacy)

[Pricing \(https://www.livewlaw.info/pricing\)](https://www.livewlaw.info/pricing)

[Contact Us \(https://www.livewlaw.info/contact\)](https://www.livewlaw.info/contact)

FOLLOW US

 [Facebook \(https://www.facebook.com/Live-Law-Info-100532252770903\)](https://www.facebook.com/Live-Law-Info-100532252770903)

 [Twitter \(https://twitter.com/livewlawinfo\)](https://twitter.com/livewlawinfo)

 [WhatsApp \(https://wa.me/919416153312\)](https://wa.me/919416153312)

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20. It is submitted by Id. Counsel for the Plaintiff that the impugned website of the Defendants offers services which are identical to that provided by the Plaintiff i.e., legal news, including copies of judgments, etc. Thus, Defendant Nos.1 and 2 are using an identical mark/name in respect of an identical service.

21. Id. Counsel for the Plaintiff has also pointed out to the website of the Defendant Nos.1 and 2 to show that the 'Contact Us' details show that the Defendant Nos. 1 and 2 are operating from a Chamber in Karnal i.e., Chamber No. 677, Lawyers Chamber Complex, Sector 12, Karnal with the

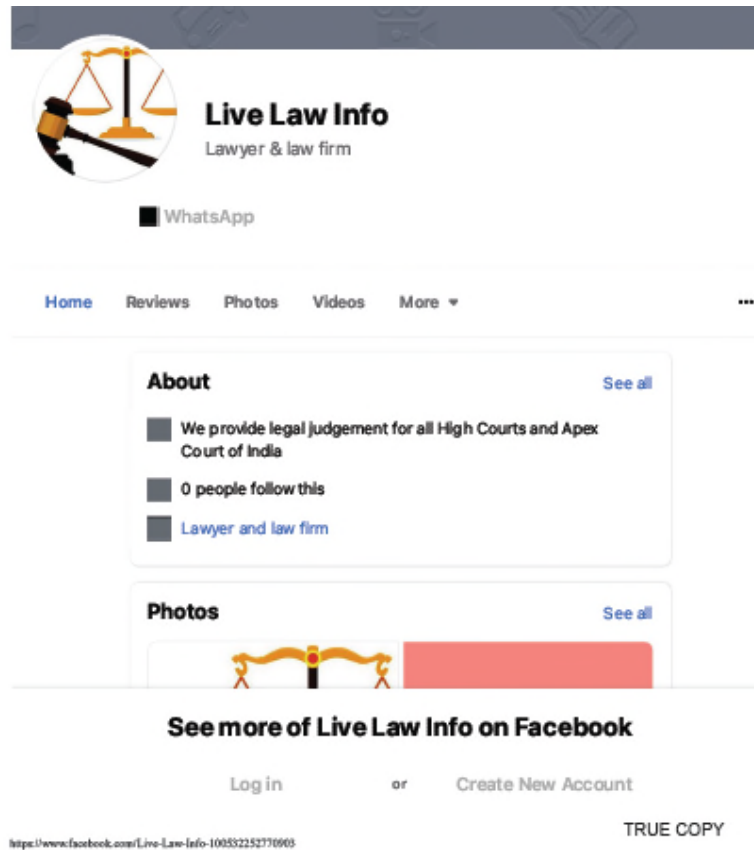
e-mail address 'admin@livelaw.info'. It is clear that the Defendant No.2 is the allottee of the said chamber.

22. Heard Id. Counsel for the Plaintiff. A perusal of the record shows that the Plaintiff's mark 'LIVE LAW' is a registered trademark since the year 2016. The user claim of the Plaintiff is since the year 2013. The Plaintiff Company itself has been incorporated on 13th May, 2013. Various documents have been placed on record by the Plaintiff, including the traffic analytics report in respect of the Plaintiff's online portal 'www.livelaw.in'. A perusal of the said report shows that, between June, 2022 to August, 2022, the worldwide traffic for the Plaintiff's website is to the tune of 28.31 million, which clearly shows that the Plaintiff's online portal is extremely popular and used by various stakeholders in the legal community.

23. The various emails sent by the Defendant Nos.1 and 2, as also, the Defendants' website 'LIVELAW.INFO' shows that the Defendant Nos. 1 and 2 are portraying themselves to be the 'LEGAL JUDGMENT PROVIDER - PREMIUM SERVICE'. The Defendant Nos. 1 and 2 are also providing latest judgment search, bookmark judgments and also seek clients' feedback. The Defendant Nos.1 and 2 have also set up a Facebook page and a Twitter handle, as also, a WhatsApp account. The emails which have been forwarded by the Defendant Nos.1 and 2 on 2nd September, 2022, 11th September, 2022 and 16th September, 2022 to a large number of law firms, lawyers and other stakeholders in the legal fraternity, including some of the promoters of the Plaintiff Company, have also been placed on record. A perusal of the said emails show that the Defendant Nos.1 and 2 are offering an identical service with a subscription-based model.

24. It is, therefore, clear that the Defendant No.2 has started the portal i.e.,

'LIVELAW.INFO' with the clear intention of encashing upon the goodwill and reputation of the Plaintiff's mark/name 'LIVE LAW'. The two names/marks are identical. Moreover, the 'Whois' details of the Defendant No.1 shows that the Defendant Nos.1 and 2 have also availed of privacy protect features and have tried to conceal their proper details. Thus, the only details that are available are those which are being portrayed on the website 'LIVELAW.INFO'. The Facebook page and the Twitter handle also shows that the Defendant No.2 is running the 'LIVELAW.INFO' portal. Screenshots of the same are set out below:





Page transparency

[See all](#)

Facebook is showing information to help you better understand the purpose of a Page. See actions taken by the people who manage and post content.

Page created – 6 August 2022

[Privacy](#) · [Terms](#) · [Advertising](#) · [Ad choices](#) · [Cookies](#) · [More](#) · Meta © 2022



Live Law Info updated their profile picture.

6 August · 🌐

We provide legal judgement for all High Courts and Apex Court of India.



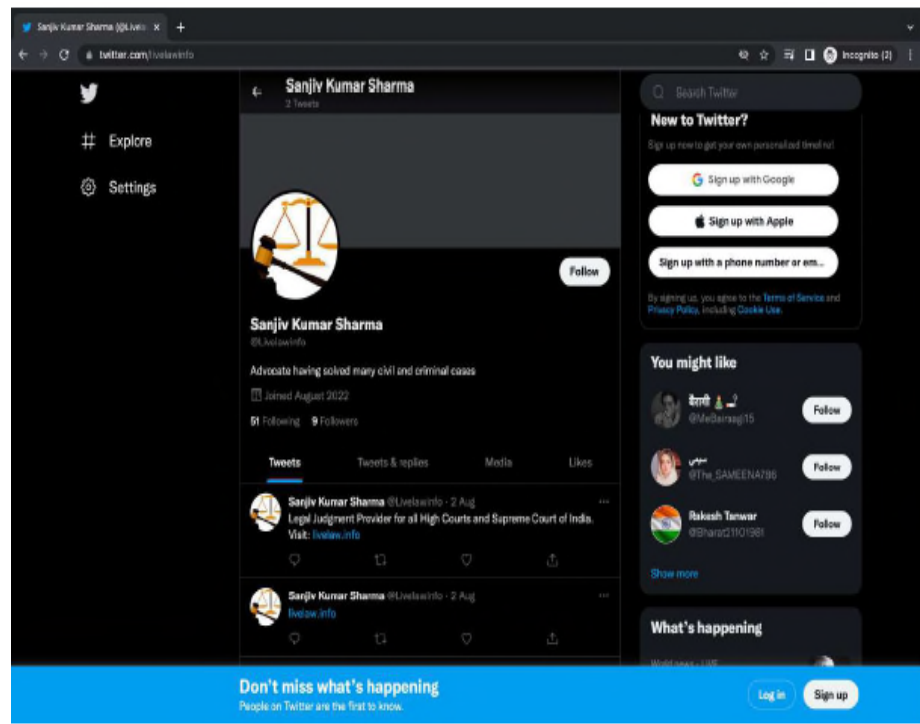
1

Like

Comment

Share

See more of Live Law Info on Facebook



The above screenshots, *prima facie*, establish that the Defendant No.2 is operating the 'www.livelaw.info' platform as there is clear connection which is seen due to the use of the chamber number, the Facebook page, etc.

25. Considering the use of an identical mark/name in respect of identical services being offered by the Defendant Nos.1 and 2, as also, the subscriber base and immense goodwill of the Plaintiff, this Court is of the opinion that the use of the mark 'LIVELAW.INFO' and the domain name 'www.livelaw.info' would be violative of the Plaintiff's rights in the mark 'LIVE LAW'. Therefore, the Plaintiff has made a *prima facie* case for the grant of an interim injunction. The balance of convenience lies in favour of the Plaintiff and irreparable injury would be caused to the Plaintiff if an interim injunction is not granted against the Defendant Nos.1 and 2.

26. Accordingly, till the next date of hearing, the Defendant Nos.1 and 2, and all others acting for or on behalf of the Defendant Nos.1 and 2, shall stand restrained from using the mark/name 'LIVE LAW', including as part of the domain name 'www.livelaw.info' and email addresses i.e., 'livelaw19@yahoo.com', 'livelaw31@rediffmail.com', 'admin@livelaw.info, and 'livelaw21@rediffmail.com', or any other email addresses or domain names, consisting of the mark/name 'LIVE LAW', or any other mark/name deceptively/confusingly similar to the Plaintiff's mark 'LIVE LAW'. This shall, however, not be deemed to be conferring any exclusive rights on the use of the terms 'LIVE' or 'LAW' disjunctively. The exclusivity of the use of the mark/name 'LIVE LAW' by the Plaintiff would extend only to the use of the words 'LIVE' and 'LAW' as a combination or in conjunction in the same order.

27. Defendant Nos.3 to 10 - ISPs are directed to block access to the website of the Defendant Nos.1 and 2, being 'www.livelaw.info'. If any blocking orders are required from the governmental authorities, the Plaintiff is permitted to approach them for giving effect to this order. The Plaintiff may further communicate the present order, along with requisite details, to the concerned Domain Name Registrar - Godaddy.com, LLC, which shall ensure that the registered domain name of the Defendant Nos.1 and 2, being 'www.livelaw.info' is blocked/suspended, and *status quo* is maintained as to the ownership of the said domain name, within 48 hours.

28. It is made clear that the contracts entered into between the Plaintiff and various High Courts shall be removed from the 'Plaintiff's Documents' and placed in the Court record in a sealed cover. Upon the Defendant Nos.1 and 2 entering appearance, the Court would pass appropriate orders in

respect of the said documents, which are at pages 157 to 161.

29. Compliance of Order XXXIX Rule 3 CPC be done within one week. The aforementioned sealed cover documents shall not be sent with the compliance or with the service of the summons.

30. List before the Court on 15th December, 2022.

PRATHIBA M. SINGH, J.

SEPTEMBER 26, 2022

Rahul/AD