

THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)

C. S. (OS) No. OF 2018

In the Matter Of:

PepsiCo India Holdings Private Ltd. ... Plaintiff
Versus
Facebook, Inc. & Ors. ... Defendants

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NO NOTICE HAS BEEN
SIGNED IN THIS MATTER
BY


J. SAGAR ASSOCIATES
COUNSELS FOR THE PLAINTIFF
B 303 ANSAL PLAZA MALL, 3RD FLOOR,
AUGUST KRANTI MARG
NEW DELHI - 110049
TEL:4310600-2, 9810172127

New Delhi
May 31, 2018

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**THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)**

C. S. (OS) No. OF 2018

In the Matter Of:

PepsiCo India Holdings Private Ltd. ... Plaintiff

Versus

Facebook, Inc. & Ors. ... Defendants

To Deputy Registrar,
Delhi High Court
New Delhi

URGENT APPLICATION

Kindly treat the accompanying Application as an urgent one as per Delhi High Court Rules in view of the urgent ad-interim relief sought therein.

It is requested to please list the Application on June 01, 2018.


**COUNSELS FOR THE PLAINTIFF
J. SAGAR ASSOCIATES
B 303 ANSAL PLAZA MALL, 3RD FLOOR,
AUGUST KRANTI MARG
NEAR HUDCO PLACE,
NEW DELHI - 110049**

**New Delhi
Date: 31/05/2018**

THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)

C. S. (OS) No. OF 2018

PepsiCo India Holdings Private Ltd. ... Plaintiff

Versus

Facebook Inc. & Ors. ... Defendants

**SYNOPSIS AND LIST OF DATES ON BEHALF OF THE
PLAINTIFF**

1. The present suit has been filed seeking *inter alia* decree of permanent mandatory injunction directing the Defendants to take measures to take down, remove, or block/restrict access to the Universal resource Locators ("URLs")/weblinks mentioned in the list of documents attached with the present Plaint and other active URLs/weblinks which contain the Video/ posts/links to posts disparaging Plaintiff's product KURKURE and any other similar video/posts.
2. In 1999, the PepsiCo created an original and innovative ready to eat snack made out of rice, corn, gram and wheat fiber, which had a taste and appearance entirely different from any products at the time available in India. Launched in 1999, this perfect 'namkeen' snack, developed entirely in India, has come to be identified with fun and lovable human quirks. This new product has

been sold under the mark KURKURE right from the inception and enjoys tremendous popularity, reputation and goodwill across all sections of public.

3. In the month of October 2013, the Plaintiff found out that the platforms/ web-portal of Facebook is hosting videos disparaging and denigrating KURKURE. The Video had several variations but the theme of all of them were same, i.e., the protagonist/s in the video is/are burning KURKURE and claiming it to contain plastic and also maliciously claiming that KURKURE are harmful for consumption.
4. Immediately upon finding such disparaging content being hosted on Facebook, the Plaintiff reported such content, utilizing Facebook's report abuse mechanism. Accordingly, on October 10, 2013 Facebook removed such content from its platform.
5. On receiving a positive feedback, the Plaintiff started reporting the various disparaging content on the platforms of the Defendants, including Facebook, as and when it came across such disparaging and defamatory content on the Defendants' platforms. Reports made by Plaintiff on the Defendants' platforms are filed along with the list of documents.
6. During these years, the Plaintiff took several pro-active steps and initiatives to publicize and propagate the correct factual scenario regarding its KURKURE products. Such pro-active steps included conducting public trips

and visits to its manufacturing facilities as well as widely publicizing disclaimers and public notices informing the public at large of the constituents of its KURKURE brand products. Plaintiff while taking active measures was under the belief that these steps will automatically contain the false and disparaging propaganda against KURKURE.


7. However, despite the efforts of Plaintiff, instances of the defamatory and disparaging content continue to be widely circulated, published, broadcasted and propagated on the platforms/ web-portals of the Defendants by the miscreants.
8. Finding no other alternative, the Plaintiff decided to once again approach the Defendants and reported the video/posts to the Defendants via their respective abuse report procedure as well as through email communications.
9. In fact, the respective Defendants have asked the Plaintiff to obtain appropriate Court orders, in the absence of which the platforms refused to remove disparaging and defamatory videos/posts from their respective web-portals.
10. Plaintiff received various communications from Defendants, *inter alia*, asking the Plaintiff to obtain court orders in order to remove the disparaging content from their respective platforms. As such, the Plaintiff has no other alternative to file the present Suit before this Hon'ble Court.

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11. In the circumstances aforesaid, the present Suit has been filed for the decree of mandatory injunction and damages against the Defendants.

List of dates

	Plaintiff is a company incorporated under the Companies Act, 1956 with its registered office at the address mentioned in the cause-title. Plaintiff is engaged in the manufacture, bottling and sale of different kinds of beverages, packaged drinking water and packaged snack foods, and is today, one of India's premier consumer products company. Plaintiff has reason to fear that their business would be negatively affected as a result of the transmission of the Video.
October, 2013	Plaintiff found out that the platforms/ web-portal of Facebook is hosting content disparaging and denigrating KURKURE.
10.10.2013	Immediately upon finding such disparaging content being hosted on Facebook, the Plaintiff reported such content, utilizing Facebook's report abuse mechanism. Facebook removed such content from its platform.
2013 - 2017	Plaintiff started reporting the various disparaging content on the platforms of the Defendants as and when it came across such disparaging and

	<p>defamatory content on the Defendants' platforms.</p> <p>Plaintiff took several pro-active steps and initiatives to publicize and propagate the correct factual scenario regarding its KURKURE products. Such pro-active steps included conducting public trips and visits to its manufacturing facilities as well as widely publicizing disclaimers and public notices informing the public at large of the constituents of its KURKURE brand products. Plaintiff while taking the active measures was under the belief that these steps will automatically contain the false and disparaging propaganda against KURKURE.</p>
May, 2018	Plaintiff received various communications from the Defendants asking the Plaintiff to obtain court orders in order to remove the disparaging content from their respective platforms.
31.05.2018	Present Suit filed.


J. SAGAR ASSOCIATES
COUNSELS FOR THE PLAINTIFF
B 303 ANSAL PLAZA MALL, 3RD FLOOR,
AUGUST KRANTI MARG
NEW DELHI - 110049

Date: 31.05.2018

Place: New Delhi

COURT-FEES

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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ORDINARY ORIGINAL CIVIL JURISDICTION

CS (OS) NO.

OF 2018

IN THE MATTER OF:

PepsiCo India Holdings Pvt. Ltd.
Plaintiff

Versus

Facebook, Inc. & Ors.

... Respondents

MEMO OF PARTIES

Pepsico India Holdings Private Ltd.

Level 3-6, Pioneer Square, Sector 62,
Near Golf Course Extension Road,
Gurugram – 122001

... Plaintiff

Versus

1. Facebook, Inc.

Menlo Park, California,
USA.

...Defendant No. 1

2. Facebook Ireland Limited

4 Grand Canal Square,
Grand Canal Harbour
Dublin 2, Ireland

... Defendant No. 2

3. Google, Inc.

1600, Amphitheatre Parkway
Mountain View, CA 94043
USA.

... Defendant No.3

4. YouTube LLC

901 Cherry Avenue
San Bruno, California, United States. ... Defendant No.4

5. Instagram LLC

1601 Willow Rd.
Menlo Park, CA 94025
United States of America ... Defendant No. 5

6. Twitter International Company

One Cumberland Place,
Fenian Street, Dublin 2, D02 .
AX07 Ireland. ... Defendant No. 6

7. Twitter, Inc.

1355 Market Street, Suite 900,
San Francisco, CA 94103
United States of America ... Defendant No. 7



PLAINTIFF

**J. SAGAR ASSOCIATES
COUNSELS FOR THE PLAINTIFF
B 303 ANSAL PLAZA MALL, 3RD FLOOR,
AUGUST KRANTI MARG
NEAR HUDCO PLACE,
NEW DELHI - 110049
43110600-2**

Place: New Delhi

Date: 30/05/2018

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**THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)
C. S. (OS) No. OF 2018**

PepsiCo India Holdings Private Ltd.

Level 3-6, Pioneer Square, Sector 62,
Near Golf Course Extension Road,
Gurugram - 122001

... Plaintiff

Versus

1. Facebook Ireland Limited

4 Grand Canal Square,
Grand Canal Harbour
Dublin 2, Ireland

...Defendant No. 1

2. Facebook, Inc.

Menlo Park, California,
USA.

...Defendant No. 2

3. Google, Inc..

1600, Amphitheatre Parkway
Mountain View, CA 94043
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One Cumberland Place,
Fenian Street, Dublin 2, D02
AX07 Ireland.

12

... Defendant No. 6

7. Twitter, Inc.

1355 Market Street, Suite 900,
San Francisco, CA 94103
United States of America

... Defendant No. 7

8. Sh. Ashok Kumar

... Defendant No. 8

SUIT FOR PERMANENT INJUNCTIONS AND DAMAGES

MOST RESPECTFULLY SHOWETH

1. The present suit has been filed seeking *inter alia* decree of permanent mandatory injunction directing the Defendants to take measures to take down, remove, or block/restrict access to the Universal resource Locators ("**URLs**")/weblinks mentioned in the list of documents attached with the present Plaintiff and other active URLs/weblinks which contain the Video/posts/links to posts disparaging Plaintiff's product KURKURE and any other similar video/posts.

2. The Plaintiff

2.1 Plaintiff is a company incorporated under the Companies Act, 1956 with its registered office at the address mentioned in

the cause-title. Plaintiff is a wholly owned subsidiary of PepsiCo Inc., a corporation duly incorporated under the laws of the State of North Carolina, USA.

- 2.2 Plaintiff is engaged in the manufacture, bottling and sale of different kinds of beverages, packaged drinking water and packaged snack foods, and is today, one of India's premier consumer products company. Plaintiff has reason to fear that their business would be negatively affected as a result of the transmission of the Suit Video.
- 2.3 Ms. Namrata Saikia, Senior Analyst, Legal, at Plaintiff, is duly authorized to sign and verify the plaint and to institute and prosecute the suit on behalf of Plaintiff.

3. **The Defendants**

- 3.1 Defendant No. 1 (Facebook Ireland Limited), is a social media platform, which operates and hosts Facebook Service in India. Defendant No.1 is the relevant data controller for Indian users of Facebook services. Facebook users located in India, each enter into an agreement with the Defendant No.1 Company when registering to use Facebook Services. Defendant No. 1

is engaged in *inter alia* providing media services, hosting a platform enabling its users to upload content in the nature of photos and videos as well share the same electronically with other users.

3.2 Defendant No.2 (Facebook, Inc.), is a Company incorporated and existing under the laws of Delaware (USA) with its principal place of business in California (USA). Facebook users located within United States and Canada, each enter into an agreement with Defendant No.2. Defendant No.2 is the data controller for US and Canadian users. The subject Video can be seen and shared even in USA and Canada and it is only Defendant No.2 which can remove the Videos in USA and Canada. Therefore, the Defendant No.2 is a necessary and proper party to the present Suit.

3.3 Defendant No.3 (Google, Inc.), is an American multinational technology company that specializes in Internet-related services and products, which include online advertising technologies, search-engine, cloud computing, software, and hardware. It offers various web-based services including the services for video viewing and sharing through YouTube.

- 3.4 Defendant No.4 (YouTube LLC) is a video sharing platform which allows users to upload, view, rate, share, add to favorites, report, comment on videos, and subscribe to other users. Defendant No. 3 owns, controls and manages YouTube, i.e. the Defendant No.4. YouTube earns advertising revenue from Google AdSense, a program which targets ads according to site content and audience.
- 3.5 Defendant No. 5 (Instagram LLC), is an entity incorporated in the United States of America and operates a mobile, desktop, and Internet-based photo-sharing application and service that allows users to share pictures and videos either publicly, or privately to pre-approved followers. Defendant No. 5 was acquired by Defendant No. 2 in 2012 and is currently under the control of Defendant No. 2.
- 3.6 Defendant No. 6 (Twitter International Company), is an entity incorporated in Ireland under the name of Twitter International Company. Defendant No. 6 is an online news and social networking service where users post and interact with messages, known as "tweets." Defendant No. 6 is the

relevant data controller for Indian users of the Twitter platform. Users of the Twitter platform located in India enter into an agreement with Defendant No. 6 Company when registering to use Twitter's services.

3.7 Defendant No. 7 (Twitter Inc.), is a company incorporated under the laws San Francisco, California, United States of America under the name and style of Twitter, Inc. Twitter users located in the United States of America enter into an agreement with Defendant No.7. Defendant No. 7 is the data controller for users located in the United States of America. The impugned Video can be seen and shared in the United States of America and only Defendant No. 7 can remove the Video in USA. Therefore, Defendant No. 7 is a necessary and proper party to the present Suit.

3.8 Defendant No. 8, i.e. Sh. Ashok Kumar are unknown persons disseminating and publishing the Video/posts/links to the video over various internet platforms, including the platforms of the Defendant Nos. 1 - 7. Such material, circulated by Defendant No. 8, tarnishes the image of the Plaintiffs. As such, the actions of the Defendant No. 8 constitute the

grayamen of the present Suit. However, since the Defendant No. 8 cannot traced out, it is necessary in the interest of justice to array Defendant No. 8 as one of the Defendants. Plaintiff is unaware of the exact identity of persons who have posted the video on websites/platforms of the Defendants. It is not possible for the Plaintiff to implead all websites and social networking services on which the video has been posted or may be posted in future. Such unknown persons usually operate through aliases and there are no authentication mechanisms in place to verify their identity with certainty. As such, the Plaintiffs are unaware regarding the true nature, constitution and location of such persons and crave leave to refer and rely on additional documents/ submissions as and when necessary in this regard.

4. To enable this Hon'ble Court to appreciate the basis of the case of the Plaintiff, it is respectfully submitted as follows:-
 - 4.1 Plaintiff entered India in 1989 and has grown to become one of the largest MNC food and beverage businesses in India. Plaintiff has been consistently investing in the country and has built an expansive beverage and snack food business

supported by 62 plants across foods and beverages. Plaintiff's diverse portfolio includes iconic brands like Pepsi, Lay's, Kurkure, Tropicana 100%, Gatorade and Quaker. In two decades, the company has been able to organically grow eight brands each of which generate Rs. 1000 crores or more in estimated annual retail sales and are household names, trusted across the country.

4.2 PepsiCo as a brand has an exemplary value all over the world.

Its products are enjoyed by consumers one billion times a day in more than 200 countries and territories around the world. PepsiCo generated more than US \$63 billion dollars in net revenue in 2015, driven by a complementary food and beverage portfolio that includes Frito-Lay, Gatorade, Pepsi-Cola, Quaker and Tropicana. PepsiCo's product portfolio includes a wide range of enjoyable foods and beverages, including 22 brands that generate more than US \$1 billion dollars each in estimated annual retail sales.

4.3 In 1999, the PepsiCo created an original and innovative ready to eat snack made out of rice, corn, gram and wheat fiber, which had a taste and appearance entirely different from any

products at the time available in India. Launched in 1999, this perfect 'namkeen' snack, developed entirely in India, has come to be identified with fun and lovable human quirks. This new product has been sold under the mark KURKURE right from the inception and enjoys tremendous popularity, reputation and goodwill across all sections of public. With the passage of time, KURKURE have acquired utmost distinctiveness. A mere mention of the same is reminiscent of the Plaintiff and its product. Kurkure is a crunchy new-age namkeen snack brand which symbolizes light-hearted fun. Embodying the spirit of India, Kurkure has found a home in millions of hearts and minds and enjoys the position of a strong lovemark brand in India. Over the years, Kurkure has journeyed effortlessly from being a snack with a twist to becoming an integral part of India's teatime menu and an embodiment of endearing human 'imperfections' or 'tedhapan'.

- 4.4 Right from its very launch, the product sold under KURKURE marks caught the attention and imagination of the public, and came to enjoy tremendous popularity and growth in sales which has continued over the years. A table showing year-

wise breakup of the total sales of products under the KURKURE marks for the period 2010-2015 is as under:

Year	Amount (in INR Crore approx.)
2010	601
2011	661.3
2012	750.5
2013	885
2014	1054.3
2015 (till September)	1159.3

4.5 The Plaintiff's product KURKURE have been sold on an extensive scale in India since around 1999. The annual estimated revenue of the KURKURE has been approximately about INR 12,524 MM in 2018.

4.6 The Plaintiff has invested a considerable amount in popularizing the products under the brand name KURKURE on a regular basis through various media including television, magazines, newspapers etc. KURKURE enjoys tremendous

brand recall which has spread across India by diverse means such as media publicity, advertisements on television and print media and celebrity endorsement.

4.7 Plaintiff's product under the KURKURE brand have been regularly and widely advertised through various media and channels including television, radio, endorsements of sports events, internet etc. During the period 2010 till September, 2015, the Plaintiff has spent in excess of approximately Rs. 320 crores in market research and as advertisement expenditure on their products under the KURKURE marks. A number of celebrities like Parineeti Chopra, Juhi Chawla, Farida Jalal and Kunal Kapoor endorse the Plaintiff's products as brand ambassadors under the KURKURE. By virtue of the same, the KURKURE brand have generated enviable attention in the media and have been the subject matter of a number of unsolicited articles in leading national dailies and magazines and several articles have been written about the same over the last few years.

4.8 The Plaintiffs have registrations for KURKURE formative domain names in the ".co.in" and ".in" categories. They operate the websites 'www.kurkure.co.in' and

'www.kurkure.in'. The aforementioned domain names were created on February 16, 2005 and provide information about its business of KURKURE. These websites are accessed by internet users worldwide and specifically in India.

4.9 The Plaintiff have been actively initiating and pursuing actions for trademark infringement and passing off in KURKURE mark in Courts of law in India as well as available remedies before the Trade Marks Registry. Suits were instituted by the Plaintiff against infringement of the KURKURE mark before the Hon'ble High Court of Delhi, wherein the Hon'ble High Court has passed orders in the favour of the Plaintiff and injuncted others from using marks that were identical/deceptively similar to KURKURE mark. These orders represent the judicial recognition of PepsiCo Inc. and PepsiCo's exclusive and proprietary rights and goodwill in the KURKURE mark.

4.10 Brand Equity, a supplement of *The Economic Times*, has consistently recognized the Plaintiffs' KURKURE marks as one of India's leading brands. Various Indian national dailies/newspapers like *The Economic Times*, *The Times of India*, *The Hindu* and *The Hindustan Times*, popular online news sites like www.rediff.com have carried articles on and

about the popularity and success story of the Plaintiffs and the mark KURKURE.

5. In the circumstances aforesaid and by virtue of the extensive use and vast publicity of the KURKURE marks and products, these marks today enjoy immense reputation and goodwill and as such have become distinctive of and exclusively associated with the Plaintiffs alone among members of the relevant trade, the public and others. By virtue of the extensive use and vast publicity of KURKURE, today it enjoys immense reputation and goodwill.

6. Facts of the case:

- 6.1 For the ease of reference, in narration of the facts of the case, Defendant Nos. 1 and 2 are collectively referred to as 'Facebook', the Defendant Nos. 3 and 4 are collectively referred to as 'YouTube', and Defendant Nos. 6 and 7 are collectively referred to as 'Twitter'.

- 6.2 In the month of October 2013, the Plaintiff found out that the platforms/ web-portal of Facebook is hosting videos disparaging and denigrating KURKURE. The Video had several variations but the theme of all of them were same, i.e., the protagonist/s in the video is/are burning KURKURE and claiming it to contain plastic and also maliciously claiming that KURKURE are harmful for consumption.
- 6.3 Immediately upon finding such disparaging content being hosted on Facebook, the Plaintiff reported such content, utilizing Facebook's report abuse mechanism. Accordingly, on October 10, 2013 Facebook removed such content from its platform.
- 6.4 On receiving a positive feedback, the Plaintiff started reporting the various disparaging content on the platforms of the Defendants, including Facebook, as and when it came across such disparaging and defamatory content on the Defendants' platforms. Reports made by Plaintiff on the Defendants' platforms are filed along with the list of documents.

- 6.5 During these years, the Plaintiff took several pro-active steps and initiatives to publicize and propagate the correct factual scenario regarding its KURKURE products. Such pro-active steps included conducting public trips and visits to its manufacturing facilities as well as widely publicizing disclaimers and public notices informing the public at large of the constituents of its KURKURE brand products. Plaintiff while taking the active measures was under the belief that these steps will automatically contain the false and disparaging propaganda against KURKURE.
- 6.6 However, despite the efforts of Plaintiff, instances of the defamatory and disparaging content continue to be widely circulated, published, broadcasted and propagated on the platforms/ web-portals of the Defendants by the miscreants.
- 6.7 Finding no other alternative, the Plaintiff decided to once again approach the Defendants and reported the video/posts to the Defendants via their respective abuse report procedure as well as through email communications.
- 6.8 In fact, the respective Defendants have asked the Plaintiff to obtain appropriate Court orders, in the absence of which the

platforms refused to remove disparaging and defamatory videos/posts from their respective web-portals.

6.9 Plaintiff received various communications dated May 29, 2018 from Facebook, dated May 18, 2018 from Instagram and May 29, 2018 from Twitter, *inter alia*, asking the Plaintiff to obtain court orders in order to remove the disparaging content from their respective platforms. YouTube has neither acknowledged nor reverted to the request made by the Plaintiff. As such, the Plaintiff has no other alternative to file the present Suit before this Hon'ble Court.

6:10 Plaintiff states that an enormous number of web-links/ URLs are active on the platforms/ web-portals of the Defendants hosting the impugned content. A detailed list setting out each web-link/ URL has been annexed along with the list of documents. Plaintiff has tabulated the estimated number of such links hosting the impugned content as on the date of filing of the present suit as follows:

Facebook – 3412 links and 20244 posts

YouTube – 242 links

Instagram – 6 links

7. **The contents/statements in the Video/posts are false and defamatory to the Plaintiff**

- 7.1 The contents and the claims made in the Video/posts are baseless and reckless without any regard to the truth and without due care or verification. The Video/posts falsely and maliciously insinuates that KURKURE contain plastic and are unsafe for human consumption.
- 7.2 It I stated that KURKURE are 100% safe and are made using high quality ingredients like rice, corn, besan, salt ; vegetable oil & spices, which are compliant with the applicable regulations in India. All information regarding the ingredients used in KURKURE is set out in the labels of the product. All products manufactured by the Plaintiff is in their state of the art manufacturing facilities which are certified by national and international institutions.
- 7.3 Plaintiff holds Central as well as state licenses from the Food Safety and Standards Authority of India (FSSAI). FSSAI is an autonomous body established under the Ministry of Health &

Family Welfare, Government of India and is responsible for protecting and promoting public health through the regulation and supervision of food safety. FSSAI lays down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale to ensure availability of safe and wholesome food for human consumption. The license from FSSAI means the product of Plaintiff meet stringent quality control and other criteria laid down by FSSAI for grant of license and also that the products of Plaintiff are 100% safe for human consumption.

7.4 Plaintiff's all products, including KURKURE are manufactured, packaged and labelled in terms of the Food Safety and Standard Act and Regulations. As per Regulation 2.1.3 of the Food Safety and Standards (Licensing and Registration of Food Business) Regulations 2011. Plaintiffs, as stated above, have valid Food Licenses, which includes the category for KURKURE.

7.5 In addition, all Plaintiff's products are labelled and packaged as per the Food Safety and Standards 9 Packaging and Labelling Regulations), 2011. As required under Regulation

2.1.14 of the Food Safety and Standards (Licensing and Registration of Food Business) Regulations 2011, while selling an article of food to any vendor, Plaintiff's invoices carry a warranty in Form E, which reads "*I certify that the food/foods mentioned in this invoice is/are warranted to be of the nature and quality which it/ these purports / purported to be.*"

7.6 It is stated that KURKURE are made using 100% vegetarian ingredients, best quality besan, finest quality of spices and edible vegetable oils, and are trans-fat free. The high and impeccable quality standards of KURKURE can be ascertained from the following:

Quality Standards:

- (a) **HACCP** (Hazard Analysis and Critical Control Point).
- (b) Certification by **TQCSI (Australia)**, which confirms that products are manufactured in a food safety environment and the manufacturing process has adequate controls to track products.

- (c) **American Institute of Baking (USA)**, one of the best auditing bodies for confirming process and product safety.
- (d) Plaintiff Plants are **ISO 14000 certified**, which confirms that the manufacturing process ensures environmental safety.
- (e) Plaintiff's plants are also certified to ensure that the safety of products, processes, environment and people is maintained at a very high level. This certification is issued by **OHSAS, 18001 (Occupational Health and Safety Assessment Series), USA.**
- (f) As regard to the raw materials, Plaintiff's Vendors provide the Certificate of Analysis (COA) and additionally Plaintiff also conduct internal lab tests before accepting any raw materials.
- (g) The ingredients/ additives used in KURKURE are in compliance with the Food Safety and Standards

(Food Products Standards and Food Additives)
Regulations 2011.

- 7.7 The maker/s of the Video and posts allege that KURKURE contain plastics. The said assertion is surmised on the basis that when KURKURE are exposed to fire, it catches fire and keeps on burning.
- 7.8 It is stated that the assertion of the make of the Video/posts, is based on no evidence at all. Simply because KURKURE catch fire do not mean that it contain plastic. Any food item containing carbohydrate, oil and protein, will burn when exposed to fire. In addition, scientifically, even dry fruits - almonds, cashew, roasted or fried peanuts, sesame seeds (til), ghee, mustard oil, peanut oil, olive oil, spices - clove, sugar, honey, fried garlic, muruku etc. burn when exposed to fire. But that does not mean that these are harmful and contain plastic.
- 7.9 The aforesaid facts show that the Video and the posts uploaded and shared on the Defendants' respective platforms are only a hoax and the allegations in the Video/posts are per

se false, misleading and defamatory. It is clear that the intention behind the Video is purely malicious and has been motivated to malign and affect the reputation and credibility of Plaintiff and to create a stir amongst the consumers of Plaintiff's products. The false and defamatory Video has been created, uploaded, and circulated with the sole intention of creating panic in the mind of consumers/general public and coerce them not to consume the Plaintiff's KURKURE. The contents of the Video and the claims made therein have resulted in seriously damaging the impeccable reputation enjoyed by the Plaintiff.

7.10 It is apparent from the contents of the Video that it is not part of any bonafide public information, but an intentional endeavour to tarnish the image of Plaintiff and has been posted on the Defendants' websites in complete disregard to the laws of India.

7.11 The derogatory and defamatory contents of the Videos/posts have been seen by number of persons and Plaintiff's image and reputation has been lowered in their eyes and as such, Plaintiff has been defamed on account of the defamatory

contents of the Video/posts—disseminated through the websites of the Defendants.

7.12 After transmission/publication of the Video, Plaintiff has faced embarrassment while answering queries raised by people in business and consumers of Plaintiff's various products. The Video has tarnished Plaintiff's credentials in the market and chipped at its goodwill and reputation. The Video continues to be accessible to the public at the respective websites of the Defendants.

8. **Plaintiff has suffered damages on account of commercial disparagement due to further and continued dissemination of video on Defendants' websites**

8.1 The present case is a classic instance of commercial disparagement, fulfilling all its ingredients. The statements/allegations made in the Video that KURKURE contain plastic and therefore unsafe for human consumption is, firstly, false and does not reflect any reality. Secondly, the statement is made with an intention to cause financial loss and damage to the Plaintiff Company

and KURKURE brand. Thirdly, there is an actual loss taking place due to the Video. And fourthly, the maker/s of the Video (and the Defendants who are complicit in propagating the false contents) has/have made the statement with the knowledge that the statement is false and it will cause damage to the business of the Plaintiff.

8.2 The transmission of the Video has resulted in pecuniary loss to the Plaintiff, negative engagement on Social Media translated to cost is to the tune of Rs.60 lakhs. The said calculation is based on the overall media cost to generate similar volume of engagement and impressions on Defendants' platforms which have been generated by the infringing Video. Though, the accounted value of damage (negative conversations) is approximately Rs.60 Lakhs, but the bigger loss to equity and therefore consumption of product is massive. Accountable investments done to eradicate the rumor over last few years is more than 2 crores.

8.3 The Video, Plaintiff fears, may have even direct and substantial effect on the sale of KURKURE in India. The

continued transmission of the Video and accessibility of it by the public at large has gravely affected even the future business prospects of Plaintiff. The Video has been posted by the offenders obviously with an intention to shake the confidence of Plaintiff's stakeholders, customers and business partners.

8.4 In the present case, despite having the actual knowledge of the false, disparaging and defamatory contents of the Video/posts, the Defendants malafide refusal to remove/block the Video/posts even after receiving notification/complaint from the Plaintiff, make Defendants liable for defamation and consequent damages to the reputation and goodwill of Plaintiff. It is submitted that if a person knowingly permits another to communicate information which is defamatory, when there would be an opportunity to prevent the publication, there would seem to be no reason in principle why liability should not accrue against the said person.

8.5 Plaintiff has filed the present Suit to also claim damages in respect of the publication/transmission of the defamatory

Video by the Defendants. The Plaintiff, because of the continued transmission of the Video by the Defendants, have also suffered reputational loss. The plaintiff currently estimates its overall loss including the loss of reputation/goodwill and cost incurred on salvaging brand image is at INR 2.10 crores. The Defendants are jointly and severally liable to pay the damages suffered by the Plaintiff. The loss suffered by Plaintiff is directly on account of the wrongdoings of the Defendants.

9. Complicity of Defendants in the actionable wrong

- 9.1 Plaintiff, on coming to know about the Video/posts, regularly bringing to the attention of Defendants about the infringing and defamatory contents of the Video and also requested them to block the URLs containing the Videos/posts.
- 9.2 In terms of Rule 3(4) of Information Technology (Intermediaries) Guidelines Rules 2011, the Defendants are required to disable the infringing information/Video/posts within 36 hours upon receiving the request in writing from Plaintiff and notifying the contents posted at Defendants' website.

- 9.3 Even after lodging a complaint by Plaintiff with a request to remove the Videos/posts, Defendants expressing inability to remove or block those defamatory contents and directing Plaintiff to approach the Court and obtain order for removal of the Video, indirectly amounted to encouraging the offender to post such defamatory content on the websites.
- 9.4 The intermediaries, under the Information technology Act, are expected to observe certain due diligence while discharging their duties including an obligation to inform users not to host, display, upload, modify, publish, transmit, update or share information that infringes the intellectual property rights of any party. When one brings to the attention of the intermediary such violations, the intermediary is required to take down all such offending content. The Defendants, as an intermediary, are required under the Information technology Act, 2000, to strictly follow the provisions of the Act or any other laws for the time being in force.
- 9.5 When posting of the infringing and disparaging Video/content on their website was brought to Defendants actual knowledge

by Plaintiff, it was their legal duty to take steps to block access to such content or remove such content from the website. Defendants have, by allowing the infringing and untruthful Video to remain posted on their websites and further dissemination to other users of their website, aided and abetted the infringement within the meaning of Section 79(3) (a) of the Information Technology Act, 2000.

9.4 The Defendants have abetted and aided the commission of the unlawful act of defaming the product of Plaintiff. The Defendants by allowing sharing of the videos/posts despite having the knowledge of the same to be unlawful and also earning revenues by placing advertisements and further suggesting the viewers to view similar/same disparaging videos have also induced the general public/viewers to engage in the commission of the unlawful act. The refusal to take down the Video from their respective websites is clearly an act of abetment resulting in Plaintiff's continued reputational and goodwill loss.

9.5 It is stated that the user policy laid down by the Defendants on their respective websites, in case of defamatory and

infringing contents, is a farce, as they seek court order for removing or blocking even the contents/videos which are prima facie false and unlawful. The contents of Video in the present case are malicious and false *per se*. For removing the same, the Defendants should not have compulsorily sought court orders. It is stated that the insistence of court order for blocking the URLs even in a case of obvious false propaganda, is certainly not desirable under the laws of India and is also not the correct interpretation of the recent Supreme Court judgment regarding Section 79 of the IT Act and Section 2(3)(4) of the Intermediary Guidelines. The insistence on the production of court order, which might take some time, has the propensity of damaging the reputation and goodwill of the Complainant, in some of the cases like the present one, to such an extent that the damage may become irreversible and cannot be compensated in terms of money.

- 9.6 It is stated that the Defendants do not play a passive role in facilitating postings on the internet and deemed to become a publisher of the contents of the Video at common law after receiving notification in regard to the defamatory and false contents of the Video.

- 9.7 In the present case the Defendants deliberate inaction has built up a negative sentiment in the social media against KURKURE and in its brand value, and thereby causing immense damage to the reputation and goodwill of the Plaintiff. Despite having the actual knowledge of the false, disparaging and defamatory contents of the Video, the Defendants malafide refusal to remove/block the Video is clearly an act of abetment in damaging the reputation and goodwill of the Plaintiff.
- 9.8 Even otherwise, it is the case of Plaintiff that the Defendants have failed to follow their own user terms and guidelines displayed on their respective Websites. It was also the duty of the Defendants as an Intermediary to inform the offender who posted the Video that the same is not in compliance with rules and regulations, user agreement and privacy policy for access or usage of their computer resource. The offender's failure to remove the offending contents despite receiving the information about defamation and disparagement, entitled the Defendants to immediately terminate the access or usage rights of the users who posted the defamatory video and

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delete/block the Video immediately. Defendants failed to follow their own policy and guidelines by not terminating the agreement with the users who uploaded the Video and posted the defamatory contents/posts in regard to KURKURE. Once the Defendants have been informed of the defamatory contents of the Video, Defendants became liable for the publication of defamation by acquiescence that is to say by permitting publication to continue when they had the power to prevent it.

Cause of action

10. The cause of action for filing the present Suit firstly arose in October 2013 when the Plaintiff came to know about the defamatory video/posts uploaded on the Facebook. The cause of action arose on all such dates when the defamatory video/posts uploaded on the websites/portals/platforms of Defendants. The cause of action further arose on all such dates when the Plaintiff brought to the attention of the Defendants the contents of the Video/posts by filing complaints in accordance with their respective policies as mentioned on their respective websites. The immediate cause of action for filing the present Suit arose in the month of May 2018 when the

Defendants refused to remove/block the Video despite Plaintiff's complaints. The cause of action is continuing one as the Video/posts are still uploaded/found on the websites/URLs and weblinks of the Defendants, and accessed by general public by visiting their respective websites.

11. Plaintiff submits that it has suffered, and is likely to further suffer, irreparable harm and injury with regard to the goodwill and reputation vested in its KURKURE brand. Therefore, monetary compensation alone would not be sufficient to redress the continuing harm resulting from acts of disparagement being committed by the Defendants.
12. As the injury and damage which the Plaintiff is suffering cannot be compensated in pecuniary terms alone, the Plaintiff is entitled to an order of mandatory injunction (ad-interim, temporary and permanent) to direct the Defendants to remove or block the URLs having the Video/posts. Unless the Defendants are so ordered, grave loss and injury will continue to be caused to the reputation and goodwill.

13. It is stated that the contents of the Video are utterly malicious and completely bereft of truth and there is an immediate pressing injury to Plaintiff. Plaintiff apprehend that the Defendants will persist with their malicious conduct, and if the said Video is not removed or blocked, the Defendants will continue to defame Plaintiff's KURKURE brand, which would result in immediate and irreparable injury to the Plaintiff's business, reputation, and goodwill. Defendants' insistence to keep the Video/posts on their websites, despite having knowledge of its defamatory contents, is intended to harm the reputation of Plaintiff.
14. Defendants' illegal actions, as described above, constitute disparagement of its products, and tarnishing of Plaintiff's image and those of its products. Plaintiff undertakes to take appropriate action against the person responsible for making and uploading the defamatory Video/posts once the identity of the person is disclosed to the Plaintiff by the Defendants.
15. Plaintiff is also entitled *inter alia* to seek damages in view of the loss of reputation and goodwill as well as the harassment caused to it by the Defendants on account of the acts of

defamation and disparagement of the Plaintiff's KURKURE brand and loss of reputation and goodwill of the Plaintiff Company. The Plaintiff enjoys considerable reputation and respect both within and outside the business community. Plaintiff states that the defamatory Video uploaded on the websites of the Defendants have been shared and circulated as stated above, to a large number of persons, causing serious damage to the reputation of the Plaintiff in public in general and business world in particular.

16. The Plaintiff, however, submits that no amount of money can compensate the Plaintiff for the irreparable damage caused and being caused to the reputation and goodwill. The Plaintiff Company estimate the damage to its reputation in cores of rupees, however the Plaintiff Company is seeking overall damage of INR 2.10 crores—which also includes costs incurred by Plaintiff to salvage its reputation/goodwill damaged by the malicious video/posts.

17. This Hon'ble Court has territorial jurisdiction in the matter by virtue of Section 20 of the Code of Civil Procedure which confers jurisdiction on the courts within the local limits of

whose jurisdiction, the cause of action has arisen. The Video in question is uploaded on the websites/platforms of the Defendants which has been and can be seen and accessed by the general public in Delhi. The Video has also generated lot of shares by the users in Delhi.

18. The Plaintiff has approached this Hon'ble Court immediately on Defendants' refusal to block the offending videos/posts and asking the Plaintiff to obtain court orders for removal of the video/posts. Plaintiff has not filed any other proceeding before any other court or authority with regard to the present cause of action. The Plaintiff is seeking relief of removal/blocking of similar video/posts also as it is impossible for the Plaintiff to place on record all variations of the offending video/posts. The similar video must be treated as video/posts which have similar content of burning the KURKURE and maliciously claiming it to contain plastic and unsafe for human consumption. This relief is claimed to save Plaintiff from coming to court on each and every occasion even if the video/post against which order of injunction is sought have similar content. It is further submitted that the present Suit is not commercial in nature.

19. For purposes of court fee and jurisdiction, the reliefs at paragraphs 20 (i) to (iv) for permanent and mandatory injunction are valued at Rs. 200/- each and total court fee of Rs. 80/- (@ Rs. 20/- per prayer) has been paid thereon. For purposes of jurisdiction, prayer at paragraph 21 (v) is valued at 2,10,00,000/- (Rupees two crores ten lakhs only) as the Plaintiff estimate that damages to the tune of 2,10,00,000/- (Rupees two crores ten lakhs only) will be found due and payable to it. Adequate Court fees as found payable has been paid thereon. The Plaintiff undertake to pay the balance court fee, if any, once the amount of damages is finalized and a decree is drawn up in terms thereof.

PRAYERS

20. In the circumstances, the Plaintiff respectfully pray for:

- (i) decree of permanent and mandatory injunction directing the Defendants to take down, remove, or block/restrict access to the URLs/weblinks mentioned in the list of documents attached with the present Plaint and/or other active URLs/weblinks which contain or purport to contain similar disparaging Video or part thereof uploaded or posted on their respective websites, and

also from all media in Defendants No.2's control, including but not limited to mobile application and Whatsapp;

- (ii) decree of permanent and mandatory injunction directing the Defendants to take down, remove, or block/restrict, the offending videos/posts and also restrain the Defendants from uploading, distributing, displaying, publishing or in any manner permitting circulation of any video or visual content or video snippet or screenshot or any content or similar content thereto depicting or implying that the Plaintiff's KURKURE product contains plastic when it is burnt or otherwise; or are associated with or allude in any manner any relation with 'plastic', or makes factually false claims against the said LAYS product of the Appellant; or imputes and alludes to the Plaintiff's KURKURE product as being unsafe for consumption or containing foreign material other than food and/ or disparages the Plaintiff's KURKURE products in any manner;
- (iii) decree of permanent and mandatory injunction directing the Defendants to block/remove the offending Video

from its websites on receipt of any complaint in future from the plaintiff in regard to the Video/posts identical to the video/posts placed on record, and also the video/posts which are 'similar in content and nature' to the offending videos;

- (iv) decree of permanent and mandatory injunction directing the Defendant No.8 from uploading, circulating or disseminating the impugned video or any other similar video/posts defaming the Plaintiff's KURKURE product on any website or media platform including the Defendants' websites/platforms;
- (v) For an order and final decree of damages to the tune of Rs. 2,10,00,000/- (Rupees two crores ten lakhs only) in favour of the Plaintiff, and jointly and severally against the Defendant No.1 to 7;
- (vi) For costs of this suit;
- (vii) Any other and further reliefs as this Hon'ble Court may deem fit and proper to meet the ends of justice.


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Prayed accordingly.



Plaintiff.

THROUGH



**J. SAGAR ASSOCIATES
COUNSELS FOR THE PLAINTIFF
B 303 ANSAL PLAZA MALL, 3RD FLOOR,
AUGUST KRANTI MARG
NEAR HUDCO PLACE,
NEW DELHI - 110049**

New Delhi

Date:

VERIFICATION

Verified at *New Delhi*, on this *31st* day of May, 2018 that the factual contents of paragraphs 1 - 9 of the plaint are true to my knowledge derived from the official records of the Plaintiff and Para 10 to 19 of the Plaint and the submissions made therein are based upon information and legal advice received and believed to be true. The last paragraph is the Prayer before this Hon'ble Court.



PLAINTIFF

**THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)**

C. S. (OS) No. OF 2018

**PEPSICO INDIA HOLDINGS
PRIVATE LTD.**

... Plaintiff

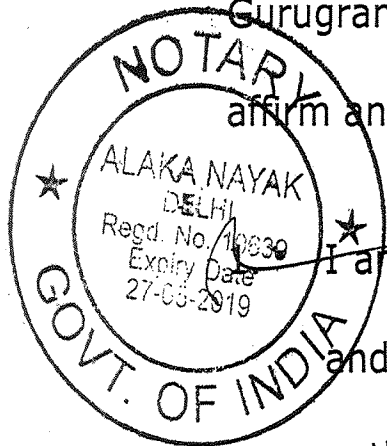
Versus

FACEBOOK, INC & ORS.

...Defendants

AFFIDAVIT

I, Namrata Saikia, D/o Sh. Keshab Saikia, working as Senior Analyst - Legal for PepsiCo India Holdings Private Ltd., aged 32 years, having my office at Level 3-6, Pioneer Square, Sector 62, Gurugram 122101 presently in New Delhi do hereby solemnly affirm and state as below:



I am the Authorized Representative of the Plaintiff Company and am well conversant with the facts of the case. I am authorized to swear this Affidavit.

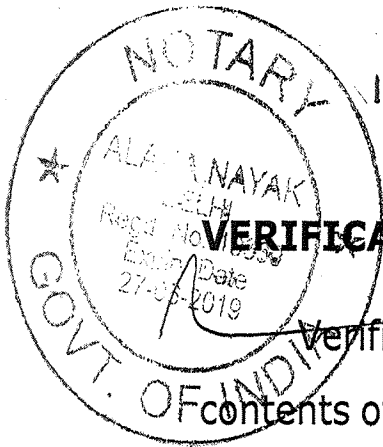
2. I say that the contents of the accompanying Plaint have been prepared under my instructions and I have read and

understood the contents therefrom and are based upon the legal advice received.

3. That I am fully acquainted with the facts and circumstances of instant case and state that the contents of the accompanying Plaint are based on records of the case maintained by the Plaintiff in the ordinary course of business and to the best of my knowledge and belief and nothing material has been concealed therefrom.

4. The documents filed with the Plaint are true copies of their originals.

DEPONENT



VERIFICATION:

31 MAY 2018

Verified at New Delhi on this 31st day of May, 2018, that the contents of the above affidavit are true to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

31 MAY 2018

I identified the deponent who has signed in my presence

DEPONENT

CERTIFIED THAT THE DEPONENT
Shri/Smt./Km.....
S/o, W/o P/o.....
Identified by Shri.....
Has solemnly sworn before me at
Delhi on.....
That the contents of the affidavit which
have been read & explained to
him are true & correct to his knowledge

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NOTARY

THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)

C. S. (OS) No. OF 2018

In the Matter Of:

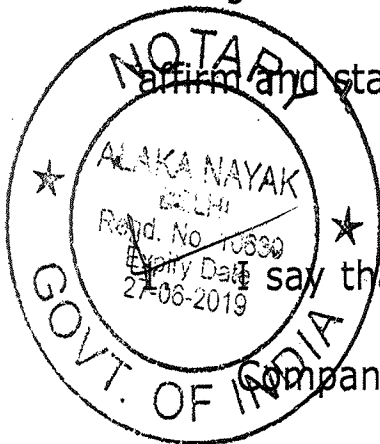
PepsiCo India Holdings Private Ltd. ... Plaintiff

Versus

Facebook, Inc. & Ors. ... Defendants

**CERTIFICATE IN THE FORM OF AFFIDAVIT UNDER SECTION
65B OF THE INDIAN EVIDENCE ACT, 1872**

I, Namrata Saikia, D/o Sh. Keshab Saikia, working as Senior Analyst – Legal for PepsiCo India Holdings Private Ltd., aged 32 years, having my office at Level 3-6, Pioneer Square, Sector 62, Gurugram 122101 presently in New Delhi, do hereby solemnly affirm and state as below:



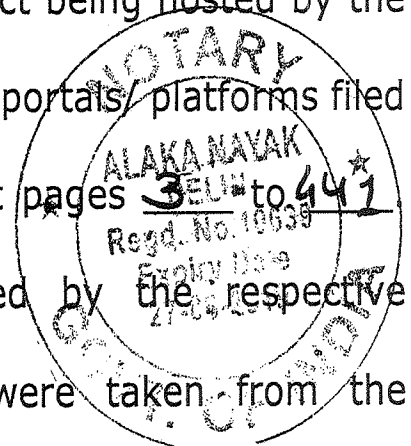
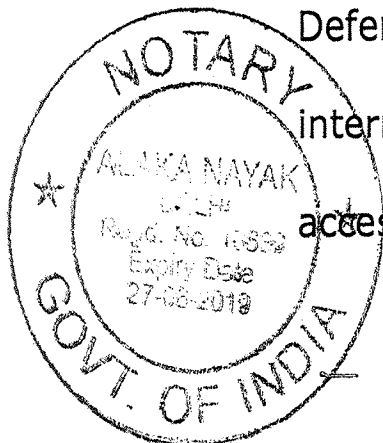
I say that I am the Authorized Representative of the Plaintiff Company and am well conversant with the facts of the case. I am authorized to swear this Affidavit.

2. Plaintiff has filed the present accompanying Suit seeking *inter alia* decree of permanent mandatory injunction directing the Defendants to take measures to take down, remove, or block/restrict access to the Universal resource Locators ("URLs")/weblinks mentioned in the present Plaint and/or other active URLs/weblinks which contain or purport to contain, videos disparaging the Plaintiff's KURKURE products . The Plaintiff craves leave of this Hon'ble Court to rely upon the averments set forth in the instant suit, the contents of which are not repeated herein for the sake of brevity.

3. The Plaintiff has produced the following electronic records along with the Plaint, the details whereof are as under:-

a. Printouts of the URL/Web-links containing defamatory content against the Plaintiff's product being hosted by the Defendants on their respective web-portals/ platforms filed along with the list of documents at pages 351 to 447

The said websites are maintained by the respective Defendants. The said printouts were taken from the internet on May 30, 2018. These electronic records are accessible on the internet. Plaintiff craves leave to refer and

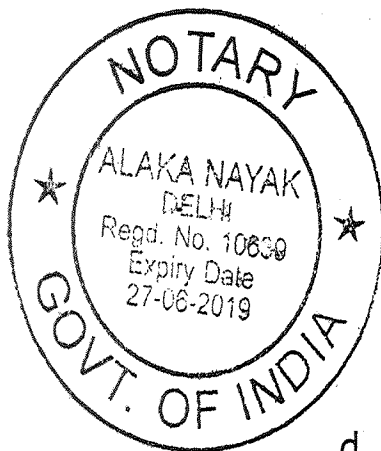


rely on these documents, as and when directed by this Hon'ble Court.

b. Printouts of the Terms of Service of the respective Defendants obtained from their respective web-portals/ platforms filed along with the list of documents at pages 442 to 482. The said websites are maintained by the respective Defendants. The said printouts were taken from the internet on May 30, 2018. These electronic records are accessible on the internet. Plaintiff craves leave to refer and rely on these documents, as and when directed by this Hon'ble Court

c. Printouts of the communications/ correspondences between the Plaintiff and the Defendants filed along with the list of documents at pages 491 to 503. The said printouts were taken from the electronic mail of the Plaintiff on May 30, 2018. These electronic records are accessible on the internet. Plaintiff craves leave to refer and rely on these documents, as and when directed by this Hon'ble Court

d. Printouts of the independent surveys and publications with regard to the KURKURE products of the Plaintiff available

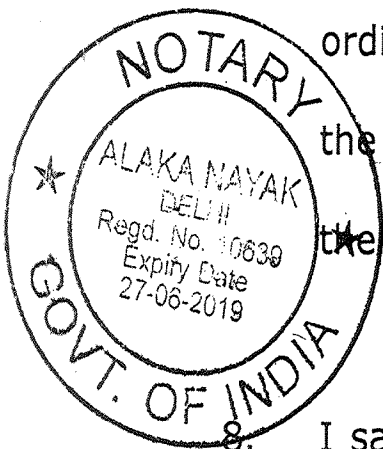


on the internet, filed along with the list of documents at pages 585 to 618. The said printouts were taken from the electronic mail of the Plaintiff on May 30, 2018. These electronic records are accessible on the internet. Plaintiff craves leave to refer and rely on these documents, as and when directed by this Hon'ble Court

e. Printouts of the posts by the Plaintiff taking proactive measures and widely publicizing the factual position with regard to its KURKURE products, filed along with the list of documents at pages 526 to 584. The said printouts were taken from the internet on May 30, 2018. These electronic records are accessible on the internet. Plaintiff craves leave to refer and rely on these documents, as and when directed by this Hon'ble Court

4. That the above print-outs of electronic records are accurate and that its contents have not been altered in any manner whatsoever. The computer output document is an exact replica of the information contained in the said websites. That the print outs of the said websites/URLs have been taken by the Plaintiff for the purpose of the present proceedings.

5. That the said computer system and the printer used for this purpose are in good working condition and order and the internet is regularly accessed from the said computer system.
6. That the said computer system and the devices used for this purpose are in good working condition and order and such printouts are regularly obtained from the said computer system/ devices. The said computer system and devices are under my overall control and supervision.
7. I say that this present affidavit has been prepared to certify that the aforesaid documents are a "true copy"/ reproduction of the electronic record which was regularly fed into/transmitted through the computer terminal in the ordinary course of activities. I further state that at all times the computer terminals utilized were operating properly and there is no distortion in the accuracy of the contents.



8. I say that in view of the facts and circumstances mentioned above, the print outs of the various documents which have been filed by the Plaintiff may be taken on record for the purpose of admission/denial of documents.

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I state the contents of the present Affidavit and true and correct to the best of my knowledge and belief.

DEPONENT

VERIFICATION

31 MAY 2018

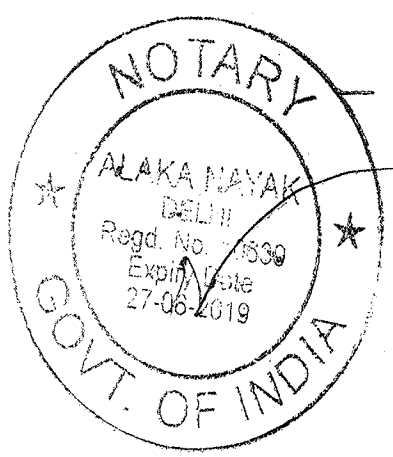
Verified at New Delhi on this 31st day of May, 2018 that the contents of the above affidavit are true to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

DEPONENT

DN

I identified the deponent who has signed in my presence

31 MAY 2018



CERTIFIED THAT THE DEPONENT
Shri/Ms./Km. *Arjun Singh*
S/o, W/o P/o *Arjun Singh*
Identified *Arjun Singh* me at
Has solemnly sworn before me at
Delhi on... No. *15*
That the contents of the affidavit which
have been read & explained to
him are true & correct to his knowledge
Arjun Singh
NOTARY

TABLE: 1		TABLE: 2	
Date of Last Order :	01.06.2018	Date of receipt of Process:	
Date of re-filing of PF:	02.06.2018	Date of Service of Process:	
Date of Issuance:	22.06.2018	Date of returning of Process	

NDH: 23.07.2018 (DA-2), Stay-Email

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)**

I.A. No. 7966/2018 in CS(OS) No. 291/2018

Pepsico India Holdings Pvt. Ltd.

Plaintiff...

V/s

Facebook, INC & Ors

Defendants...

To

DEFENDANT No.

1. **Facebook, Inc.**, Menlo Park, California, USA
2. **Facebook Ireland Limited**, 4 Grand Canal Square, Grand Canal Harbour, Dublin 2, Ireland
3. **Google, Inc.**, 1600, Amphitheatre Parkway, Mountain View, CA 94043, USA.
4. **YouTube LLC**, 901 Cherry Avenue, San Bruno, California, United States.
5. **Instagram LLC**, 1601 Willow Rd., Menlo Park, CA 94025, United States of America
6. **Twitter International Company**, One Cumberland Place, Fenian Street, Dublin 2, D02, AX07 Ireland.
7. **Twitter, Inc.**, 1355 Market Street, Suite 900, San Francisco, CA 94103, United States of America

Upon motion made unto this Court by Mr. Dheeraj Nair, Mr. Manish Jha, Mr. Kumar Kislay, Mr. Kunal Mimani, Ms. Shruti Dass, Mr. Ritesh Kumar, Ms. Chandni Ghai and Mr. Tejasvi Chaudhry, Advocates (Counsels for the plaintiff) and UPON CONSIDERING the application (**I.A. No.7966/2018**) under Order 39 Rules 1 & 2 read with Section 151 CPC (copy enclosed) and after hearing the counsel for the plaintiff on **01.06.2018** THIS COURT DOTH ORDER THAT, you the above named defendants are directed to immediately on receipt of communication from the counsel for the plaintiff along with a copy of this order and the list of URLs/weblinks as filed before this Court and with respect whereto the statement aforesaid has been made, block the said URLs/weblinks and to, on the next date of hearing, submit before this Court in a sealed envelope, particulars as available with the said defendants of identity of the persons who have uploaded the said URLs/weblinks.

Further you the defendants are directed to, on receipt of intimation from the plaintiff of the impugned video or other contents disparaging the product „KURKURE“ of the plaintiff being available on any other URLs/weblinks/comments, in accordance with Regulation 3(4) of the Information Technology (Intermediaries Guidelines) Rules, 2011 block the said URLs/weblinks also.

AND THIS COURT DOTH LASTLY ORDER THAT this order will punctually be observed, obeyed and carried out by all concerned.

TAKE NOTICE that the application (IA No. 7966/2018) is fixed before the Hon'ble Court on 23.07.2018 at 10.30AM.

Given under my hand and the seal of this Court, in terms of order dated 01.06.2018


Assistant Registrar (O)
for REGISTRAR GENERAL
SR

