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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 224/2023, I.A. 7252/2023, I.A. 12183/2023,
I.A. 16389/2023, I.A. 18317/2023 & I.A. 1506/2024
STARBUCKS CORPORATION & ANR. Plaintiffs

Through: Ms. Rima Majumdar and
Ms. Shilpi Sinha, Advs.

versus

NATIONAL INTERNET EXCHANGE OF INDIA & ORS.

.... Defendants

Through: Ms. Chhavi Arora, Adv. for D-1.
Mr. Vaibhav Gaggar, SPC with Mr.
Kartikya Asthana, GP with Mrs.
Monika Lakhanpal Gaggar, Ms.
Vasudata, Ms. Shefali Munde and Mr.
Dhruv Mehta, Advs. for D-2.
Mr. Harish Vaidyanathan Shankar,
CGSC, Mr. Srish Kumar Mishra, Mr.
Alexander Mathai Paikaday and Mr.
Krishnan V., Advs. for MEITY &
DOT.
Mr. Neel Mason, Mr. Vihan Dang, Mr.
Ujjawal Bhargava and Ms. Pragya
Jain, Advs. for D-4.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **22.01.2024**

1. List before the Joint Registrar on 12th March, 2024, the date already fixed.

I.A. 1506/2024 (for seeking directions against defendant No.4)

1. This application has been filed by the plaintiffs seeking directions to defendant No.4 (Google LLC) to suspend the URLs listed in para 5(a) to (o). It is stated by the counsel for the plaintiffs that the said suit had been filed



seeking decree of permanent injunction for infringement of their 'STARBUCKS' mark and copyright in its logos



and

(herein after the plaintiffs'

marks) and other attendant relief.

2. This Court by order dated 20th April, 2023 in para 14 passed orders in the application filed under Order XXXIX Rule 1 and 2 CPC (I.A. 7252/2023). The essential grievance of the plaintiffs was relating to the presence of imposters impersonating as "Starbucks Franchise", whereas plaintiffs do not work on a franchise model in India.

3. While this Court in order dated 20th April, 2023 had passed a slew of directions in para 14(i) to (ix), it is now stated that subsequently certain entities have been posting Google Forms, on defendant No.4's platform, seeking invitations for "Starbucks Franchise". Perusal of the said Google Forms would bear out that the heading of the said form is "StarBucks franchise" and states that one can apply on the form to get more information about taking franchise of Starbucks. The said Google Form also has a picture of the Starbucks storefront which is reproduced as under:



4. Other impugned Google Forms which form part of the list are also similar in nature.



5. Counsel for the plaintiffs, therefore, states that the imposters are seeking information from general public to apply for Starbucks Franchise opportunities, which as noted above does not exist in India.

6. In the opinion of this Court, the plaintiffs would be entitled to the relief they seek in this application, on account of not only that these Google Forms are being posted by imposters in order to elicit information relating to Starbucks franchise (which do not exist in India) as well as seeking private information and data from the general public, which cannot be countenanced.

7. Counsel for the defendant No.4 states that they have no issue with relief sought, as long as the URLs which are listed by the plaintiffs are relating to the said subject matter of the suit.

8. Counsel for the plaintiffs confirms and it is so stated in the application that the URLs listed in para 5(a) to (o) relate only to Google Forms which are eliciting information for Starbucks Franchise (which do not exist in India) and their relief is restricted to the same.

9. Accordingly, defendant No.4 shall immediately suspend the following URLs within a week from today:-

- a. https://docs.google.com/forms/d/e/1FAIpQLSeh3oJ85H0VhfXlgb2Wo40fQ_4H_Womd1wiE4vkH2FKOtvltA/viewform?gclid=EAIaIQobChMIxO6YtInDgAMV0AyDAx1T-QLFEAMYASAAEgI_i_D_BwE
- b. https://docs.google.com/forms/d/e/1FAIpQLSeh3oJ85H0VhfXlgb2Wo40fQ_4H_Womd1wiE4vkH2FKOtvltA/viewform?gclid=EAIaIQobChMI7qHOovWzgQMVS6pmAh3sDgmLEAMYASAAEgI3HfD_BwE
- c. https://docs.google.com/forms/d/e/1FAIpQLSeh3oJ85H0VhfXlgb2Wo40fQ_4H_Womd1wiE4vkH2FKOtvltA/viewform?gclid=EAIaIQobChMIoN6loZfhgQMViCzUAR12Bw_EEAMYASAAEgKsN_D_BwE



- d. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKlHtCLe7yjYu_iKkhdOanxBzOIaQ684DG8w/viewform?gclid=EAIaIQobChMI4ImtjLXtggMVZKNmAh0P6Q22EAMYASAAEgKs6_D_BwE
- e. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKlHtCLe7yjYu_iKkhdOanxBzOIaQ684DG8w/viewform?gclid=EAIaIQobChMIvbHCmrGMgwMV1ZBLBR1WIAcHEAMYASAAEgJzafD_BwE
- f. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKlHtCLe7yjYu_iKkhdOanxBzOIaQ684DG8w/viewform?gclid=EAIaIQobChMI6oOk0bGMgwMVxXorCh0m8QYxEAAYBCAAEgIXmfD_BwE
- g. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKlHtCLe7yjYu_iKkhdOanxBzOIaQ684DG8w/viewform?gclid=EAIaIQobChMI-d3yt5aOgwMVBV8PAh0nsQDDEAMYASAAEgKP2vD_BwE
- h. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKlHtCLe7yjYu_iKkhdOanxBzOIaQ684DG8w/viewform?gclid=EAIaIQobChMI-d3yt5aOgwMVBV8PAh0nsQDDEAMYASAAEgKP2vD_BwE



- i. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMIqeDS1cfFgwMVg6ZmAh0YLA-sEAAyAAEgLDyPD_BwE
- j. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMIqIDL3sjFgwMVoaJmAh1BvwtJEAAyAAEgJ9fPD_BwE
- k. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMI34TAqsnFgwMVhKImAh3n4AgnEAAyAAEgLrMfD_BwE
- l. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMivInB38nFgwMVNalmAh0KGGQnBEAAYAAEgLyU_D_BwE
- m. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMIt4zmjMrFgwMV6BuDax2bXQ4qEAYBSAAEgLI_D_BwE
- n. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMI56-Q2MrFgwMVm6hmAh3fcA5sEAAyAAEgIvT_D_BwE
- o. https://docs.google.com/forms/d/e/1FAIpQLSed7wm3dUp2kHKIHtCLe7yjYu_iKkhdOanxBzOIoaQ684DG8w/viewform?gclid=EAIaIQobChMI_ZPUscvFgwMV96JmAh0SRwXcEAAyBCAAEgJ1APD_BwE

10. To a limited objection taken by the defendant No.4 that the relief sought in the said application may not be beyond the pleadings in the plaint filed by the plaintiffs, counsel for the plaintiffs has pointed out that the prayers in the plaint, *inter alia*, prayer (h) also refers to Google Forms and in any event their



other prayers are omnibus in nature relating to any other “mode of communication” in the electronic media.

11. Further, relief in terms of direction to defendant No.4 to suspend URLs which the plaintiffs may come across in the future relating to the same subject matter, has been sought.

12. In order to avoid repeated filing of applications in this regard, it is directed that the plaintiffs will be at liberty to file an affidavit before this Court listing out other URLs linking to Google Forms related to inviting information from the public for Starbucks franchise and also through written/email communication to defendant No.4. Defendant No.4 may accordingly suspend those URLs as well, which may be listed and filed by means of an affidavit before this Court and communicated to them.

13. In the event, defendant No.4, for any reason whatsoever, has a reservation to any particular URL, they will be at liberty to respond to the plaintiffs in that regard and who will turn will be at liberty to approach this Court for further adjudication and relief.

14. Further, the defendant No.4 is directed to provide the plaintiffs by means of a written/email communication the user details of the registrants of these Google Forms as listed above within two weeks from today. The information provided by defendant No.4 will be subject to their own internal policy and regulation.

15. Accordingly, this application is disposed of with the aforesaid terms.

16. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 22, 2024/MK