

IN THE COURT OF MS SAVITA RAO, DISTRICT JUDGE
COMMERCIAL COURT-01, SOUTH,
SAKET COURTS, DELHI

CS (COMM) No. 317/2025

In the matter of :

Swami Vidyanand

.....PLAINTIFF

Vs.

Cristiana Amodei Chiarello & Ors.

.....DEFENDANTS

06.12.2025

Present: Counsel Sh. Anshuman Upadhyay for plaintiff
joined through VC.
Associate Counsel Sh. Rahul Singh for plaintiff is
present in the court.
None for defendants no. 1 to 5.
Counsel Ms. Nikita Rathi for defendant no.6.
Counsel Sh. Raunaq Kamath for defendant no.7.
Counsel Sh. Akhil Shandilya for defendant no.8.

ORDER

1. This order shall dispose off application under Order 39 Rules 1 & 2 CPC filed by plaintiff as well as application under Order 11 Rule (4) r/w section 151 of CPC.
2. Plaintiff has filed instant suit for Permanent Injunction, Restraining infringement of Trade Mark and Passing Off, Mandatory Injunction, Delivery UP, Damages and Rendition of Accounts etc. against the defendants, based upon the submissions that plaintiff has been using the mark ' Yoga Alliance' and its

variations since 2005. Ever since the plaintiff started providing services under the ' Yoga Alliance' and ' Yoga Alliance International' marks, the same has become extremely popular amongst the general public. As stated, plaintiff apart from holding the common law rights, also holds 18 valid trademark registrations for ' Yoga Alliance' and ' Yoga Alliance International' formative trademarks and is therefore entitled for protection.

3. It was stated that plaintiff was earlier involved in protracted litigation with defendant no.1 before Italian Courts as defendant no.1 had infringed the plaintiff's registered trademark . Vide judgment dated 18.01.2024, which was passed in favour of plaintiff and defendant no.1 was directed to cease and desist from infringing the trademarks of plaintiff namely ' YOGA ALLIANCE' and ' YOGA ALLIANCE INTERNATIONAL YAI'. However, defendant no.1 instead of desisting from her acts of infringement and passing off, unabatedly continued running her business through multiple URLs/webpages/social media accounts. These webpages/accounts specifically target and cater to the yoga enthusiasts residents in India. There is thus a concerted effort on the part of defendant no.1, in connivance with defendants no. 2 to 5 to purposefully create inroads in the Indian market, thereby causing significant losses to the plaintiff in terms of money as well as reputation. It was further stated that, defendants no. 6 to 9 are complicit too as they have continued to provide popular platforms to defendant no.1 to easily connect with Indian consumers.

4. As further stated, actions of the defendants have caused

and unless immediately restrained will continue to cause, grave and irreparable injury to the brand equity, goodwill and market reputation of the Plaintiff. The nature of such injury is immeasurable in monetary terms, as it strikes at the very identity of the brand of the Plaintiff and its goodwill amongst consumers. If the defendants are not restrained from continuing the same, plaintiff shall continue to have irreparable losses of business as well as the said act will injure the goodwill of plaintiff's trademarks. Thus, the plaintiff, as stated, is entitled for an immediate order of injunction.

Application under Section under Order XI Rule 1 (4) r/w section 151 CPC.

5. Plaintiff has sought leave to file additional documents with submission that all the relevant documents in its power, possession and control or custody at the present moment have been filed but the liberty be permitted to the plaintiff to file additional documents which are not in its power, possession and control at the present moment.

6. Plaintiff shall comply with the requirement of Commercial Courts Act with regard to filing of the additional documents, if any at the later stage. Application stands disposed off.

Application under Order 39 Rules 1 & 2 CPC

7. Despite service upon defendants no. 1 to 5, there was no appearance, neither written statements nor reply to application under Order 39 Rules 1 & 2 CPC was filed on their behalf.

8. **On behalf of defendant no.6, following was submitted:**

(a) That, defendant No.6 is an intermediary within the meaning of the Information Technology Act, 2000 ("IT Act") and

entitled to the safe harbour protections under Section 79 of the IT Act read with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Regulations, 2021 ("**Intermediary Guidelines**"). In similar actions concerning domain-name-disputes, Defendant No. 6 is usually impleaded as a pro-forma defendant only to ensure effective implementation of orders that may be passed by Courts. Surprisingly, in the present suit, the Plaintiff has raised unsubstantiated allegations that the Defendant No. 6 is complicit in infringing activities carried out by Defendants No. 1 to 5, merely by providing a platform for registering domain names, which falls within the standard retinue of services offered by Defendant No. 6 and any other DNR to the general public.

(b) That, defendant No. 6 does not "host" i.e., provide any webhosting services in relation to the impugned websites and has no association therewith. Since Defendant No. 6 does not "host" the websites, it cannot "take down" any content available at the websites, and any direction requiring taking down of content may be issued against the respective webhosts.

(c) That, Defendant No. 6 is the DNR for the domains "yogaallianceinternationalregistry.com", "yogaallianceeuropeanregistry.com" and "yogainternationaljournal.com" (collectively, "**Domains**"). It is an admitted position that these Domains are registered by or on behalf of Defendant No. 1, who is outside India. Defendant No. 6 is not the DNR for the domain "yogaalliance.it" which was registered through "Aruba s.p.a." as per WHOIS search results.

Reliance was placed upon Banyan Tree Holdings (P)

Limited v. A. Murali Krishna Reddy & Anr. [2009 SCC OnLine Del 3780] ("**Banyan Tree**") , wherein it was observed that :

"Question (ii): In a passing off or infringement action, where the defendant is sought to be sued on the basis that its website is accessible in the forum state, what is the extent of the burden on the plaintiff to prima facie establish that the forum court has jurisdiction to entertain the suit?

Answer: For the purposes of Section 20(c) CPC, in order to show that some part of the cause of action has arisen in the forum state by the use of the internet by the defendant the plaintiff will have to show prima facie that the said website, whether euphemistically termed as 'passive plus' or 'interactive' was specifically targeted at viewers in the forum state for commercial transactions. The plaintiff would have to plead this and produce material to prima facie show that some commercial transaction using the website was entered into by the defendant with a user of its website within the forum state resulting in an injury or harm to the plaintiff within the forum state.

(d) That, the ingredients of the Banyan Tree test are as follows:

(i) Websites must be accessible in India and interactive (i.e. consumers must be able to interact with the website and place orders)

(ii) Plaintiff must show that the defendant entered into a commercial transaction with a user of the website within India.

(iii) This commercial transaction resulted in harm of injury to the plaintiff in India.

(e) That, plaintiff has not *prima facie* established that the Domains were used for any commercial activity with any user in India, much less within the jurisdiction of this Court. Furthermore, an overarching consideration is that two of the Domains are not even accessible in India (they do not resolve to any content) and it cannot be held that any cause of action has arisen with respect to these two domains in India. The judgment of *Banyan Tree* test has been consistently followed by the

Hon'ble High Court of Delhi, and most recently in the case of *Tata Sons vs. Hakunamatata Tata Founders & Ors.* 2022 SCC Online Del 2968.

(f) That, ICANN is an international, non-profit corporation that oversees the assignment of domain names and is responsible for, *inter alia*, managing the Domain Name System (DNS) and assigning control of generic top-level domains (gTLDs) such as .net, .com, etc. and the supporting country code top level domains (ccTLDs) such as .us, .in, etc. The registration of a domain name itself is controlled by domain name registry operators which manage specific gTLDs and maintain a master database of all domain names registered for their relevant gTLDs. There are over 800 registry operators registered with ICANN. A DNR such as Defendant No. 6 herein, provides domain name registration services through a platform for both gTLDs and ccTLDs in terms of its registration agreements with the relevant registries (such as NIXI, Verisign, Radix, APNIC, ARIN, etc.) and accreditation with ICANN. This accreditation with ICANN is held by more than c. 3000 DNRs (including the Defendant No. 6) any of whom may be used by a prospective domain name registrant to register a domain name.

(g) That, DNRs offer domain names for registration using an algorithm to extract or source them from the relevant domain name registries through an automated process. This process does not entail any manual intervention or human element either for overseeing/assessing the legitimacy of any domain name chosen for registration by a prospective registrant, or for any other purpose. It is submitted that neither the terms of any accreditation

held by a DNR, nor the terms of any agreement entered by a DNR, nor the provisions of any law governing the services provided by a DNR, require them to pre-filter any domain names offered for registration. Being an intermediary within the meaning of the IT Act and the Intermediary Guidelines, a DNR is not liable for any third-party information, data, or communication link made available or hosted by it.

(h) That, any restriction on "offering" or "advertising" a domain name for registration would effectively require Defendant No. 6 to prefilter all domain names containing the words "Yoga" and "Alliance" and/or place the Domains on a "block list" or a "blacklist". Besides being untenable (as Defendant No. 6 is an intermediary under the Information Technology Act, 2000), it is also impracticable and onerous for a DNR such as Defendant No. 6 to place domains on a "block list" or a "blacklist" as the same requires reworking complicated software algorithms entailing significant time, costs and resources. Reliance was placed upon **Hindustan Unilever Limited v Endurance Domains Technology LLP & Anr.**, 2020 SCCOnline Bom 809, wherein it was observed that :

"19. So much for blocking access. But to ask for the 'continued suspension' of domain name registration is also technically incorrect. Any domain name registrar can always suspend a domain that is registered. But the entire process of registration itself is entirely automated and machine-driven. No domain name registrar can put any domain names on a black list or block list. The notion that domain name registrars have a person or a team of persons scanning and checking every domain name application betrays a wholesale lack of understanding of how domain name registration actually works. If a user wanted to register, say, chroniclesofwastedtime.com, there is no individual at any domain name registrar to question, to ask why, what for or anything. If the domain name is free, the applicant can take it to registration. That is all there is to it. That registration will continue to operate until suspension or expiry.

20. ... However, once the domain name is released by registration by

one domain name registrar then it is released worldwide across the entire cyber system and network of the internet. This means that any person can attempt and will succeed in getting a registration through any other registrar or even the very same registrar by a process that is entirely automated and requires no manual intervention."

(i) That, DNRs are typically directed to "suspend" or "lock" a domain. "Suspending" a domain would render it inaccessible across the world, meaning that it would not resolve to any content. "Locking" prevents the domain from being transferred to another DNR or a different registrant. These directions have global ramifications, since the Domains will be inaccessible from anywhere across the world, including from the registrant's own domicile.

(j) That, neither the IT Act, nor the Trade Marks Act, 1999 are "long-arm statutes" and are effective only within the territorial bounds of India. Even assuming that this Court has jurisdiction to issue the directions as prayed for by the Plaintiff, given that the Domains are registered outside India and any content on any website parked at the Domains are uploaded outside India, the claimed reliefs if granted would affect the registrants' legal rights available in the jurisdiction of their domicile, i.e. Australia in this case. Trademarks are granted as a territorial right, and although the Plaintiff has registered trademarks in India, it has failed to demonstrate that the registrant(s) of the Domains have committed infringing activities in India or conducted any business in India resulting in harm or injury to the Plaintiff.

(k) That, Defendant No. 6 provides domain name registration services across the world in multiple jurisdictions including India. As such, any court-order in any one jurisdiction

directing Defendant No. 6 to take action against domains whose registrants are outside India exposes Defendant No. 6 to substantial risk of litigation in foreign jurisdictions including spending unnecessary cost and time. Defendant No. 6 may also potentially face liability in case it takes action against any domain without regard to the different laws in various relevant jurisdictions, including but not limited to the registrant's domicile.

(L) That, in similar situations, courts have drawn a distinction between scenarios where (i) content is uploaded from within India and (ii) content is uploaded outside India. Reliance was placed upon **Swami Ramdev & Anr v. Facebook INC & Ors. CS(OS) No. 27/2019** , wherein it was observed that :

"86. Insofar as the argument that the Act only applies to the territory of India is concerned, a perusal of [Section 75](#) of the Act shows that the [IT Act](#) does have extra territorial application to offences or contraventions committed outside India, so long as the computer system or network is located in India. Thus, so long as either the uploading takes place from India or the information/data is located in India on a computer resource, Indian courts would have the jurisdiction to pass global injunctions.

94. The interpretation of [Section 79](#) as discussed hereinabove, leads this Court to the conclusion that the disabling and blocking of access has to be from the computer resource, and such resource includes a computer network, i.e., the whole network and not a mere (geographically) limited network. It is not disputed that this resource or network is controlled by the Defendants. When disabling is done by the Platforms on their own, in terms of their policies, the same is global. So, there is no reason as to why court orders ought not to be global. All offending material which has therefore, been uploaded from within India on to the Defendants' computer resource or computer network would have to be disabled and blocked on a global basis. Since the unlawful act in case of content uploaded from India is committed from within India, a global injunction shall operate in respect of such content. **In case of uploads which take place from outside India, the unlawful act would be the dissemination of such content in India, and thus in those cases the platforms may resort to geo-blocking.**

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ii. Insofar as the URLs/links in the list annexed to the Plaint which were uploaded from outside India are concerned, the defendants are directed to block access and disable them from being viewed in the Indian domain and ensure that users in India are unable to access the same."

(m) That, for content that is uploaded outside India, it is settled law that courts (assuming jurisdictional tests are satisfied) can direct a "geo-blocking" of the websites. A "geo-blocking" direction passed by Court is effectuated by the Department of Telecommunications ("DOT") and Ministry of Electronics and Information Technology ("MEITY") by issuing necessary orders to Internet Service Providers ("ISPs") to ensure that the specified websites are inaccessible in India. Directions to DOT and MEITY to instruct ISPs to render impugned websites inaccessible have been issued by Courts in multiple cases pursuant to the Hon'ble High Court of Delhi's order dated 10 April 2019 in *UTV Software Communication Ltd. and Ors. vs. 1337X.to and Ors.* CS(COMM) 724 of 2017 wherein it was held that "blocking" websites through ISPs is an effective tool for preventing infringement, and that courts have the jurisdiction to direct DOT and MEITY to do so. The relevant paragraphs of the order were reproduced as below:

"86. Consequently, website blocking in the case of rogue websites, like the defendant-websites, strikes a balance between preserving the benefits of a free and open Internet and efforts to stop crimes such as digital piracy.

87. This Court is also of the opinion that it has the power to order ISPs and the DoT as well as MEITY to take measures to stop current infringements as well as if justified by the circumstances prevent future ones."

(n) That, directions to DOT and MEITY to issue instructions to ISPs to block the impugned websites would restrict their accessibility in India and would afford adequate relief to the Plaintiff. Moreover, DOT and MEITY are statutory authorities responsible for ensuring compliance of court-orders irrespective of whether they are impleaded in a suit.

(o) That, although it is a settled position in view of the aforesaid precedents, the Plaintiff has not impleaded DOT or MEITY or any of the actual webhosts of the impugned websites as defendants in the present suit and nor has it sought appropriate directions against them for blocking the websites. Considering the Plaintiff's grievance as set out in the Complaint, DOT and MEITY are better placed to take action and/or direct ISPs to take action against the websites. Alternatively, plaintiffs can notify the webhosts of specific infringing content, so that targeted remedial measures can be undertaken.

9. Following submissions were made on behalf of defendant no.7 :

(a) That, Google Search is an automated search engine that uses software known as 'crawlers' to crawl the web/internet on a regular basis and find websites to add to its index. Google Search merely performs the task of indexing information which is already available on third-party websites which are beyond the control or supervision of Defendant No. 7. When a user enters a query, the Google algorithm searches the index for matching pages and returns appropriate search results. Upon clicking on any search result, a user is redirected to a third-party website(s) where the content is hosted/appears. Neither the websites nor content thereupon is created or controlled by Defendant No. 7 in any manner. The same is created/ administered/controlled by the respective owner of the website.

(b) That, defendant No. 7's search engine simply aggregates and organizes information published on the web by third party websites as is. Defendant No. 7 has no technological

means by which the search results on Google Search can be monitored, since such content and information is actually created, originated, hosted, and managed by third parties and is available on such third-party websites.

(c) That, court's orders passed against a search engine like Defendant No. 7 may at the highest require the search engine to de-index/delist content from its index of search results. The actual content (in this case, the content on the websites of Defendant Nos. 1 to 5) would continue to be available and accessible on the actual website/platform upon which it is created and uploaded, and over which the search engine service provider has no control. Further, Google Search is one of several search engines available to a user and such search engines would continue to index and display the URLs/Impugned Websites. However, if content is disabled by the creators on the website/platform (Defendant Nos. 1-5) or if the domain names of the Impugned Websites are taken down by the Domain Name Registrar (Defendant No. 6), as the Plaintiff has prayed for, then the Impugned Websites would organically get disabled from Google search and other search engines. Thus, orders, if any, ought to be passed against the uploaders i.e. Defendants No. 1 to 5 who actually own or administer the website upon which the infringing content is being shared and uploaded. Defendant No. 7 is not relevant for the purpose of compliance of any court orders with respect to the content on these third party websites.

(d) That the relief sought in the present suit misunderstands Defendant No. 7's role as a search engine. The relief as sought is untenable and contrary to law and cannot lie against Defendant

No. 7. Plaintiff has sought an order directing Defendant No. 7 to take down domain names at websites such as www.yogaalliance.it, Facebook, and Instagram. Defendant No. 7 is a search engine and cannot take down any domain names. As such this relief is untenable against Defendant No. 7.

(e) That, plaintiff has also asked for an order requiring Defendant No. 7 to take down all webpages and social media accounts promoting its services under infringing domain names. This relief misunderstands the role of Defendant No. 7 which is merely an intermediary which provides Google Search. Google Search simply aggregates and organizes information published on the web by third-party websites without Defendant No. 7 owning or controlling either such websites or the content contained therein. As such Defendant No. 7 cannot take down any of the webpages or social media accounts which are impugned in the plaint.

(f) That, this prayer may be misconstrued to include material at URLs which are not identified in the plaint. Such a prayer is vague and overbroad and incapable of being complied with. A prayer without reference to any specific content identified by its URL, which may be published by third parties who are not before this Court who ought to be given their right to be heard, is ex-facie unsustainable. Defendant No. 7 is in fact not even legally or technically capable of complying with the nature of relief sought against it in the prayer. Google search results are not static but dynamic in nature i.e. they may vary from time to time and device to device, depending on various algorithmic factors. Mere terms/phrases or a screenshot of Google search

results page (SERP), are insufficient to locate any content on Search.

(g) That defendant No. 7 is an intermediary with respect to the search results on Google Search, which is third-party information and/or links. Section 79(1) of the IT Act provides immunity to an intermediary for any third-party information, data, or communication link made available on its platform. The function, role and duty of an intermediary has been decided by Hon'ble Supreme Court in *Shreya Singhal vs. Union of India*, 2015 (5) SCC 1 wherein the Hon'ble Court had taken judicial note of the manner of functioning of an intermediary, the millions of requests made to it complaining of violation of several rights and has held that an intermediary cannot be an arbiter and cannot be expected to adjudicate upon dispute of rights between third parties. Censorship at the behest of intermediaries who are private parties/entities and not competent to adjudicate upon legal issues that require a balancing of the rights and interests of concerned parties is undesirable.

(h) That, there are serious concerns regarding the "chilling effect" on free speech, if intermediaries are called upon to decide on the legitimacy of content, merely on the basis of receipt of complaint from a private party, without the specific content having been adjudicated to be violative of any law by a competent Court. The Hon'ble Supreme Court has categorically read down the term "actual knowledge" mentioned in Section 79 of the IT Act only to mean knowledge by way of a Court order. This requirement has also been specifically recognized in Rule 3(1)(d) of the Intermediary Rules, 2021. Hence, if this court

passes an order directing Defendant No. 7 to de-list any specific URLs alleged to contain infringing content, the same will be duly complied with as per law.

10. Following submissions were made on behalf of defendant no.8 :

(a) That, plaintiff has wrongly arrayed Defendant No. 8 as 'Facebook, Inc. and Defendant No. 9 as 'Instagram, Inc.' allegedly located at 1 Hacker Way, Menlo Park, California, 94025 United States of America'. Meta is a company incorporated under the laws of the State of Delaware, United States of America, and has its registered office at 1 Meta Way, Menlo Park, California 94025, United States of America. Meta provides the Facebook Service (i.e., www.facebook.com and corresponding applications for mobile devices and tablets (collectively, "Facebook Service") and the Instagram service (ie.. www.instagram.com and corresponding applications for mobile devices and tablets (collectively, "Instagram Service")). Users of the Facebook Service and the Instagram Service in India entered into an agreement with Meta when they register to use the Facebook Service and the Instagram Service. Accordingly, Meta respectfully requests that the Hon'ble Court may kindly direct the Plaintiff to amend the memo of parties to (i) correctly reflect Defendant No. 8's/ Meta's name and address; (ii) and delete Instagram, Inc. arrayed as Defendant No. 9.

(b) That in the plaint ("Plaint") and the Interim Application, plaintiff claims that an individual ie, 'Cristiana Amodei Chiarello' ("the Uploader") has allegedly infringed Plaintiff's registered trademarks, with an intention to deceive the

general public into believing that these are associated with the Plaintiff ("Contested Content"). In total, the Contested Content has been identified by the Plaintiff through 1. (one) uniform resource locator ("URL") on the Facebook Service and 3 (three) URLs on the Instagram Service. Present Suit and the Interim Application are not maintainable against Meta, which is an intermediary under the Information Technology Act, 2000 ("IT Act") and, as such, is immune from liability in respect of third-party content hosted on its platforms, including the Facebook Service and the Instagram Service. Meta neither creates nor publishes such content and is therefore not the author or publisher thereof within the meaning of law.

(c) That under Section 79(1) of the IT Act, intermediaries are granted safe harbour protection from liability for third-party content, subject to compliance with Sections 79(2) and 79(3). It was clarified by the Hon'ble Supreme Court in **Shreya Singhal v. Union of India (2015) 5 SCC 1** that intermediaries are required to act on unlawful content only upon receiving "actual knowledge" through (i) a Court order, or (ii) a notification from the appropriate Government or its authorized agency. The Hon'ble Supreme Court categorically held that intermediaries are not required to apply their own mind to determine whether any content is unlawful, and any broader obligation would improperly convert them into "super censors".

(d) That as an intermediary, Meta is not obligated to: (i) proactively monitor the Facebook Service or the Instagram Service for unlawful content; or (ii) to assess the legality of third party content hosted on its platform. Consistent with *Shreya*

Singhal and subsequent jurisprudence, including the Hon'ble High Court of Delhi through Amazon Seller Services Pvt. Ltd. v. Amway India Enterprises Pvt. Ltd. (2020 SCC OnLine Del 454) and Google India Pvt. Ltd. v. Visakha Industries (2019 SCC OnLine SC 1587), it is clear that intermediaries cannot feasibly assess the legality of millions of pieces of user-generated content and should only act upon specific and duly identified URLs found unlawful by competent authority.

(e) That, any direction for content removal must (i) adjudicate the unlawfulness of the identified material, and (ii) specify the exact URLs to be actioned. The Hon'ble High Court of Delhi has consistently upheld this principle- including in Allied Blenders & Distillers Pvt. Ltd. v. Ashok Kumar (Order dated February 14, 2022, Para 27), Operation Mercy India Foundation v. Facebook, Inc. (Order dated September 15, 2020, Para 6.2(ii)), and Indiabulls Housing Finance Ltd. v. Twitter International Company (Order dated June 24, 2020) - holding that intermediaries obtain "actual knowledge" only upon such specific identification.

(f) That, every webpage has a unique address on the internet, i.e., a URL, which is a standardized protocol to identify and locate content and other resources on the Internet. When issuing orders directing intermediaries to action unlawful content, courts have (i) directed plaintiffs to specify the URLs of the unlawful content for the courts' determination; and (ii) where unlawful, issued orders specifying the URLs that intermediaries must action. Such orders are consistent with the existing legal framework, and balance the interests of the plaintiffs and the

publishers of the at-issue content by ensuring that only specific and identified content that is determined unlawful is actioned and that lawful speech is not impacted. Meta routinely complies with valid court orders specifying the unlawful content to be actioned by URLs. However, plaintiff (i) has not identified all instances of Contested Content through URLs; but (ii) incorrectly requests for an order directing Meta to action any content, which is identical or deceptively similar to the Contested Content. Such a direction would, incorrectly, require Meta to proactively monitor the Facebook Service and/or the Instagram Service.

(g) That, Meta's presence is unnecessary for the adjudication of the present Suit and the Interim Application. The primary relief, if any, lies against the Uploader, who is the alleged publisher of the Contested Content, who is best positioned to defend the material on merits. It is a settled principle that injunction should not be granted where a more efficacious remedy exists (*Reckitt Benckiser (India) Ltd. v. Naga Ltd.*, (2003) 45 SCL 305 (Del)).

(h) That, Hon'ble High Court of Delhi categorically advised against permitting plaintiffs to embroil intermediaries in such "proxy battles" in its order dated 14 January 2019 in *Pushpa v. Facebook, Inc. and Ors.*, CS (OS) 510/2016. Hence, plaintiff is wrongly waging a proxy battle with Meta despite having an equally efficacious (if not more efficacious) remedy at its disposal. Rather than seeking an order compelling Meta, an entity that has played no role in Plaintiff's alleged harm, to do anything beyond what it is required to do by law, Plaintiff should seek (i) removal of the Contested Content, and (ii) injunction from

further publication or circulation of Contested Content by the Uploader ie., Defendant No. 1, who is also positioned to defend against Plaintiff's claim for infringement on merits.

11. Plaintiff's claim is based on the submission of plaintiff being proprietor of multiple registered trademarks in India including "YOGA ALLIANCE", "YOGA ALLIANCE INTERNATIONAL" and other formative marks valid and subsisting under the Trade Marks Act, 1999. Therefore, as submitted, enforcement of these registrations can also be done before Indian Courts, irrespective of proceedings in foreign courts or previous foreign decrees. It is also brought on record that Defendant's infringing activity is specially targeting Indian customers as defendants no. 1 to 5 are intending to pass off themselves as the organizations created by the Plaintiff.

12. Plaintiff has specified about the Italian Court's Order directing Defendant No. 1 to cease and desist from infringing the Plaintiff's trademarks and to pay a fine of €1,000/- for each day of delay in execution of the judgment. It is submitted that despite the order, defendant No. 1 has continued unabated infringing activities through interactive websites and social media pages which specifically target Indian users and yoga schools. The harm resulting from these infringing acts has a direct impact on the Plaintiff's goodwill in India, thereby requiring proceedings to be initiated in India as well. As submitted by Ld. counsel for plaintiff, plaintiff has actively protected his intellectual property rights by instituting multiple proceedings in India which have resulted in opposite party relinquishing their unauthorized usage and rights over the Plaintiff's registered marks.

13. It is contended that defendant No. 1 operates the website www.yogaallianceinternationalregistry.com and other associated platforms which are interactive and specifically target Indian market. These websites list Indian yoga teachers and schools, defendants No. 2, 3, and 4 who are based in Ahmedabad (Gujarat) and Jodhpur (Rajasthan), have purposely availed themselves to the Indian consumers. These websites are interactive and commercial in nature, allowing users in India to avail such services of the Defendants. Defendant No.1 has also organized paid yoga events in Rishikesh of which there is substantial advertisement on the social media handles including 'Facebook' and 'Instagram' profile of the Defendant No. 1. The infringing website of Defendant No. 1 was developed by an Indian web designer commissioned by Defendant No. 1, demonstrating commercial exploitation of the Indian market. Web traffic data reveals a significant proportion of visits originating from India, establishing the direct impact and outreach of the foreign websites into the Indian market. Hence, plaintiff sought the direction to takedown of website, social media handles/profiles, even if originating from outside India since Indian consumers were deliberately targeted, thereby infringing the Plaintiff's intellectual property rights in India.

14. Ld. counsel for plaintiff placed reliance upon **Tv, Independent News Service Pvt. Ltd. v. India Broadcast Live Llc, 2007 SCC OnLine Del 960**, wherein it was observed that :

" The three tests observed to be repeatedly employed by Courts to make such a determination are:

a) the Defendant must purposefully avail himself of acting in the forum state or causing a consequence in the forum state;

b) the cause of action must arise from the Defendants activities there;

(c) the acts of the defendant or consequences caused by the defendant must have a substantial enough connection with the forum to make exercise of jurisdiction over the defendant reasonable."

15. All the conditions as noted in the judgment (supra) are in existence in the instant case, as demonstrated by plaintiff. Plaintiff has relied upon documents evidencing registration of the plaintiff's YOGA ALLIANCE trademark, extracts from plaintiff's website, Facebook and Instagram Account, extracts reflecting presence of plaintiff and appreciation of plaintiff by various organizations. Plaintiff has also relied upon documents pertaining to online sale of plaintiff's book, certificates issued to students/teachers and the court orders. Extracts taken from website and social media accounts of defendant no.1 have also been placed on record. Copy of order passed by Italian Court placed on record declares the invalidity of the Italian Trademark YOGA ALLIANCE in name of defendant no.1 while dismissing all the claims of defendant as unfounded in fact and law. It was noted that the establishment of the plaintiff's ownership of rights to the trademark followed the granting of the claims to prohibit the other party from using them and resultantly, defendant no.1 herein was enjoined from using the trademarks belonging to plaintiff. Court also directed publication of the operating part of judgment by the plaintiff at the expense of defendant in English and in Italian, on the home page of websites, as detailed in the order dated January 18, 2024. Considering the material available on record, prima facie case is made out in favour of plaintiff and against defendants. Balance of convenience also lies in favour of plaintiff and if the defendants are allowed to continue to infringe

the trademark, goodwill and reputation of the plaintiff, same shall cause irreparable loss and injury to the plaintiff and the reputation of the plaintiff is likely to be damaged if interim injunction is not granted in its favour.

16. Pertaining to the role of intermediaries, Ld. counsel for plaintiff submitted that the contention advanced by Defendants No. 8 and 9 that as intermediaries they can only take down the infringing websites and content after Defendants No. 1 and 2 fail to comply with court's directions is bad in law and contrary to established law and judicial precedents. It was submitted that defendants No. 8 and 9 have been impleaded as parties to this suit so that a direction can be made to them by this Court.

17. It was submitted by Ld. counsel for plaintiff that defendant No. 6-'Godaddy' has provided domain name registration for hosting the impugned website of Defendant No. 1. Defendants No. 7 to 9 have provided their respective social media platforms to Defendant No. 1 to carry out infringing acts by hosting the social media pages. Millions of users, particularly in India, access these platforms, resulting in thousands of clicks and followers for the infringing content. These platforms have been used extensively by Defendant No. 1 to advertise yoga events in Rishikesh, where more than 70 presenters from 20 countries attended paid events. The advertisements prominently featured the Plaintiff's infringed trademarks and were displayed on the Instagram pages hosted by Defendant No. 9. While, Defendant No. 8-'Facebook' hosts on its platform, the webpage-"Australian Yoga Alliance," that has amassed hundreds of followers promoting Defendant No. 1's infringing services, Defendant No.9

is the host of multiple accounts through which Defendant's No.1 activities are promoted. The role of Defendants No. 6 to 9 in facilitating Defendant's No. 1 unabated infringement of the Plaintiff's registered trademarks cannot be brushed aside. It was submitted that defendants no. 6 to 9 are complicit in providing extremely popular platforms enabling Defendant No. I to continue contumacious acts of trademark infringement.

18. It was submitted that Indian courts have consistently held that intermediaries hosting infringing content are subject to direct court orders for takedown, irrespective of whether primary infringers have been given prior opportunity to comply. In the case of **Swami Ramdev Vs Facebook, 2019 SCC Online Del 10701 (supra)**, the Court held that intermediaries must expeditiously remove or disable access to the defamatory content, and it went beyond India-only blocking by directing global removal/disabling of infringing content uploaded from India on the platforms. Section 79 of the Information Technology Act, 2000 provides safe harbor to intermediaries, but they lose this protection if they have actual knowledge of illegal content or upon being notified by a court order. Courts have directed intermediaries to take immediate action without waiting for primary Defendant's compliance.

19. In **Christian Louboutin V. Nakul Bajaj, 2018**, the Delhi High Court made an e-commerce platform directly liable for trademark infringement for actively participating in infringing activities, thereby losing the protection under Section 79 of the Information Technology Act, 2000. The very purpose of impleading intermediaries is to ensure effective and expeditious

enforcement of court orders. If intermediaries could delay their compliance of judicial orders until primary Defendant's non-compliance, it would defeat the purpose of judicial intervention and render court orders ineffective.

20. In Facebook Inc Vs Surinder Malik and Others, 2019 SCC OnLine Del 9887 and Shreya Singhal v. Union of India (2015) 5 SCC 1, interalia it was observed that:

"122. Section 79(3)(b) has to be read down to mean that the intermediary upon receiving actual knowledge that a court order has been passed asking it to expeditiously remove or disable access to certain material must then fail to expeditiously remove or disable access to that material. This is for the reason that otherwise it would be very difficult for intermediaries like Google, Facebook, etc. to act when millions of requests are made and the intermediary is then to judge as to which of such requests are legitimate and which are not".

21. Although it is correct that role of intermediaries is based upon the global dissemination of information, content or data by either copying the data on servers or providing access to the source of data/information/content through network of servers. Nevertheless, when the knowledge is attributed to an intermediary through a court order, intermediaries are under obligation to take action. Counsel for all the intermediary defendants submitted that they shall comply with the directions passed by the court.

22. As was noted in Swami Ramdev & Anr v. Facebook INC & Ors. CS(OS) No. 27/2019 (judgment supra), all these platforms, i.e. Google, Utube, Twitter etc. maintain a global network of computer system, which transmit the content, information and data on almost instantaneous basis. Thus, any content uploaded from India , would be available, within a matter of second, across the globe and would be accessible to users or

viewers across the globe. Same would only be disabled or blocked upon a code order be received. Pertaining to Geo Blocking, it was noted that if the circumstances warrant, global injunctions ought to be granted.

23. Ld. counsel for defendant no.6 submitted that for content that is uploaded outside India, it is settled law that courts can direct "geo-blocking" of the websites which is effectuated by the Department of Telecommunications ("**DOT**") and Ministry of Electronics and Information Technology ("**MEITY**") by issuing necessary orders to Internet Service Providers ("**ISPs**") to ensure that the specified websites are inaccessible in India.

24. Having discussed as above, following directions are hereby issued:

(i) Defendants no. 1 to 5, their family members, servants, subsidiaries, aides, agents, representatives and assigns or others acting on their behalf from selling, exporting, importing, offering for sale, distributing, marketing, advertising, directly or indirectly dealing in goods and/or services under the mark "Yogaalliance" and "Yogaallianceinternational", or Defendant No. I's infringing mark "yogaallianceinternationalregistry", "australianyogaalliance", "yogaallianceeuropeanregistry", "Yogaallianceinternationalitaly", "yogaallianceinternationaljournal", "yogaallianceonlinejournal" or any mark/label/sign/device/ name or domain name, which is identical with or deceptively similar to the Plaintiff's registered trademarks in any manner whatsoever, including as a trade name, Account name on search engine and social media, Hash tag, Meta tags, corporate name or domain name, or any other mark, or trade name, identical or deceptively similar to the Plaintiff's

trademarks and copyrights its variations, amounting to infringement and passing off.

(ii) Defendants no. 6 to 9 are directed to take down/remove/block/restrict /disable access of URLs/Weblinks as per the details mentioned in the plaint.

(iii) The URL/links mentioned in the plaint which were uploaded from outside, are directed to be blocked access and disabled by defendants no. 6 to 9 from being viewed in the Indian domain and ensure that users in India are unable to access the same.

(iv) Upon the plaintiff's discovering any further URLs and upon notifying the platforms alongwith filing of affidavit in the court, same shall be taken down/blocked access to the said URLs.

25. Application under Order 39 Rules 1 & 2 CPC stands disposed off in above terms. Nothing mentioned herein above, however shall tantamount to have any expression on the merits of the case. Be put up for further proceedings **on 07.01.2026.**

**Announced in the open
court on this 6th day
of December 2025**

**(SAVITA RAO)
DISTRICT JUDGE
(COMMERCIAL COURT)-01
SOUTH, SAKET COURTS, DELHI**