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# **INDIA: Court Stops Unauthorized Distribution of an E-Newspaper**

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A decision at the High Court of India placed emphasis on the exceptions to the safe harbor protection available to intermediaries under the Information Technology Act 2000 (IT Act), particularly the requirement to conduct due diligence once intellectual property owners point out the misuse of the platform.

In the matter of *Jagran Prakashan Limited v. Telegram FZ LLC & Ors.*, the High Court of Delhi by its order dated May 29, 2020, in favor of the plaintiff, directed the defendant to take down and block the channels on its platform that were distributing the plaintiff’s e-newspaper in an unauthorized

manner. The court directed the defendant to disclose the identity of the users and owners of these



disputed channels.

The plaintiff, Jagran Prakashan Limited, is a publishing company that owns the newspaper brand DAINIK JAGRAN, which is circulated in both physical and digital form. The plaintiff stated that it owns trademarks for DAINIK JAGRAN and [logo pictured], which along with its variants are registered in multiple classes.

The plaintiff asserted that, due to the ongoing COVID-19 situation, it has kept the subscription of its e-newspaper free for readers in India. The e-newspaper is accessible on [www.jagran.com](http://www.jagran.com) and the plaintiff charges a nominal fee from readers in other countries. Due to a security feature, the e-newspaper can only be read in digital form and cannot be downloaded in a PDF format.

The plaintiff submitted that the defendant (which allows its users to make channels available without disclosing their identities) was hosting multiple channels on its platform where it was circulating the plaintiff's e-newspaper on a daily basis. Circulation included current and previous editions, which otherwise can be accessed on the plaintiff's website.

The plaintiff alleged that through these channels, the defendant violated the plaintiff's trademark rights and copyrights in its e-newspaper. It also submitted that it approached the defendant by email on multiple occasions with no response, compelling the plaintiff to bring the issue before the court.

The plaintiff cited the above-mentioned provision of the IT Act under which the defendant was required to take down the disputed channels upon being intimated. The court granted an interim injunction in favor of the plaintiff.

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