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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 69/2024**  
**SEQUOIA CAPITAL OPERATIONS LLC** ..... Plaintiff

Through: Ms. Priya Adlakha, Mr. Vardaan Anand and Mr. Shiv Mehrotra, Advocates.

versus

**JOHN DOE AND OTHERS** ..... Defendants

Through: Ms. Nidhi Raman, CGSC with Mr. Zubin Singh, Advocate for D-5 & 6/UOI.  
Ms. Yashika Kapoor, Advocate for Vodafone Idea Ltd.  
Mr. Tejas Karia, Ms. Swati Agarwal, Mr. Shashank Mishra, Mr. Mohit Singh, Ms. Akshi Rastogi, Ms. Vedika Rathore and Ms. Ritika Bansal, Advocates for WhatsApp LLC.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

% **ORDER**  
**12.03.2024**

**I.A. 5180/2024(u/O I Rule 10 and Order VI Rule 17 r/w Section 151 of CPC on behalf of Plaintiff)**

1. Through the present application, the Plaintiff has invoked the provisions of the Code of Civil Procedure, 1908 to implead WhatsApp LLC as Defendant No. 2, in place of Meta Platforms Inc., and to extend the



directions contained in paragraph No. 21.3 of the injunction order dated 24<sup>th</sup> January, 2024 with suitable modifications, to WhatsApp LLC.

2. As noted previously, Mr. Tejas Karia, counsel representing WhatsApp LLC, does not dispute that WhatsApp LLC would be a proper party for the purpose of effective implementation of this Court's direction. In view thereof, the request for impleadment is allowed and WhatsApp LLC is arrayed as Defendant No. 2 to the present suit. The amended plaint along with the amended memo of parties, annexed with the application, are taken on record.

3. This brings us to the bone of contention between the parties: how the following direction passed on 24<sup>th</sup> January, 2024, has to be extended to WhatsApp LLC, and if any modifications are required for its implementation:

*“21.3. Defendant No. 2, Meta Platforms Inc., is directed to remove/block WhatsApp accounts of the mobile numbers as mentioned in Document-A annexed with the plaint. They shall also delete the WhatsApp group ‘John Analyst Group-303’ or any other groups/ community groups created by/ administered by the phone numbers of the group admins of the aforesaid group that are misusing the Plaintiff’s trademarks in their communications.”*

4. Mr. Karia opposes the Plaintiff's request for blocking the WhatsApp accounts of some of the phone numbers enlisted in Document-A to the plaint, arguing that Plaintiff has not provided any evidence depicting



infringement of Plaintiff's rights in the marks “SEQUOIA” and “ ” by the phone numbers +91 747743156, +91 7615949617, + 91 8953443688, + 91 9009966861, and +91 9512541984. He states that there is no material to show that the aforesaid WhatsApp accounts have posted messages



resembling the impugned content in the WhatsApp group titled “John Analyst Group-303”. Mr. Karia further submits that the Plaintiffs have not provided sufficient identifiers for WhatsApp LLC to locate the aforesaid group for necessary action. In the event the Court were to direct WhatsApp LLC to suspend/ block the group’s operations, he insists that Plaintiff must provide further information, such as the name of the group administrators or the group/ community invite link to the “John Analyst Group-303” WhatsApp group.

5. Ms. Priya Adlakha, counsel for Plaintiff, on the other hand, states that the information regarding the group “John Analyst Group-303” was provided to them by one of the victims and apart from the name of the group and transcripts of conversations, copies whereof have been provided to WhatsApp LLC and are also produced on record, there is no other information available with the Plaintiff. She is also not able to confirm whether the said group is presently in existence, or has been deleted by the group administrators. As regards Mr. Karia’s objection regarding evidence of infringement, Further, Ms. Adlakha argues that the phone numbers mentioned in Document-A are of the group administrators of the “John Analyst Group-303” group, which is used to conduct a cryptocurrency trading and investment scam under the Plaintiff’s “SEQUOIA” trademark, and therefore, must be blocked on WhatsApp platform.

6. The Court has considered the afore-noted contentions and examined the record. From the screenshots/ transcripts of the messages exchanged on “John Analyst Group-303” WhatsApp group, the Court is *prima facie* satisfied that the phone numbers +91 9981372938 and +91 8106403387 are being used for infringing activities, which are the subject matter of the



present suit. Insofar as the remaining mobile numbers mentioned in Document-A are concerned, the Plaintiff, at this stage, has not been able to demonstrate that the impugned content has been circulated by owners of the said numbers.

7. In view of the above, the application is allowed with following directions:

7.1. The newly impleaded Defendant No. 2 – WhatsApp LLC, is directed to remove/ block access to the WhatsApp accounts of the phone numbers +91 9981372938 and +91 8106403387.

7.2. Insofar as the suspension/ deletion of the WhatsApp group “John Analyst Group-303” is concerned, WhatsApp LLC is directed to file an affidavit explaining the mechanism followed by them to identify a group by its name and the technical difficulties that they would face for implementing such a direction. Plaintiff, in the meantime, must undertake steps to ascertain another identifier that can be provided to WhatsApp LLC for implementing directions to remove/ block the group “John Analyst Group-303”.

7.3. WhatsApp LLC shall, within four weeks from today, file in a sealed cover, the Basic Subscriber Information relating to the WhatsApp accounts of the mobile numbers +91 9981372938 and +91 8106403387, as is available with them. A copy thereof shall also be supplied to the counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

8. Although Ms. Adlakha contends that such persons either directly, or through other persons, are indulging in trademark infringement and they should not be allowed to use WhatsApp service for such activities, it is noticed that there is no prayer to implead the said persons as parties to the



suit, or for discovery of information regarding their identity so that summons could be served. On her oral request, a direction is issued to Defendants No. 7 and 8 to file in a sealed cover, the KYC details in respect of phone numbers mentioned in Document-A, within two weeks from today. A copy thereof shall also be supplied to the counsel for Plaintiff, which shall be strictly used by them for the purpose of investigation and identification of the perpetrators.

9. Ms. Adlakha is satisfied with the above directions, and does not press for the deletion of all other groups/ community groups created by/ administered by the phone numbers of the group administrators of the group in question, at this moment.

10. With the above directions, the application is disposed of.

**SANJEEV NARULA, J**

**MARCH 12, 2024**

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