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CASE COMMENT ON *HOME BOX OFFICE INC. AND OTHERS V. STREAMZY.TO AND ORS*

Saad Mulani

CASE CITATION

- **Title:** *Home Box Office Inc. and Others v. Streamzy.to and Others*
- **Court:** High Court of Delhi at New Delhi
- **Judge:** Anup Jairam Bhambhani, J.
- **Year:** 2026
- **Citation:** 2026 SCC OnLine Del 5479; CS(COMM) 740/2026; decided on 27 July 2026.

1. INTRODUCTION

The present case pertains to the matter of copyright infringement on the Internet and relates to the difficulty of restraining websites that are supposed to reproduce, stream, or offer access to copyrighted content via the Internet. The plaintiffs have asked for an ad interim injunction against several websites referred to as "rogue websites" and orders to Domain Name Registrars (DNRs), Internet Service Providers (ISPs), the Department of Telecommunications (DoT), and the Ministry of Electronics and Information Technology (MEITY) to block such websites and all mirrors or redirects of the same. The core of the matter does not only include the question of restraining the mentioned websites, which seems obvious, but also involves the issue of the way in which an injunction could be used to block any mirrors, redirects, or alphanumeric variants of such websites without delegation of judicial power to copyright owners or neutral intermediaries.

2. FACTS OF THE CASE

The matter before the court revolves around Home Box Office Inc. along with other related parties who filed an application in the High Court of Delhi alleging that their copyrighted motion pictures were being streamed, broadcasted, webcasted, and made available via several online platforms without any proper authorization. The defendants were divided into groups depending upon their role and capacity; while Defendants 1-30 were the websites accused of carrying out copyright violations, Defendants 31-50 were the Domain Name Registrars (DNRs), Defendants 51-59 were Internet Service Providers (ISPs) and Defendants 60-61 consisted of Department of Telecommunications (DoT) and Ministry of Electronics & Information Technology (MEITY).

In the view of the plaintiffs, the case of copyright infringement was very serious due to the fact that unlicensed access to particular materials took place right after and in some cases even before their legal distribution. In addition, the plaintiffs were seeking judicial relief from sites which, according to their arguments, contributed significantly to copyright infringement. It was alleged that the operators of such sites had managed to protect their identity using various methods of protection, making it difficult to act directly against the actual operator of the site. At prima facie, the Court viewed these sites as FIOLs.

Another practical consideration for the Court was the possibility that any restraining or blocking of the aforementioned websites may not serve as sufficient measures to deter the infringement since the operators of these sites can move the infringing material to other mirror, redirect, or alphanumeric websites and continue the infringement in spite of the restraint imposed on the original website. Hence, along with restraining and blocking the present website, the plaintiffs have sought injunction against any future mirror, redirect, or alphanumeric websites which could be identified as related to the website being restrained.

Here, in the light of the above, plaintiffs file I.A. 18203/2026 under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, seeking temporary and ex parte ad-interim relief. Thereafter, a notice was sent in the matter and some of the defendants appeared and sought time to file their rejoinders. Further, there were concerns of the Domain Name Registrars with regard to the procedure for the future websites. In particular, they had apprehensions about blocking of future websites on the basis of the affidavit filed by the plaintiffs without an additional order from the Court.

3. LEGAL ISSUES

The major questions before the Court included:

(1) Should an interim injunction be granted in this case with regard to the identified websites which were involved in copyright infringement?

(2) Could the said interim injunction be extended even to the later identified websites, which would include mirror, redirect or alphanumeric websites linked with the restrained websites?

(3) Could ISPs and DNRs take the independent decision to identify the subsequent website as a "rogue website" and block it?

(4) How would the enforcement process of online piracy be balanced by judicial oversight?

4. COURT'S DECISION

The court delivered an ad interim injunction for the plaintiffs in favor of thirty websites which were categorized as rogue sites by the plaintiffs but failed to confer the right to both the plaintiffs and the intermediaries to block any new sites without any conditions. The court formulated the criterion for the plaintiffs as, whenever a mirror site, redirect site, or alphanumeric copy of the blocked website emerges, the plaintiff needs to file an affidavit to the intermediary proving that this new website is a copy of the blocked site.

5. LEGAL REASONING

The decision before us today needs to find a balance between two main concerns. The first concern is that pirate websites will not stay blocked for long as they keep appearing again using different domain names, making an injunction a static one and increasingly behind the times. The second concern is that if we give absolute power to intermediaries or to the plaintiff parties to block certain sites, we risk making this process of enforcement be one of private censorship. Looking at the decisions made by the Coordinate Bench in previous cases like that of Movies123.LA, Terrimeridooriyan.com, Moviebox.ph, Mixdrop, and Series9.io, all of which have applied the approach of maintaining such a balance, it is decided that the same test in UTV Software v. 1337X.To be followed hereinafter. But what is important in this case is not the test, but the role of ISPs and DNRs limited only to the verification of facts.

6. CONCLUSION

HBO Inc. vs Streamzy.to is about the problem presented by the changing nature of Internet piracy. The court recognizes the importance of protecting users from illegal websites while at the same time pointing out that when an injunction is enforced, no one should have a free hand to look for other sites to block.

One may say that the most important role played by the decision was that of setting a border between enforcing a judicial order and determining new cases of infringement. One might argue that ISPs and DNRs have the ability to determine whether another website is either a mirror, redirect, or alphanumeric variation of the previously blocked site. But, in the end, the final say always rests with the Court.

7. PROPOSITIONS THAT WILL ARISE IN FUTURE

There are a number of important questions that will arise in subsequent lawsuits due to this ruling. First of all, the borderline between mere technical verification of mirror sites and making the actual decision of copyright infringement of the mirror site cannot be clearly defined. The task becomes even more difficult if either brand identity or website content needs to be thoroughly analyzed.

Another unresolved question is the situation with the plaintiff who has provided a false affidavit. In the future, the court should define how severe the repercussions are going to be for the plaintiff in order to prevent him/her from lying in the future. There is also another issue that needs to be clarified. What if the website was erroneously blocked by the intermediary? Is it a safe harbor situation, or are there some options for the website owner to seek compensation? Due to the diversity of the procedures adopted by different judges, it is high time to clarify the procedures, because pirates create new domains very quickly.

THE JUDGMENTS WHICH ARE REFERRED:

i. UTV Software Communication Ltd. v. 1337X.To [2019 SCC OnLine Del 8002].
ii. Universal City Studios Productions LLLP v. Movies123.LA [2024 SCC OnLine Del 3852].
iii. Star India Pvt. Ltd. v. Terrimeridooriyan.com [Order date 23-2-2024 in CS(COMM) 163/2024].
iv. Home Box Office Inc. v. Moviebox.ph [Order date 6-4-2026 in CS(COMM) 358/2026].
v. Universal City Studios v. Mixdrop Co. [2023 SCC OnLine Del 3395].
vi. Warner Bros. Entertainment Inc. v. http://www2.series9.io [Order date 10-10-2022 in CS(COMM) 400/2019].
vii. Shreya Singhal v. Union of India [(2015) 5 SCC 1].