

Notice U/S 79 (3) (b) IT Act, 2000; U/S 91 & S. 149 Cr.PC

O/W No..... /2019/Maharashtra Cyber/MCDCU
Office of the Inspector General of Police,
Maharashtra Cyber, World Trade Centre,
32nd Floor, Cuffe Parade, Mumbai - 05
Date: /.... /2019

To,

1. The Chief Executive Officer/Managing Director
Godaddy India Web Services Private Limited
003, Tower 4A, DLF Corporate Park,
MG Road Gurgaon, Haryana, 122002
2. The Chief Executive Officer/Mahnaging Director
Go Daddy India Domains and Hosting Services Private Limited
303, Block - A, Legend Commercial Complex,
3-4-770 & 136, Opp. ICICI Bank, Barkatpura
Hyderabad, Telangana, 500027

Sub: Notice U/S. 79 (3) (b) of the Information Technology Act, 2000 & U/S. 149 of Criminal Procedure Code (Cr.PC) for providing Domain Registration services to websites which are infringing copy rights and engaged in piracy.

Dear Sir/Madam,

1. The office of Maharashtra Cyber (hereinafter refereed as '**Nodal office**'), Nodal office of Maharashtra has received complaint vide no. **13/2018** from **Sony Pictures Network India Pvt. Ltd.** (copyright owner) with reference to domain names, committing copyright infringement under section 63 of the Indian Copyright Act 1957; Section 66 B & Section 66 D of the Information Technology Act, 2000 and Section 420 in Indian Penal Code. Maharashtra Cyber is carrying out preliminary enquiry to identify mirrors/replica websites of domain names mentioned in complaint, indulging in aforesaid offences. Below is the list of websites or mirror/replica websites for your reference.

Sr. No.	Website Name
1	
2	

2. It has come to our notice that your company is providing *Domain Name Registration Services* to the above-mentioned websites, which carry out the illegal activities and criminal action is being separately initiated against concerned website. '**Annexure A**' attached are the Domain WHOIS records which clearly depicts that you are providing Domain Registration Services and '**Annexure B**' depicting the detailed provisions of sections of law.
3. During our enquiry, it has come to our notice that website "**videozone24.com**" is also hosting pornographic content, which is unlawful as per Indian law under section 67 A pertaining to

Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form under the Information Technology Act, 2000.

4. Your above-mentioned services to concerned websites are in violation under S. 51 & S. 63 of the Copyright Act, 1957, S. 420 of the Indian Penal Code, 1860, S. 66 B, S. 66 D and S. 67A of the Information Technology Act, 2000.
5. We suggest you to preserve and retain the information of domains under Section 67 C pertaining to *Preservation and retention of information by intermediaries* under the Information Technology Act 2000, from the date you are providing services to these websites, prescribed by Government of India. Further in terms of rule 3(7) of The Information Technology (Intermediaries Guidelines) Rules, 2011 or under Section 91 pertaining to *production of any document or other thing is necessary or desirable for the purposes of any investigation or inquiry* under the Code of Criminal Procedure (Cr.PC), 1973, we instruct you to provide the following information which is required for the purpose of investigation & prosecution in the aforementioned enquiry:
 - a. Documents of customer along with KYC details.
 - b. Confirm the name, address, contact numbers and e-mail ids.
 - c. Details of accounts link with same customer.
 - d. Whois data of registrant.
 - e. Payment gateway information used by registrant (Account details used).
 - f. IP address used for payment gateway.
 - g. All contact details of registrant used for domain registration.
 - h. All other respective information that can be used for further investigation.

Further, it is also informed that failure to comply with the direction under section 91 of Cr.PC, 1973 is a punishable offence under section 175 of Indian Penal Code, 1860.

6. With reference to the abovementioned sections, this notice is being served on you under section 79 (3) (b) of Information Technology Act, 2000, read with The Information Technology (Intermediaries Guidelines) Rules, 2011, which states that *upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a Computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to expeditiously remove or disable access to that, material on that resource without vitiating evidence in any manner*

This is an intimation to you and please note that failure to fulfill obligations or giving reasonable justification for inability to do so as per provisions of section 79 (3)(b) of the IT Act, 2000 will make you liable to be charged under section 84 B of the IT Act, 2000 or any other relevant provision under the law.

7. Further, with reference abovementioned sections, this notice is also being serves on you under Section 149 in the Code of Criminal Procedure, 1973, which states that *Police is authorized to prevent cognizable offences. Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.*

I, Laxman Kamble, Inspector of Police, attached to Nodal Cyber Police Station, Maharashtra Cyber, 32nd floor, WTC, Cuffe Parade, Mumbai, under the powers granted to me vide section 149 Cr.PC, 1973, for prevention of cognizable offence and section 79 (3) (b) of Information technology Act, 2000, hereby notify you to immediately desist from providing these services; to the websites which are violating the above-mentioned Laws & Committing Criminal acts. I suggest you suspend the operations of the abovementioned illegal websites and accordingly inform the investigating officer in writing. In case if you still wish to carry out such activities you will be held liable for further criminal proceeding as per above shared sections & criminal acts for which this notice will be served as a supportive evidence.

Please acknowledge the receipt of this Notice and report action taken within ten (10) days of the receipt of the said Notice.

Compliance within stipulated period may please be ensured and compliance reported to this office

(Laxman Kamble)
Police Inspector
Maharashtra Cyber Digital Crime Unit
Mumbai, Maharashtra.