

**IN THE COURT OF DISTRICT JUDGE (COMMERCIAL)-04,
DISTRICT WEST, TIS HAZARI COURTS, DELHI.**

CS (COMM.) No. 1045/2025

IN THE MATTER OF

Sehdev Sehgal & Ors.

.....Plaintiffs

VERSUS

YouTube LLC & Ors.

.....Defendants

ORDER

1. This order shall dispose of plaintiffs' application under Order XXXIX Rule 1 and 2 of CPC seeking *ex-parte* ad-interim injunction against the defendants.
2. The aforesaid application was filed by the plaintiffs in their suit for mandatory and permanent injunction which as per them has arisen from large-scale digital impersonation, identity theft, personality right infringement, copyright infringement, and passing off committed against Mr. Sehdev Sehgal (Plaintiff No. 1) and his associated entities, including Baadshah Broking Limited and Baadshah Bhai Cinema Limited (Plaintiffs No. 2 and 3 respectively).

3. Plaintiff No. 1 is claimed to be a seasoned professional in the Indian financial markets who, since 2020, has been engaged in educating the public on long-term investing, sectoral research, and responsible financial decision-making. Through his distinctive educational style, transparent philosophy, and consistent emphasis on investor welfare, Plaintiff No. 1 claims to have built a widely recognized digital identity under the name “Baadshah Broking”. This initiative rapidly gained public trust and visibility, culminating in a YouTube channel with nearly 12 million subscribers and a vast ecosystem across Instagram, Facebook, Telegram, and related platforms. Over time, the name “Baadshah Broking,” along with Plaintiff No. 1’s face, voice, presentation format, and educational persona, acquired strong secondary meaning and became exclusively associated with the Plaintiff No.1 and his entities (plaintiff No.2 & 3) in the minds of the public as one of India’s leading platforms for investment education.
4. It is further claimed that with the exponential growth of goodwill and public recognition, unknown individuals and entities (arrayed as Defendant No. 6, John Doe) began a systematic and industrial-scale impersonation operation across major social media platforms operated by Defendant Nos. 1 to 4, including YouTube, Instagram, Facebook, Telegram, and WhatsApp. These impersonators downloaded the Plaintiffs’

original videos within minutes of publication, reproduced them with fabricated voice-overs or altered audio, and re-uploaded them using identical thumbnails, titles, colour schemes, and branding to create near-perfect digital clones. In many cases, it is claimed, the impersonators used artificially generated or manipulated versions of Plaintiff No. 1's face, voice, and mannerisms, thereby falsely presenting themselves as the official channels of the Plaintiffs.

5. It is further pleaded that these fake accounts were further used to redirect unsuspecting users to fraudulent Telegram and WhatsApp groups, cloned websites, and deceptive advertisements that falsely claimed to be managed or endorsed by Plaintiff No. 1. The scale of this impersonation was unprecedented, with over 40,000 fake channels, profiles, pages, and URLs identified, and new ones being created almost daily even after prior removals.
6. It is further stated that the impersonation was not merely a matter of confusion or brand misuse but resulted in severe public harm and financial fraud. Members of the public were induced into transferring money and participating in fraudulent "investment" schemes under the belief that such activities were recommended by Baadshah Broking or Plaintiff No. 1 personally. When these individuals suffered financial losses,

they were deliberately given Plaintiff No. 1's genuine contact details, leading to an influx of accusations, distress calls, refund demands, and reputational attacks directed at the Plaintiffs. Despite the Plaintiffs never soliciting money, guaranteeing returns, or operating private investment groups, they were wrongfully portrayed as perpetrators of fraud. This confusion escalated to the point where mainstream business media outlets reported that "scams were being run in the name of Baadshah Broking," causing grave and lasting reputational damage. The Plaintiffs' goodwill, painstakingly built over four years, was severely diluted, and their public image was irreversibly harmed as these reports remain accessible in the public domain.

7. It is further pleaded that compounding the injury caused by the impersonators was the gross negligence and failure of the intermediary platforms. Despite repeated complaints and evidence provided by the Plaintiffs regarding impersonation and copyright/personality right infringement, the platforms failed to effectively remove fake accounts, prevent their re-emergence, or protect the Plaintiffs' authentic channels. Shockingly, YouTube wrongfully terminated the original "Baadshah Broking" channel on 06.11.2024, citing alleged violations of its harmful and dangerous content policy - an allegation wholly inapplicable to the Plaintiffs' purely educational content. As a result, nearly four years of original videos, research archives,

analytics, and community engagement were erased overnight. When the Plaintiffs attempted to continue their educational mission through a new channel launched under Baadshah Bhai Cinema Limited, that channel too was deactivated without explanation in January 2025, while thousands of impersonating channels continued to operate freely. This selective enforcement, plaintiffs contend, effectively rewarded impersonators, facilitated identity theft and fraud, and violated the statutory due diligence obligations imposed on intermediaries under the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

8. The Plaintiffs contend that the acts of the impersonators constitute clear passing off, copyright/personality right infringement, identity theft, and digital fraud, while the inaction of the platforms amounts to active facilitation of these illegal acts. The essential elements of passing off - goodwill, misrepresentation, and damage, - violation of personality right, fully satisfied, as the impersonators deliberately adopted the Plaintiffs' name, digital identity, educational format, and copyrighted content to deceive the public and exploit established goodwill. Additionally, the unauthorized downloading, editing, and re-uploading of the Plaintiffs' original videos amount to copyright infringement under the

Copyright Act, 1957. Given the continuous and recurring nature of the harm, the Plaintiffs have sought urgent mandatory and permanent injunctions, along with appropriate directions to intermediaries and government authorities, to restrain ongoing impersonation, protect public interest, and restore their lawful digital presence claiming that the balance of convenience overwhelmingly favours the Plaintiffs, as continued inaction would perpetuate public deception, financial loss, and irreversible reputational harm.

9. This Court has perused the plaint, documents placed on record, screenshots, URLs, takedown requests, and the affidavit filed in support of the application for interim relief. The material on record *prima facie* demonstrates that Plaintiff No. 1 is a well-known financial educator whose name, likeness, voice, videos, and distinctive presentation style have acquired substantial goodwill and public recognition. The Plaintiffs have established that thousands of fake and impersonating channels, pages, and accounts have been created by unknown third parties using copied and manipulated versions of the Plaintiffs' original copyrighted videos, thumbnails, titles, and branding, thereby falsely representing themselves as being associated with or endorsed by the Plaintiffs.
10. The material on record further shows that such impersonating

accounts are actively being used to lure unsuspecting members of the public into fraudulent investment schemes, resulting in monetary losses, public deception, and serious reputational damage to the Plaintiffs. It is also seen that despite complaints issued by the Plaintiffs, the impugned content continues to remain accessible on the platforms of the defendants, and new infringing links continue to surface. The balance of convenience, therefore, clearly lies in favour of the Plaintiffs, and irreparable injury would be caused if immediate relief is not granted.

11. At this *prima facie* stage, the Plaintiffs have made out a strong case of copyright right infringement, as the unauthorised downloading, alteration, and re-uploading of their original videos squarely violates Sections 14 and 51 of the Copyright Act, 1957. The Plaintiffs have also *prima facie* established the essential ingredients of passing off, namely goodwill, misrepresentation, and damage, as recognised by the Supreme Court in *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73. Plaintiff No.1 has also particularly established the essential ingredients of violation of personality rights as recognised in *Amitabh Bachchan v. Rajat Negi* (2022) 6 HCC (Del) 641 and *Jaikishan Kakubhai Sara1 v. Peppy Store* (2024) 2 HCC (Del) 253. The impersonators have deliberately misrepresented themselves as the plaintiff No.1 and/or plaintiffs

in order to exploit their reputation and deceive the public.

12. With regard to the role and responsibility of online intermediaries, the legal position is well settled. In ***Shreya Singhai v. Union of India***, (2015) 5 SCC 1, the Supreme Court held that once an intermediary acquires actual knowledge of unlawful content through a court order or valid notice, it is under a legal obligation to expeditiously remove or disable access to such content. Similarly, in ***MySpace Inc. v. Super Cassettes Industries Ltd.***, 2017 SCC OnLine Del 6382, the Hon'ble Delhi High Court held that intermediaries cannot claim safe harbour when they have actual knowledge of infringing content and fail to take effective steps to prevent its continued dissemination.
13. This Court is also guided by the judgment of the Delhi High Court in ***Kent RO Systems Ltd. v. Amit Kotak***, 2017 SCC OnLine Del 7201, wherein it was held that once specific infringing URLs are brought to the notice of an intermediary, the intermediary is duty-bound to remove such content and cannot permit repeated uploads of the same infringing material. The continued availability of impersonating and infringing content, despite repeated complaints, *prima facie* indicates failure to exercise due diligence as mandated under Section 79 of the Information Technology Act, 2000 read with the

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

14. In view of the urgency, the scale of impersonation, the ongoing public harm, and the likelihood of fake material being multiplied or altered if notice of the application and suit is issued to the defendants, this Court is satisfied that this is a fit case for grant of *ex parte* ad-interim relief.

15. Accordingly, till further order, it is directed:-

(i) that the defendant No. 6 (John Doe/Ashok Kumar) and all other such unknown person acting as such or for and on their behalf, are restrained from impersonating the plaintiffs in any manner, misusing the plaintiffs' trade name 'Badshah Broking', their likenesses, videos, voiceovers, thumbnails, logos, photographs, contents or any other element of their digital identity, and from creating or operating any fake accounts, impersonating profiles, cloned websites, socialmedia pages, YouTube Channels, Telegram groups, WhatsApp groups or any other platform deceptively representing themselves as the plaintiffs;

(ii) that defendant No.1 shall take down, remove, disable and block URLs/channels identified in **Document-6** to this suit/application from its platform within 72 hours of receiving the notice and shall further file in a sealed cover/password protected document, all the available Basic Subscriber Information, including the names, email address, contact number, IP logs and registration details

of owners, operators, seller of goods and/or services through URLs/Channels identified in **Document-6** to this suit/application, within 7 days from the receipt of the Notice and take down, remove, disable and block from its platform such other URLs/channels infringing/copying/cloning plaintiffs' content video etc. as may be notified by the plaintiff, within 72 hours of such notification;

(iii) that defendant No.2 shall take down, remove, disable and block URLs/channels as may be notified by plaintiffs in writing, from its platform within 72 hours of receiving such intimation in writing from plaintiff and shall further file in a sealed cover/password protected document, all the available Basic Subscriber Information, including the names, email address, contact number, IP logs and registration details of owners, operators, seller of goods and/or services through URLs/Channels infringing/copying/cloning plaintiffs' contents, video etc. as would be identified by plaintiff, within 7 days from the receipt of the Notice;

(iv) that defendant No.3 shall take down, remove, disable and block URLs/channels identified in **Documents-5** to this suit/application from its platform within 72 hours of receiving the notice and shall further file in a sealed cover/password protected document, all the available Basic Subscriber Information, including the names, email address, contact number, IP logs and registration details of owners, operators, seller of goods and/or services through URLs/Channels identified in **Document - 5** to this suit/application, within 7 days from the receipt of the Notice and take down, remove, disable and block from its

platform such other URLs/channels infringing/copying/cloning plaintiffs' contents, video etc. as may be notified by the plaintiff, within 72 hours of such notification;

(v) that defendant No.4 shall take down, remove, disable and block URLs/channels identified in **Documents-3 & 4** to this suit/application from its platforms Facebook, Instagram and Whatsapp within 72 hours of receiving the notice and shall further file in a sealed cover/password protected document, all the available Basic Subscriber Information, including the names, email address, contact number, IP logs and registration details of owners, operators, seller of goods and/or services through URLs/Channels identified in **Document - 3 & 4** to this suit/application, within 7 days from the receipt of the Notice and take down, remove, disable and block from all tis platform such other URLs/channels infringing/copying/cloning plaintiffs' contents, video etc. as may be notified by the plaintiff, within 72 hours of such notification;

(vi) that defendant No. 5 shall issue necessary direction to concerned persons to block and disable all the URLs/Channels identified in Documents-3, 4, 5 and 6 to this suit/application, within 7 days from the receipt of the Notice.

16. This order is passed ex parte, without prejudice to the rights and contentions of the Defendants, who shall be at liberty to apply for variation or modification upon filing their reply.

17. Let plaintiffs comply with Order XXXIX Rule 3 of the CPC within three weeks.

(HARISH KUMAR)
District Judge, Commercial Court-04
West District, Tis Hazari Courts
Delhi/26.12.2025