

No need to block entire websites, Madras HC tells ISPs

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There is some relief for netizens who found popular torrent websites and other online services like Vimeo blocked by their internet service providers (ISPs) following a so-called John Doe order from the Madras high court.

The order was obtained on April 25 by Copyright Labs on behalf of the producers of the Telugu film Dhammu directing a host of ISPs to block unnamed websites that enable users to download pirated copies of the movie.

However, one of the ISPs appealed to the HC to introduce specificity in its order. In the absence of such specificity, ISPs were forced to block entire websites, instead of specific pages that infringed on the plaintiff's copyright.

Accordingly, on June 15, the court said, "The order of interim injunction dated 25/04/2012 is hereby clarified that the interim injunction is granted only in respect of a particular URL where the infringing movie is kept and not in respect of the entire website. Further, the applicant is directed to inform about the particulars of URL where the interim movie is kept within 48 hours."

However, despite the order, MTNL users in Mumbai and Airtel users in Delhi reported that torrent sites were still blocked.

Experts have welcomed the move as John Doe orders were being used indiscriminately to deny access to even legitimate content on the blocked websites. Besides sites such as Vimeo, Dailymotion and Pastebin, others such as YouTube too were unfairly blocked.

"This clarification by the HC will have persuasive value. Defendants will be able to refer to this order while appealing against John Doe orders issued by other courts," said Delhi-based advocate Apar Gupta.

However, Gupta said he was unsure whether the blocks will be lifted entirely as there were more than 20 John Doe orders from various courts in the country. The most recent one was that of Viacom 18 that obtained the order from the Bombay high court for its film *Gangs Of Wasseypur*.

According to Gupta, John Doe orders went largely unnoticed until May when a majority of ISPs blocked a large number of popular websites following the Madras HC order. This brought to light the extent to which the orders were being misused. As a result, ISPs had to face public backlash.

With the Madras HC now bringing specificity to its order, experts hope that ISPs will now refuse to comply with requests to block entire websites, and ask them to specify the URLs instead.

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