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Introduction

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Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

THE EVOLUTION OF DYNAMIC AND DYNAMIC+ INJUNCTIONS IN INDIA: AN ANALYSIS OF JUDICIAL INNOVATION AND DUE PROCESS CONCERNS IN ONLINE COPYRIGHT ENFORCEMENT

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Abstract

The rapid migration of copyright infringement to the internet has exposed the structural limits of the traditional injunction as a remedy under Indian law. Rogue websites that stream, host, or disseminate copyrighted content reconstitute themselves within hours of being blocked, rendering conventional, site-specific injunctions functionally obsolete almost as soon as they are granted. In response, the Delhi High Court has, since 2019, developed a judicially innovated remedy known as the "dynamic injunction", and subsequently its enhanced variant, the "dynamic+ injunction", which extend blocking relief to mirror, redirect, and alphanumeric variants of already-injuncted websites, and in some instances to content not yet in existence at the time the order is passed. This paper traces the doctrinal evolution of this remedy from *UTV Software Communications Ltd v 1337X.to* (2019) through its extension in sports-broadcast piracy litigation and its most recent application in 2025–26 to permit real-time, regulator-assisted blocking of websites streaming live sporting events. The paper further situates the doctrine within its statutory basis under Section 37 of the Copyright Act, 1957 and Order XXXIX of the Code of Civil Procedure, 1908, and examines its recent extension into trademark enforcement against anonymous online counterfeiters. Adopting a doctrinal, case-law-based methodology, the paper argues that while dynamic and dynamic+ injunctions represent a pragmatic and largely justified judicial response to a genuine enforcement gap, their ex parte character, open-ended future-facing scope, and reliance on unilateral plaintiff notification to intermediaries raise significant due process concerns for absent and unidentified defendants. The paper concludes by proposing statutory codification of the doctrine's contours, together with procedural safeguards — including periodic judicial review of blocked-URL lists and a defined mechanism for affected parties to seek de-listing — to reconcile the legitimate enforcement interests of rights holders with the constitutional guarantee of a fair hearing.

Keywords: Dynamic injunctions; Dynamic+ injunctions; Copyright enforcement; Online piracy; Due process; Indian copyright law; Intermediary liability.

1. Introduction

The internet has transformed both the scale and the anatomy of copyright infringement. Where physical piracy required the reproduction and distribution of tangible copies, digital piracy today occurs through websites that stream or host infringing content to audiences numbering in the millions, often anonymously, across servers located outside the jurisdiction of Indian courts.[1] Indian courts, confronted with this problem in a series of film- and sports-broadcast piracy suits, have had to fashion remedies that keep pace with the ease and speed with which infringing websites can be recreated once blocked. The result has been a distinctly judge-made line of remedies — the "dynamic injunction" and its more expansive successor, the "dynamic+ injunction" — that extend the effect of a blocking order beyond the specific uniform resource locators (URLs) named in the suit to mirror, redirect, and alphanumeric variant websites, and in certain cases to content that does not yet exist at the time the order is made.

This judicial innovation raises two related but distinct questions that this paper seeks to address. First, as a matter of doctrine, how has the dynamic injunction evolved since its inception, and what does its trajectory reveal about the willingness of Indian courts to fashion equitable remedies beyond the express contemplation of the Copyright Act, 1957 and the Code of Civil Procedure, 1908 ("CPC")? Second, as a matter of constitutional and procedural principle, what due process

[1]For a general account of the shift from physical to digital piracy and its implications for copyright enforcement, see World Intellectual Property Organisation, WIPO Studies on Online Copyright Infringement (WIPO, 2019); Arul George Scaria, Piracy in the Indian Film Industry: Copyright and Cultural Consonance (CUP 2014).

costs does this innovation impose on defendants — many of whom are anonymous, unidentified, or not yet in existence as legal entities at the time relief is granted — and are the safeguards currently built into the doctrine adequate to offset those costs?

The paper proceeds in six parts. Part II situates the dynamic injunction within its legal and literature context, outlining the pre-existing enforcement toolkit and its limitations. Part III sets out the doctrinal, case-law-based methodology adopted. Part IV traces the evolution of the doctrine chronologically, from *UTV Software Communications Ltd v 1337X.to* through its sports-broadcast and 2025–26 extensions, and examines its recent migration into trademark law. Part V undertakes a critical analysis of the doctrine's statutory footing and due process implications, drawing on comparative practice in the European Union and the United States. Part VI presents findings and concludes with recommendations for statutory codification and procedural reform.

2. Literature Review and Legal Context

2.1 The Pre-Existing Enforcement Toolkit

Prior to the development of the dynamic injunction, a copyright owner seeking to restrain online infringement in India was largely confined to two remedies. The first was a conventional permanent or interim injunction under Order XXXIX, Rules 1 and 2 of the CPC, directed at a specifically named defendant or website.[2] The second was the "John Doe" or Ashok Kumar order, which permitted rights holders to obtain injunctive relief against unknown or unidentified infringers who might emerge after the institution of the suit, a practice Indian courts borrowed from English and Canadian precedent and first applied to copyright piracy in the mid-2000s.[3] Both remedies, however, were tethered to a fixed and identifiable set of URLs or defendants at the moment the order was passed. Neither could, on its own terms, extend to a website that had not yet been created, or to a mirror site established the day after the order to circumvent it.

Section 37 of the Copyright Act, 1957 supplies the substantive basis for such relief by empowering courts to grant injunctions to restrain infringement of copyright, while the procedural mechanism

[2] Code of Civil Procedure, 1908, Order XXXIX, rr 1–2.

[3] The John Doe order was first employed in the Indian copyright context in cases such as Taj Television Ltd v Rajan Mandal 2003 (27) PTC 392 (Del); see also Reliance Big Entertainment Pvt Ltd v Jyoti Cable Network 2011 SCC OnLine Del 5386.

for effecting website blocking against internet service providers ("ISPs") has generally been located in the court's inherent powers under Section 151 CPC read with Order XXXIX.[4] Neither provision, it must be noted, expressly contemplates prospective or future-facing relief; the dynamic and dynamic+ injunctions are accordingly judicial constructs built upon this statutory scaffolding rather than remedies expressly created by the legislature.

A further complicating layer is the qualified safe harbour available to online intermediaries under Section 79 of the Information Technology Act, 2000, and the corresponding exemption from copyright liability for certain transient or incidental storage under Section 52(1)(c) of the Copyright Act, 1957. Indian courts had, prior to the dynamic injunction cases, already grappled with the boundary between an intermediary entitled to safe-harbour protection and a website that actively curates or hosts infringing content and therefore falls outside it.[5] The rogue-website doctrine developed in the dynamic injunction cases builds directly on this earlier line of authority, treating websites that fail the safe-harbour test as appropriate targets for whole-site blocking rather than mere takedown of individual URLs.

2.2 Existing Commentary

Indian legal commentary on the dynamic injunction has grown considerably since 2019, though it remains largely descriptive and practitioner-oriented rather than critically evaluative. Contributions in specialist intellectual property law reviews have chronicled the doctrine's expansion through successive sports-broadcast piracy cases and its most recent applications in the Indian Premier League and international cricket tournament context, generally treating the doctrine as an unambiguously welcome development for rights holders.[6] Comparatively less attention has been paid to the due process implications of a remedy that, by design, operates against defendants who are unidentified, unserved, and in many cases not yet in existence. This paper seeks to address that gap by treating the doctrine's procedural costs as a central rather than peripheral concern.

[4]Copyright Act, 1957, s 37; Code of Civil Procedure, 1908, s 151 read with Order XXXIX.
[5]See MySpace Inc v Super Cassettes Industries Ltd, Delhi High Court: 2016 SCC OnLine Del 6382, on the standard of actual knowledge required to displace an intermediary's safe-harbour protection under s 79 of the Information Technology Act, 2000, read with s 51(a)(ii) of the Copyright Act, 1957.
[6]See, eg, the case-law tracking exercise in Spice Route Legal, 'Understanding Dynamic, Dynamic+ and Superlative Injunctions: No More Whac-a-Mole' (2025); and World Trademark Review, The Trademark Litigation Review 2026 – India (WTR, 2026).

A related but distinct literature has developed around the trademark analogue of the dynamic injunction, following the Delhi High Court's extension of the doctrine to combat anonymous online counterfeiting of well-known marks.[7] This cross-domain migration is significant because it suggests that the dynamic injunction is evolving from a copyright-specific remedy into a general equitable tool available across the intellectual property law spectrum — a development this paper examines in Part IV.3.

3. Methodology and Analytical Framework

This paper adopts a doctrinal, black-letter methodology, supplemented by a chronological case-law analysis. Primary sources consist of the reported and unreported orders of the Delhi High Court that constitute the dynamic and dynamic+ injunction line, read alongside the relevant statutory provisions of the Copyright Act, 1957, the Trade Marks Act, 1999, and the Code of Civil Procedure, 1908. Secondary sources include practitioner commentary, law firm client alerts, and comparative material on injunctive practice in the European Union and the United States.

The analytical framework applied proceeds in three stages. First, the paper reconstructs the doctrinal lineage of the dynamic injunction by identifying the specific incremental extension effected in each successive order — that is, tracing not merely that courts have granted dynamic relief, but precisely how the scope of that relief has expanded from order to order. Second, the paper subjects each stage of this expansion to a statutory-fidelity test, asking whether the relief granted can be traced to a fair reading of Section 37 of the Copyright Act and Order XXXIX of the CPC, or whether it represents relief created independently of statutory text. Third, the paper applies a due process framework drawn from the audi alteram partem principle underlying Indian civil procedure and Article 14 of the Constitution of India, evaluating the extent to which the interests of absent, unidentified, and future defendants are represented in the grant and subsequent operation of dynamic injunctions.[8] This tripartite framework is applied consistently across Part IV of the paper.

[7] Chambers and Partners, 'Delhi High Court's Dynamic Injunction in Reliance v Anonymous Sellers: A New Template for Trademark' (Chambers Global Practice Guides, 2025).
[8] On the constitutional foundations of the audi alteram partem principle in Indian law, see Maneka Gandhi v Union of India (1978) 1 SCC 248; A.K. Kraipak v Union of India (1969) 2 SCC 262.

4. Discussion and Analysis

4.1 From Site-Blocking to "Dynamic" Relief: UTV Software Communications Ltd v 1337X.to

The foundational order in this line is *UTV Software Communications Ltd v 1337X.to*, decided by a single judge of the Delhi High Court on 10 April 2019.[9] The plaintiffs, a group of film production and distribution companies, sued a number of identified rogue websites — including 1337x.to, thepiratebay.org, and yts.am — together with several unidentified defendants, seeking a permanent injunction, ISP-blocking directions, and orders compelling domain name registrars to disclose registrant identities.[10] The Court's principal contribution was to develop a set of factors — the so-called "rogue website" or "Flagrantly Infringing Online Location" test — for determining when a website should be treated as predominantly or flagrantly infringing, thereby justifying whole-site blocking rather than the removal of individual infringing URLs.[11] In doing so, the Court expressly departed from the more restrictive, quantitative "three-step verification" approach earlier adopted by the Bombay High Court, which had required proof that an entire website contained only illicit and infringing material with no legitimate content before whole-site blocking could be ordered, preferring instead the qualitative approach it had itself developed in an earlier, related dispute.[12] Critically, the Court also recognised that rogue websites frequently reappear under new domain names — so-called mirror, redirect, or alphanumeric variant sites — once the original is blocked, and held that a plaintiff should not be compelled to institute fresh proceedings each time such a variant emerges.

This recognition, while not yet labelled a "dynamic" injunction in the order itself, planted the doctrinal seed for what subsequent orders would develop into a distinct remedy: permitting a

[9]UTV Software Communications Ltd & Ors v 1337X.to & Ors, CS(COMM) 724/2017 & connected matters, Delhi High Court, judgment dated 10 April 2019: 2019 SCC OnLine Del 8002; also reported at 2019 (78) PTC 375 (Del) (Manmohan J).

[10]The suit was framed as infringement of the exclusive right to communicate cinematographic works to the public under the Copyright Act, 1957, s 14(d), infringement being established under s 51(a)(i).

[11]The factors identified by the Court include, among others, whether the primary purpose of the website is to commit or facilitate infringement, the flagrancy of the infringement, whether registrant details are masked, disregard for takedown notices, and the volume of traffic to the website: UTV Software Communications Ltd v 1337X.to (cited above) para 59.

[12]Eros International Media Ltd & Anr v Bharat Sanchar Nigam Ltd & Ors, Suit No 751 of 2016 (Bombay High Court), adopting a quantitative, three-step verification test; contrast Department of Electronics and Information Technology v Star India Pvt Ltd, FAO(OS) 57/2015 (Delhi High Court), preferring a qualitative approach where the infringing character of a website is overwhelming.

plaintiff to approach the court, or in later iterations the Joint Registrar, with an application demonstrating that a newly discovered website is in fact a mirror of an already-injuncted site, without having to establish infringement afresh.[13] The efficiency rationale is evident: without such a mechanism, the burden of policing hydra-headed piracy websites, which routinely reconstitute themselves within hours under new domains, would render litigation an exercise in futility. It is also worth noting that Indian courts were not unanimous even at this early stage: the Bombay High Court, in a related matter, continued to caution against broad, open-ended blocking orders and insisted on specifically identified URLs, a divergence in approach across High Courts that persists in the subsequent case law.[14]

4.2 From "Dynamic" to "Dynamic+": Universal City Studios and the Star India Line

The doctrine acquired its "plus" dimension in *Universal City Studios LLC v Dotmovies.Baby*, where the Delhi High Court went a step further and permitted plaintiffs to protect copyrighted works as soon as they are infringed or created, rather than confining protection to works already in existence at the date of the order.[15] The doctrinal significance of this extension is considerable: it moves the injunction from a remedy protecting a closed universe of already-identified infringed works to one capable of protecting works that do not yet exist.

This logic found its clearest application in the *Star India* line of sports-broadcast piracy matters, including *Star India Private Limited v Moviemad.biz & Ors* and *Star India Private Limited v Extramovies. host & Ors*, arising from the illegal live streaming of international cricket tournaments.[16] Because a cricket tournament generates fresh copyrighted broadcast content on a near-daily basis for the duration of the event, the Court reasoned that confining the injunction to matches already played would render the relief practically worthless: infringement of the broadcast of a match played on day five could not meaningfully be restrained by an order framed only in terms of the matches played on day one. The Court accordingly extended the injunction to future

[13] On the delegated evidentiary-verification role of the Joint Registrar in this process, see Delhi High Court (Original Side) Rules, 2018, ch II, r 3(61) read with r 6.

[14] Balaji Motion Pictures Ltd v Bharat Sanchar Nigam Ltd & Ors, Bombay High Court, cautioning against the broad use of unidentified-defendant orders in the website-blocking context and directing that only specifically identified URLs be blocked.

[15] Universal City Studios LLC & Ors v Dotmovies.Baby & Ors, Delhi High Court: 2023 SCC OnLine Del 4955.

[16] Star India Pvt Ltd v Moviemad.biz & Ors, CS(COMM) 471/2019, Delhi High Court; Star India Pvt Ltd v Extramovies.host & Ors, CS(COMM) 195/2019, Delhi High Court; see further Star India Pvt Ltd v Live Flixhub.Net, CS(COMM) 157/2022, Delhi High Court, extending the same reasoning to a subsequent tournament.

broadcasts, to be blocked as soon as they were created and disseminated — the "dynamic+" injunction proper.[17] A further extension in the same line addressed the mode of dissemination, holding that the injunction should apply irrespective of the platform — website, mobile application, or social media channel — through which the infringing broadcast was disseminated, thereby closing an obvious circumvention route.

This chronology — from site-specific blocking, to mirror-site blocking, to future-content blocking, to platform-agnostic blocking — demonstrates a pattern of incremental judicial expansion in which each successive order responds to a specific circumvention technique observed in the preceding round of litigation. It is, in this sense, litigation-reactive doctrine: the boundaries of the remedy are drawn not by legislative design but by the ingenuity of the infringers the courts are attempting to restrain.[18]

4.3 Consolidation and Real-Time Application: 2025–2026 Developments

The doctrine reached a further stage of consolidation in the 2025–26 period. In *Warner Bros Entertainment Inc v animesugez.to and connected matters*, decided in January 2026, the Delhi High Court granted a dynamic+ injunction blocking numerous websites illegally streaming copyrighted television content, extending relief to future mirror, redirect, and alphanumeric variant sites and emphasising that copyrighted works must be protected as soon as they are created, in order to prevent irreparable loss to the rights holder.[19] Shortly thereafter, in a matter concerning the unauthorised streaming of the 2025 ICC Champions Trophy, the Court went beyond interim relief altogether and granted a *permanent* injunction against twenty-four rogue websites, on the basis that none had appeared to contest the proceedings despite due service of summons — illustrating that the dynamic+ doctrine, initially conceived as an interim, ex parte remedy, is now

[17]The reasoning is summarised in WTR, The Trademark Litigation Review 2026 – India (cited above): '[I]n a tournament, fresh matches are played every other day, and copyrighted content is created every day with its live broadcast. Therefore, the court considered that the scope of the dynamic injunction could not remain confined to content which is only in existence on the day of the order, but needs to be extended to future broadcasts as soon as they are created.'

[18]For an argument that dynamic injunctions of this kind leave certain foundational questions — including the evidentiary threshold for each successive extension and the manner of notifying affected parties — underdeveloped, see the discussion in GSL Chambers, 'Injunction, Eros International, Internet Service Provider' (LiveLaw, 2022).

[19]Warner Bros Entertainment Inc & Ors v animesugez.to & Ors, Delhi High Court, order dated January 2026 (Karia J), reported in Court Kutchehry, 'Delhi High Court Orders Dynamic+ Injunction to Block Piracy Websites' (2026).

capable of hardening into final relief.[20] Most significantly, in the context of the Tata Indian Premier League 2026 season, the Court directed not only internet service providers but also the Department of Telecommunications and the Ministry of Electronics and Information Technology to block rogue websites streaming the tournament in real time, relying expressly on the reasoning developed in the earlier sports-broadcast cases to justify blocking before infringement had even occurred, given the demonstrated pattern of rapid re-emergence of infringing sites during live sporting events.[21] This represents the doctrine's furthest extension to date: from post-infringement blocking, to pre-emptive, government-agency-assisted, real-time blocking of anticipated infringement.

4.4 Cross-Domain Migration: The Trademark Analogue

While the dynamic and dynamic+ injunction developed within copyright litigation, the underlying logic — that traditional site- or defendant-specific relief is inadequate against recurring, anonymous, high-volume online infringement — translates readily to trademark counterfeiting. This migration occurred explicitly in *Reliance Industries Limited v Anonymous Sellers*, decided by the Delhi High Court on 10 July 2025, in which the Court granted a dynamic injunction restraining anonymous infringers from using the marks ‘RELIANCE’ and ‘JIO’ across e-commerce marketplaces including Amazon, Flipkart, Meesho, and Snapdeal, directing the immediate delisting of twenty-one infringing product listings.[22] The order's most consequential feature, for present purposes, is that it empowered the plaintiff to notify the relevant e-commerce platforms directly of future infringing listings, which the platforms were then obliged to take down promptly without the plaintiff having to return to court for a fresh order — a self-executing mechanism functionally equivalent to the mirror-site notification process developed in the copyright cases.[23] The Court grounded this relief in the ordinary interim injunction jurisdiction under Order XXXIX, Rules 1 and 2 of the CPC, on a finding of a prima facie case, likelihood of

[20]Star India Private Limited v [rogue websites], Delhi High Court, judgment dated 15 January 2026 (Jyoti Singh J), noted in LiveLawBiz, IPR Half-Yearly Digest: January–June 2026.
[21]Jiostar (Viacom18) v [rogue websites], Delhi High Court, order dated April 2026, discussed in KSandK, 'Delhi HC Blocks Rogue Sites Streaming IPL 2026 — Jiostar Wins Dynamic Injunction' (2026).
[22]Reliance Industries Ltd v Anonymous Sellers, Delhi High Court, order dated 10 July 2025 (Saurabh Banerjee J), discussed in Chambers and Partners, 'Delhi High Court's Dynamic Injunction in Reliance v Anonymous Sellers: A New Template for Trademark' (Chambers Global Practice Guides, 2025).
[23]ibid, noting the order's dynamic character empowering the plaintiff to notify platforms of future infringing listings for prompt takedown without further judicial intervention.

irreparable harm, and balance of convenience in the plaintiff's favour, without any need to invoke copyright-specific statutory language — confirming that the dynamic injunction is best understood as a general equitable innovation in Indian civil procedure rather than a doctrine confined to Section 37 of the Copyright Act.[24] The marketplace context of such orders also intersects with the obligations placed on e-commerce entities under the Consumer Protection (E-Commerce) Rules, 2020, which require marketplace platforms to take reasonable steps to ensure sellers make available accurate information, and with the intermediary due-diligence and takedown obligations under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.[25]

4.5 Statutory Fidelity: Is the Doctrine Properly Grounded?

Applying the statutory-fidelity test set out in Part III, the dynamic and dynamic+ injunction can be defended, at least in its earlier iterations, as a legitimate exercise of the court's equitable jurisdiction under Order XXXIX CPC read with Section 151 CPC, and its copyright-specific application under Section 37 of the Copyright Act. Mirror-site blocking, in particular, does little more than give practical effect to a finding of infringement already made against the original site; it does not create liability where none previously existed, but merely closes an obvious evasion route.

The extension to future, not-yet-created content is a materially harder case. Here, the court is not merely giving effect to a finding already made, but is issuing what is, in substance, a standing prohibitory order applicable to conduct that has not yet occurred and that may be carried out by persons not yet identified. Indian courts have historically been cautious about issuing injunctions in respect of future, speculative wrongs, preferring to require some demonstration of an imminent and identifiable threat.[26] The sports-broadcast cases satisfy this threshold on their specific facts — the near-certainty of infringement recurring with each successive match, given an established and undisputed pattern of prior infringement, arguably supplies the requisite imminence. It remains an

[24]The substantive trademark infringement finding in such cases is typically grounded in the Trade Marks Act, 1999, s 29 (infringement of registered trademarks) read with s 135 (reliefs in suits for infringement or passing off, including injunction, damages, and accounts of profits); the general power to grant perpetual injunctions to prevent breach of an obligation is further supplied by the Specific Relief Act, 1963, s 38.

[25]Consumer Protection (E-Commerce) Rules, 2020, r 5; Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r 3(1)(d), requiring an intermediary to remove or disable access to unlawful information within the prescribed period of actual knowledge or receipt of a court or government order.

[26]cf the general principle that injunctive relief ordinarily requires a proximate and demonstrable threat of injury, rather than a speculative or remote possibility: Dalpat Kumar v Prahlad Singh (1992) 1 SCC 719.

open question, however, whether this reasoning can be generalised to any copyrighted work with a plausible risk of future infringement, or whether it should remain confined to the narrow factual pattern of episodic, time-bound content such as live sports broadcasts, where the identity of future infringers and their modus operandi is genuinely predictable from past conduct.

The involvement of government agencies such as the Department of Telecommunications and the Ministry of Electronics and Information Technology in the 2026 IPL blocking order raises a further, distinct concern: such directions begin to resemble administrative content-blocking of the kind ordinarily undertaken under Section 69A of the Information Technology Act, 2000, which is subject to its own statutory procedure, including a review committee and defined grounds for blocking.[27] Where a civil court, in a private copyright suit, directs the same agencies to undertake blocking through the mechanism of a civil injunction, the statutory safeguards attached to Section 69A blocking — however imperfect in their own right — are effectively bypassed. This is, in the paper's assessment, the point at which the doctrine's statutory fidelity becomes most strained, and warrants close scrutiny in future litigation and, ideally, legislative clarification.

4.6 Due Process Concerns

Turning to the due process framework, three distinct concerns arise from the operation of dynamic and dynamic+ injunctions.[28]

First, the initial order is invariably granted ex parte, on the plaintiff's unilateral showing, against defendants who by definition cannot be served — either because they are anonymous, or because they do not yet exist as identifiable legal persons at the time of the application.[29] While ex parte relief is a well-established feature of Indian interim injunction practice and is not unique to the dynamic injunction, the open-ended and prospective character of dynamic+ relief means that the class of persons bound by the order, and its eventual practical scope, extends indefinitely into the future without any subsequent adversarial hearing. This is a meaningfully different due process

[27] Information Technology Act, 2000, s 69A, and the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009.

[28] On the general requirement that even interim, ex parte relief must be exercised sparingly and with adequate safeguards for the absent party, see Morgan Stanley Mutual Fund v Kartick Das (1994) 4 SCC 225; Shiv Kumar Chadha v Municipal Corporation of Delhi (1993) 3 SCC 161.

[29] Code of Civil Procedure, 1908, Order XXXIX, r 3, which contemplates notice to the defendant ordinarily preceding or promptly following an ex parte order; the dynamic injunction's structural inability to identify a defendant for this purpose is what distinguishes it from the ordinary case contemplated by the provision.

posture from a conventional ex parte injunction, which at least binds a finite and identifiable defendant who may apply to vacate the order upon receiving notice.

Second, the mechanism by which new mirror sites or infringing listings are added to the scope of an existing order has, in several of the cases examined, moved from judicial to quasi-administrative or wholly private determination. In the copyright cases, this function is frequently delegated to the Joint Registrar of the High Court upon an affidavit from the plaintiff;[30] in *Reliance v Anonymous Sellers*, the platforms themselves are directed to act on the plaintiff's unilateral notification. In neither case is there a built-in mechanism for the newly-blocked website or delisted seller to contest the plaintiff's characterisation of it as a mirror or infringing listing before the block takes effect. The result is a structure in which the plaintiff functions, in practice, as both prosecutor and adjudicator of subsequent additions to the injunction's scope, with judicial oversight reduced to an after-the-fact, exception-based check that an affected party must actively invoke.

Third, the doctrine offers limited practical recourse for a website or seller wrongly caught within its scope — for instance, a legitimate site erroneously flagged as a mirror, or a genuine reseller mistaken for a counterfeiter.[31] Because the affected party is, by the structure of the order, unidentified and unserved, the practical burden of monitoring for wrongful inclusion and initiating an application to be excluded falls entirely on that party, who may have no realistic means of learning that they have been blocked, let alone of accessing Indian judicial process to contest it.

These concerns are not, it should be stressed, an argument against the doctrine as such. The underlying enforcement problem — hydra-headed piracy that reconstitutes itself faster than litigation can respond — is real, and the courts' innovation is a rational and largely proportionate response to it. The argument, rather, is that the doctrine has developed without the kind of built-in procedural safeguards — periodic judicial review of additions, a defined and accessible de-listing mechanism, and a sunset or renewal requirement for open-ended future-facing relief — that would ordinarily accompany a remedy of this reach in other areas of Indian civil procedure.

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[30]On the general scope of a Joint Registrar's delegated authority under the Delhi High Court (Original Side) Rules, 2018, and the limits of such delegation where substantive adjudication rather than ministerial verification is involved, see Delhi High Court (Original Side) Rules, 2018, ch III.

[31]For a comparable concern regarding over-blocking and the absence of a swift counter-notification mechanism in the intermediary-liability context more generally, see Shreya Singhal v Union of India (2015) 5 SCC 1, discussing the safeguards necessary before content is blocked or taken down under the Information Technology Act, 2000.

4.7 Comparative Perspective

The trajectory of the Indian dynamic injunction broadly parallels developments in the European Union and the United Kingdom, where courts have likewise adopted dynamic injunctions in online intellectual property enforcement, particularly in cases involving recurring or anonymous infringement of copyright and trademark rights.[32] English courts, notably in the *Cartier* line of cases — beginning with the first-instance decision requiring website-blocking orders against internet service providers in trademark counterfeiting cases, and culminating in the Supreme Court's ruling on the allocation of compliance costs — have engaged more explicitly than their Indian counterparts with the question of who should bear the cost of implementing and monitoring blocking orders, and have developed a more structured framework for periodic review of blocking lists.[33] A comparable, though procedurally distinct, dynamic-blocking mechanism has also been recognised in Singapore, where the High Court has granted website-blocking orders against internet service providers extending to future infringing domains under a statutory scheme specifically enacted for that purpose.[34] Indian courts, by contrast, have concentrated principally on the scope of the remedy and comparatively little on its ongoing administration — an asymmetry that this paper suggests future Indian jurisprudence, or legislative intervention, would do well to correct.

5. Findings and Conclusion

This paper set out to trace the doctrinal evolution of the dynamic and dynamic+ injunction in Indian copyright — and increasingly trademark — enforcement, and to evaluate the due process implications of that evolution. Three principal findings emerge.

First, the doctrine has developed through a clear and traceable sequence of incremental judicial extensions: from mirror-site blocking in *UTV* (2019), to protection of works from the moment of

[32]See generally Cartier International AG v British Telecommunications plc [2018] UKSC 28 (UK Supreme Court, on the cost allocation and scope of website-blocking injunctions against intermediaries); and the discussion of comparative EU and US practice in Chambers and Partners, 'Delhi High Court's Dynamic Injunction in Reliance v Anonymous Sellers: A New Template for Trademark' (Chambers Global Practice Guides, 2025).
[33]Cartier International AG v British Sky Broadcasting Ltd [2014] EWHC 3354 (Ch) (first-instance decision); Cartier International AG v British Telecommunications plc [2018] UKSC 28 (on appeal, addressing the allocation of the costs of implementing and maintaining website-blocking orders).
[34]Disney Enterprises Inc & Ors v M1 Ltd & Ors [2018] SGHC 206, granted under the site-blocking mechanism introduced by the Copyright (Amendment) Act 2014 (Singapore).

creation in the *Universal* line, to future-broadcast and platform-agnostic blocking in the *Star India* sports-piracy cases, to real-time, government-agency-assisted pre-emptive blocking in the 2026 IPL litigation, and finally to its cross-domain migration into trademark enforcement in *Reliance v Anonymous Sellers* (2025). Each extension responds to a specific circumvention strategy observed in the preceding round of litigation, making this a genuinely reactive and incremental body of doctrine rather than the product of a single, considered design.

Second, while the earlier stages of this evolution — particularly mirror-site blocking — rest on a defensible reading of the court's existing equitable and statutory powers under Order XXXIX CPC and Section 37 of the Copyright Act, the more recent stages — particularly pre-emptive blocking of not-yet-existing infringement and the direct involvement of telecom and IT ministries in what is nominally a private civil suit — sit in greater tension with both the statutory text and the parallel, safeguard-laden blocking regime under Section 69A of the Information Technology Act, 2000.

Third, the doctrine's due process architecture has not kept pace with its substantive expansion. The shift from judicial to quasi-administrative and private determination of an order's ongoing scope, combined with the practical inaccessibility of any de-listing mechanism to affected parties, leaves the doctrine vulnerable to both over-inclusion and legitimate constitutional challenge, notwithstanding the genuine enforcement necessity that motivates it.

On the basis of these findings, the paper recommends three specific reforms. First, Parliament should consider codifying the contours of the dynamic and dynamic+ injunction — including the categories of relief available, the evidentiary threshold for extending an order to a new mirror site or platform, and its interaction with Section 69A of the Information Technology Act — within the Copyright Act, 1957, rather than leaving the doctrine's boundaries to be worked out case by case.[35] Second, courts should build into every dynamic injunction a periodic judicial review requirement, at fixed intervals, of the cumulative list of blocked URLs or delisted sellers generated under the

[35] A comparable legislative codification of judicially developed intermediary-blocking practice was undertaken in the United Kingdom through the Digital Economy Act 2010 and its successor site-blocking provisions inserted into the Copyright, Designs and Patents Act 1988, s 97A, illustrating that statutory consolidation of judge-made blocking doctrine is both precedented and workable.

order, rather than leaving review to be triggered only by an aggrieved party's own initiative.[36] Third, every order of this kind should specify an accessible, low-cost mechanism — publicised on the blocking notice itself — through which a wrongly included website, seller, or platform can seek expedited de-listing, so that the efficiency gains of the dynamic injunction are not purchased at the price of an effectively unreviewable remedy.

The dynamic and dynamic+ injunction represents one of the more consequential pieces of judicial innovation in Indian intellectual property law of the past decade.[37] It has demonstrably improved the ability of rights holders to respond to a genuine and rapidly evolving enforcement problem. Left unaccompanied by codified procedural safeguards, however, the doctrine risks entrenching a form of civil enforcement in which the scope of a court's order is, in practice if not in form, determined unilaterally by the party who obtained it — an outcome that neither the Copyright Act nor the Constitution of India can be taken to have intended.[38]

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[36] cf the periodic review and cost-monitoring framework endorsed for website-blocking orders in Cartier International AG v British Telecommunications plc [2018] UKSC 28 (cited above), which this paper suggests as a template for a similarly structured Indian review mechanism.
[37] cf the Delhi High Court's own description of the doctrine's rationale in UTV Software Communications Ltd v 1337X.to (cited above), recognising the need for a pragmatic, technologically responsive remedy given the demonstrated inadequacy of conventional site-specific injunctions against hydra-headed piracy websites.
[38] Constitution of India, art 14; see also the discussion of procedural fairness as an incident of Article 14 in Maneka Gandhi v Union of India (1978) 1 SCC 248 (cited above).

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