INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]

VOLUME 5 AND ISSUE 13 OF 2025

APIS – 3920 - 0001 *(and)* ISSN - 2583-2344

Published by

Institute of Legal Education

https://iledu.in

JOHN DOE ORDER

AUTHOR - PRIYANSHU RAJ, STUDENT AT AMITY UNIVERSITY

BEST CITATION - PRIYANSHU RAJ, JOHN DOE ORDER, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR),* 5 (13) OF 2025, PG. 153-155, APIS – 3920 – 0001 & ISSN - 2583-2344.

Abstract:-

This paper is about the john doe order a legal remedy permitting the court to issue temporary injunctive or other orders against unidentified and anonymous persons who indulge in work of piracy.

In this article we would get to know about the historical background of john doe order and how different countries adopted the john doe order .and what is its function and under what circumstances the john doe order is applicable conditions for john doe order is granted by the court in India. And how it is an important order in intellectual property rights. Cases in which this order is used in Indian courts.

Keywords:- john doe order, Intellectual property rights, Anton Piller order, Ashok Kumar order, Copyright infringement, enforcement of IP rights, Anonymous defendants, Trademark protection

john do means anonymous party (according to oxford dictionary). so when we have to take some legal action on any infringement with our IPR laws and we don't know who the actual person is ? then this doctrine comes in force and we can take legal action on anonymous person .

it is passed by a court against world at a large to prevent the piracy of the product and to stop the continuous violation of our intellectual property rights .

So it is order passed by court to stop the violation of rights by the anonymous person when the other party is not known . and it is ex-prate order for the limited period of time . and when the actual name of person is known then the john doe is replaced with the name of the concerned person . and this order is also known as Ashok Kumar order (in India) and Anton Piller order .

working of this order

commonly used in case of online copyright or trademark infringement where the infringers were anonymous internet user . It also used as to preserve the evidence to search and size the pirated product to prevent the destruction of the original product and this is the purpose of the Anton Piller order. as an emergency measure the order is passed ex-parte to minimize the damage of plaintiff and stop digital piracy and unauthorized broadcasting .

Development of john doe order

john doe was first used during the ruling period of England's king Edward III where the orders were used in case of unidentified defendants. the first case where the john doe order was formally used in the case of EMI records Ltd vs. Kudhail 1983 in this case copyright infringement takes place where a certain cassette where sold by the unknown street venders . and the john doe order was passed against the anonymous person .

In India the first john doe order was passed in Taj television vs Rajan mandal in this it was against unauthorized broadcasting of 2002 FIFA. Delhi's cable operators were broadcasting 2002 FIFA illegally which violates the right of the rightful broadcasting channel so they filed a

INDIAN JOURNAL OF LEGAL REVIEW [IJLR – IF SCORE – 7.58]
VOLUME 5 AND ISSUE 13 OF 2025
APIS – 3920 - 0001 *(and)* ISSN - 2583-2344
Published by
Institute of Legal Education
https://iledu.in

suit and john doe orders were passed for the first time .

After the john does order in taj television case it is used in many of the cases in India .

ESPN software India Pvt. ltd. v. Tudu Enterprise in this case plaintiff had exclusive right from the international cricket council to broadcast all their events till 2015, defendants were broadcasting 2011 ICC cricket world cup illegally so court passed the john doe order against the illegal broadcasting of the cricket match .

Condition for availing the john doe order

- **existence of legal right** - the applicant must show that they have the valid enforceable right generally an Intellectual property right
- **prima facie case** - the plaintiff has to show that the case is prima facie case mean there is a reasonable basis to believe that the infringement of right taking place . the evidence must no be in speculative in nature . it should be had to clear proof .
- **likelihood of irreparable damage** -it means the damage which occurred can't be restored and compensated . so the court have to order as soon as possible .
- **balance of convenience in plaintiff's favor -** the balance of convenience must favor the plaintiff
- **inability to identify the defendants -** A key condition unique to john doe order is that the defendants cannot be identified at the time of filing the plaintiff must show . that they have done their reasonable efforts to find the defendants but they are impossible to identify . there is imminent threat from such un identified person.
- **Sufficient Evidence of potential infringement -** court require supporting material evidence such as .
  - ♦ copies of infringed material.
  - ♦ technical investigation report .
  - ♦ affidavits detailing the risk and mechanism of piracy counterfeiting .
- **Good faith and full disclosure -** the plaintiff must approach the court with clean hands full disclosure of facts about the concerned item . because john doe orders are often sought ex parte (without notice to other side), court demand
  - ♦ honest and complete disclosure of all material facts
  - ♦ no suppression of evidence
  - ♦ assurance that the order will not be abused.
- **identification of the class of potential infringers –** even through the defendants are unknown the plaintiff must specify the class or category of persons against whom the order is sought.
- **undertaking by the plaintiff –** The plaintiff may be required to provide an undertaking or security to compensate any person wrongly restrained under the order , if it is later found unjustified.

this serves as a safeguard against the misuse of the extraordinary relief .

- **Judicial Discretion and proportionality –** Ultimately , granting john doe order lies within the discretion of the court.
- the order is narrowly tailored to prevent overreach , and
- the remedy is proportionate to the harm anticipated .

john doe order and the code of civil procedure ,1908

john doe is not expressly defined int the cpc but its legal legitimacy and enforceability derive from

- order 39(Rules 1&2)- granting temporary injunctions
- order1 rule 10 -allowing later identification of defendants .
- section 151- empowering courts to act for the end of justice .
- cpc act as a procedural backbone of the john doe jurisprudence in India , ensuring that modern intellectual property enforcement operates within the traditional civil law framework.

Cases related john doe order in India :-

1. Star India vs Sujit jha and ors

Delhi high court passed and order to block on the 73 websites later on appeal the Delhi high

court unbanned the websites and restricted some url because those websites also cover some sports series . so instead of blocking the entire website they blocked some URL.[213]

2. Bombay High Court – Customer data extortion case (December 2024)The insurance company HDFC Life Insurance Co. Ltd. obtained an ad-interim injunction against an unnamed individual "Defendant No. 6/John Doe" who threatened to leak or sell the company's confidential customer data.

The injunction restrained the unknown party from using/disclosing the data, and directed intermediaries (domains, email accounts) to be blocked/disabled. (india law, 2024)The order is significant because it uses the John Doe mechanism beyond classic IP infringement into data-breach.

3. Rahul Mishra vs john doe(2025)

In this case plaintiff is a fashion designer who sell his handcrafted luxurious item and an anonymous person created a website named rahuldress.com and started selling the pirated product at low price with huge offer and discount when plaintiff get to know about the web site he came to the court and court order the suspension of the website and courts also told the registrar to find the person as soon as possible.[214]

4. Amitabh Bachchan vs Rajat Negi & Ors

in the Delhi High Court further widened the scope of John Doe orders to protect personality rights for the first time. In this case the court injuncted the known defendants and other John Does from illegally exploiting Amitabh Bachchan's rights, including his right to personality, right to publicity, rights under the Copyright Act 1957 and other common law rights, including passing off whether via standard means and modes and including on future mediums inclusive of NFT (Non-Fungible Token) the Metaverse.[215]

5. In Sandisk Corporation vs. Ramjee & Ors the Delhi High Court granted relief to the Plaintiff, who had filed a suit due to the widespread sale of counterfeit products, which included the exact logo and packaging used by the plaintiff.

6. in Luxottica Group Limited vs. Mr Munna the Delhi High Court injuncted unknown defendants from selling counterfeit 'Ray Ban' products, and in Ardath Tobacco Company Ltd. vs. Mr. Munna Bhai the defendants were injuncted from selling counterfeit cigarettes using the plaintiff's trademark.

CONCLUSION

The John Doe order has become a strong legal tool for protecting and enforcing intellectual property rights, especially in the digital age. It allows courts to take action against unknown or anonymous infringers, linking traditional legal solutions with modern technology issues. This order originated in English law and was adopted in India through important cases like Taj Television v. Rajan Mandal. It has evolved to address issues such as piracy, copyright violations, data breaches, and misuse of personal rights. Its effectiveness relies on judicial discretion and responsible use by plaintiffs, yet the John Doe order remains essential for protecting creative works, trademarks, and digital assets. It shows how Indian law adapts to ensure justice, even against unknown offenders.

[213] https://www.indialaw.in/blog/civil/bombay-high-court-issues-john-doe-order

[214] https://www.ciplawyer.com/articles/155833.html#:~:text=The%20Delhi%20High%20Court%20has,original%20artistic%20work%20in%20India.

[215] https://www.livelaw.in/law-firms/law-firm-articles-/john-doe-order-fifa-world-cup-quia-timet-civil-procedure-code-delhi-high-court-non-fungible-token-220689