

BY EMAIL & DoT website

**Government of India
Ministry of Communications
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001
(Data Services Cell)**

No. 813-07/LM-17/2023-DS-II

Dated: 16.05.2023

To,

All Internet Service Licensee's

Subject: CS (COMM) No. 269 of 2023 Sporta Technologies Pvt. Ltd. & Anr. vs. John Doe & Ors Before Hon'ble Delhi High Court.

Kindly find the enclosed Hon'ble Delhi High Court order dated **02.05.23** on the subject matter.

2. Please refer to the **para 17(iv)** of the said court order in respect of blocking of **one (01) website** enumerated in the aforesaid para.
3. Accordingly, in view of the above, all the Internet Service licensees are hereby instructed to take immediate necessary action for blocking of the said website, as above, for compliance of the said court order.

[Handwritten signature and date]
16.05.23

Director (DS-II)
Tel: 011-2303 6860
Email: dirds2-dot@nic.in

Encl:A/A

Copy to:

- (i) V.Chinnasamy, Scientist E (chinnasamy.v@meity.gov.in), Electronics Niketan, Ministry of Electronics and Information Technology (MeitY) New Delhi for kind information and necessary action.
- (ii) Rohan, (rohan@fiduslawchambers.com) counsel for the plaintiff for kind information.
- (iii) IT wing of DoT for uploading on DoT websites please.

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 269/2023, I.A. 8504/2023, I.A. 8505/2023, I.A. 8506/2023 & I.A. 8507/2023

SPORTA TECHNOLOGIES
PVT. LTD., AND ANR.

..... Plaintiffs

Through: Ms. Devyani Nath, Ms. Shwetasree Majumder, Mr. Prithvi Singh, Mr. Rohan Krishna Seth and Ms. Parkhi Rai, Advs.

versus

JOHN DOE AND OTHERS

..... Defendants

Through: Mr. Harish Vaidyanathan Shankar, CGSC, Mr. Srish Kumar Mishra, Mr. Sagar Mahlawat and Mr. Alexander Mathai Paikaday, Advs. for Defendants 3 and 4



CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
02.05.2023

CS(COMM) 269/2023





1. Plaintiffs 1 and 2 are the registered proprietors of the following trademarks:

Registered marks of Plaintiff 1

S. No.	Trademark	Number	Classes	Date
1.		3802186	9, 16, 35, 41, 42	11 th April 2018
2.		3660715	9, 16, 35, 41, 42	21 st October 2017

3.		3660717	9, 16, 35, 41, 42	21 st October 2017
4.		3660851	9, 16, 35, 41, 42	22 nd October 2017
5.		3660718	9, 16, 35, 41, 42	21 st October 2017
6.		3660720	9, 16, 35, 41, 42	21 st October 2017
7.		5262737	9, 16, 18, 25, 28, 35, 38, 41, 42, 45	27 th December 2021
8.		5262738	9, 16, 18, 25, 28, 35, 38, 41, 42, 45	27 th December 2021

Registered marks of Plaintiff 2

S. No.	Trademark	Number	Classes	Date
1.	DREAM11	4863621	9, 16, 18, 28, 35, 38, 42 & 45	25 th September, 2019
2.	 	1823011	38	28 th May, 2009
3.	 	1823015	41	28 th May, 2009

2. On 17th March 2008, Plaintiff 2 got the domain name www.dream11.com registered in its favour. The homepage of the domain name contains a picture of five players positioned in a triangular fashion. The website also contains a link which, if clicked, would download the Dream11 application. The plaintiffs claim copyright with respect to the overall representation, look and feel and information contained on the aforesaid website www.dream11.com.

3. The plaintiff alleges that Defendant 1 has created an identical website with the said domain name www.dream11.com and is running the website www.dream11app.in. The said website is stated to have been registered on 20th July 2022, as per the WHOIS details available. The details of the registrants of the website are masked and it is not possible, therefore, to identify the person running the website. As such, the owner of the website has been impleaded under the general appellation John Doe, pending identification of the person who is owning and running the website. The Domain Name Registrar (DNR) of the website, Namecheap Inc. has been impleaded as Defendant 2.

4. Screenshots from the websites have been placed on record in the plaint, at a bare glance, it is clear that www.dream11app.in website is identical in look and feel to the plaintiffs' website www.dream11.com. There is also obvious infringement of the plaintiffs' registered mark, by the use, in the infringing domain name of "Dream11".

5. The plaintiff alleges that, that persons are being lured into believing the defendants' website to be that of the plaintiff, resulting in serious prejudice to the plaintiffs.

6. *Prima facie*, a case of trademark infringement as well as online piracy of the plaintiffs' website as well as their registered trademarks is made out. The facts of the case also indicates that the proprietor of the website www.dream11app.in is seeking to pass off his website as that of the plaintiffs.

7. In the circumstances, let the plaint be registered as a suit.

8. Issue summons.
9. Summons are accepted by Mr. Paikaday on behalf of Defendants 3 and 4.
10. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiffs be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants be filed within 30 days thereof.
11. List before learned Joint Registrar (Judicial) for completion of pleadings, admission/denial of the documents and marking of exhibits on 10th July 2023.

I.A. 8504/2023 (under Order XXXIX Rules 1 and 2 of the CPC)

12. By this application, the plaintiffs seek interlocutory injunctive reliefs.
13. The facts of the case indicate that there is online piracy, by the website owned by Defendant 1, of the plaintiffs' registered trademarks. A *prima facie* case of infringement and passing off is, thus, made out.
14. This Court has always adopted a stern approach where such rogue websites are involved, whose main aim is to ride on the reputation of known websites and lure viewers into believing that their websites are those of the plaintiffs. This Court, in its judgment in

*UTV Software Communication Ltd v. 1337x.To*¹ has clearly held that, in such cases, a stern view is required to be adopted.

15. In view thereof, issue notice, returnable on 2nd August 2023. Notice is accepted on behalf of Defendants 3 and 4 by Mr. Paikaday.

16. Let the notice issued to remaining defendants by all modes.

17. Till the next date of hearing, following directions are issued:

(i) The proprietor of the www.dream1lapp.in website is directed forthwith to discontinue the use of the said website or to use any part of the plaintiffs' registered trademark Dream11 or any deceptively similar mark as part of its domain name, website ID or in any other fashion.

(ii) Defendants 2 to 5 are directed to forthwith suspend access to block access to the domain name www.dream1lapp.in.

(iii) Defendant 2 is directed to disclose the address and contact details of the registrant of the domain name www.dream1lapp.in.

(iv) Defendants 3 and 4 are directed to issue appropriate notifications calling upon the various Internet Service Providers (ISPs) to block access to the website www.dream1lapp.in.

(v) Defendant 2 is directed to maintain status quo regarding

¹ (2019) 78 PTC 375
CS(COMM) 269/2023

the ownership of the domain name www.dream11app.in.

18. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be effected within one week from today.

I.A. 8505/2023 (under Section 12A of the Commercial Courts Act, 2015)

19. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*², exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

20. The application stands allowed accordingly.

I.A. 8506/2023 (under Order XI Rule 1(4) of the CPC)

21. By this application, the plaintiffs seek permission to file additional documents.

22. The plaintiffs are permitted to place additional documents on record in accordance with Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within 30 days from today.

23. The application stands disposed of accordingly.

I.A. 8507/2023 (under Section 151 of the CPC)

24. Subject to the plaintiffs filing legible copies of any dim or illegible documents on which they may seek to place reliance within

four weeks from today, exemption is granted for the present.

25. The application is disposed of.

C.HARI SHANKAR, J

MAY 2, 2023

rb/ar

IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Commercial Jurisdiction)
CS (COMM) No. of 2023

In the Matter of:
Sporta Technologies Pvt. Ltd. and Anr. ... Plaintiffs

Versus

John Doe and Ors. ... Defendants

MEMO OF PARTIES

Sporta Technologies Pvt. Ltd.,
Unit No. 1201-1202,
12th Floor, Wing A, One BKC, G Block,
Plot No.66, Bandra
Kurla Complex, Bandra-E
Mumbai, Maharashtra 400051
litigation@fiduslawchambers.com ... PLAINTIFF NO. 1

Dream Sports Inc.
formerly known as Dream11 Inc.
960 Holmdel Road, Bldg. 2,
Holmdel, NJ-0773
USA
litigation@fiduslawchambers.com ... PLAINTIFF NO. 2

V E R S U S

John Doe,
Owner of
www.dream11app.in
Email: support@namecheap.com ... DEFENDANT NO. 1

Namecheap Inc.
4600 East Washington Street,
Suite 305, Phoenix,
AZ 85034, USA
Email: support@namecheap.com ... DEFENDANT NO. 2