

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-42/2023-DS-II

Dated: 26.09.2023

To,

All Internet Service Licensee's

Subject: CS(Comm) 663/2023 - Sporta Technologies Pvt. Ltd., And Anr. Vs. John Doe And Others Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **22.09.2023** on the subject matter.

2. Please refer to the **para 25(iii)** of the said court order in respect of blocking of **one (01) website** enumerated in the **para 25(i)** of the said court order.
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.



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) Harish Vaidyanathan Shankar (hvscgscdhc@gmail.com) Senior Penal Counsel 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) 663/2023 & I.As. 18534-38/2023**

SPORTA TECHNOLOGIES PVT. LTD., AND ANR..... Plaintiff

Through: Mr. Rohan Krishna Seth, Mr. Prithvi
Singh & Ms. Parkhi Rai, Advs.
(M:7007410620)

versus

JOHN DOE AND OTHERS

..... Defendants

Through: Ms. Shweta Sahu & Mr. Brijesh
Ujjainwal, Advs. for D-2/ Godaddy.
Com, LLC (M:9987115749)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **22.09.2023**

1. This hearing has been done through hybrid mode.

I.A. 18537/2023 (for exemption)

2. This is an application filed by the Plaintiffs seeking exemption from filing originals/certified/cleared/typed or translated copies of documents, left side margins, electronic documents, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions.

4. Accordingly, application is disposed of.

I.A. 18535/2023 (u/S 12A of the Commercial Courts Act)

5. This is an application filed by the Plaintiffs seeking exemption instituting pre-litigation mediation. In view of the orders passed in *Chandra Kishore Chaurasia v. R A Perfumery Works Private Ltd, 2022/DHC/004454*, the application is allowed and disposed of.



I.A. 18536/2023 (for additional documents)

6. This is an application filed by the Plaintiffs seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act'). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the DHC (Original Side) Rules, 2018.

7. Accordingly, application is disposed of.

I.A. 18538/2023 (for exemption from filing the court fee)

8. This is an application filed by the Plaintiffs for exemption from filing the court fee and undertaking to file the same at the earliest. The Court fee payment is stated to have been filed, let the challan be given to the Court Master. Court fee stamp be filed within a week. Application be disposed of.

CS(COMM) 663/2023

9. Let the plaint be registered as a suit.

10. Issue summons to the Defendants through all modes upon filing of Process Fee.

11. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiffs, without which the written statement shall not be taken on record.

12. Liberty is given to the Plaintiffs to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication shall not



be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

13. List before the Joint Registrar for marking of exhibits on 17th November, 2023. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

14. List before Court on 13th March, 2024.

I.A. 18534/2023 (u/O XXXIX Rules 1 & 2 CPC)

15. Issue notice.

16. The Plaintiff No.1- Sporta Technologies Pvt. Ltd. and Plaintiff No.2- Dream Sports Inc. have filed the present suit against Defendant No.1- John Doe i.e., Owner of www.dream11.com.in, seeking protection of their trademark “DREAM 11”. The Plaintiffs’ are seeking permanent injunction restraining infringement of the mark “DREAM 11”, along with logos, red and white colour combination, “D-cup trophy” as also the advertising tagline “Dream Big” and the contents of their website in which they own intellectual property rights. These trademarks are registered under various classes i.e., 9, 16, 35, 41, 42. Plaintiff No.2 is also the registrant of the domain name www.dream11.com and the said domain name was registered on 17th March, 2008.

17. The grievance of the Plaintiffs’ is that the Defendant No.1 is the domain name/website www.dream11.com.in which is registered by NIXI on 19th August, 2022. The details of the registrant are privacy protected. Further, a website has been hosted on the said domain name which is identical in content to the Plaintiffs’ earlier website.

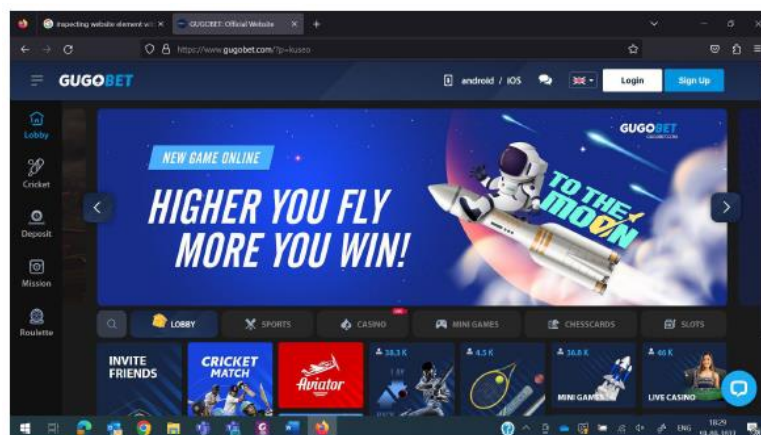
18. A comparative chart of the websites have been placed by the Plaintiffs, and the same would reveal that there were no differences



whatsoever between the logos, the expressions used, the colour combination, the look and feel of the website and the images of the cricketers that are being used *etc.* by the Defendant No.1.

19. Defendant No.1 has also copied the step-by-step guide which has been provided by the Plaintiff for its users in the exact same manner. A section called “How to Play” is provided by the Plaintiffs containing a video of a cricketer explaining the same. Defendant No.1’s website also contains an identical section displaying the same video starring the same cricketer.

20. Ld. counsel for the Plaintiffs’ submits that the Defendant’s website seeks registration and upon registration the user is directed towards a betting site i.e., www.gugobet.com. Screenshots of the said website is set out below:





21. It is noticed that the trademark “*DREAM 11*” is a mark which is being used by the Plaintiffs’ since 2012. The case of the Plaintiffs’ is that it is one of the top providers of online fantasy sports leagues in which various participants create teams and earn virtual points. The “*DREAM11*” sports platform was launched by the Plaintiffs’ in 2012 and the Plaintiffs’ claim to have sponsored a large number of internationally renowned sporting events. As per the plaint, the Plaintiffs’ are registered owners of various logos and the mark “*DREAM11*” in artistic style, form, as also in the color combination of Red and White and the D Cup/Trophy logo which is also reflected in their trademarks.

22. A perusal of the record reveals that the mark “*DREAM 11*” has been protected against a large number of similar trademarks and domain names including “Edream 11”, “Dream11Champ”, “MyDream11”, “FanDream11”, “Dream7”, “Sattadream11”, “Dreamz11 Sports”, “Dreamz11”, “Dream11apk.in”, “Deep11”, “ProDream11”, “Dream11app.in”, “Dream111.net”, and “TrustedDream11”.

23. The Defendants who have been impleaded in this suit are the website itself as Defendant No.1, whose registrant identity is unknown. The domain



name registrar is Defendant No.2.-GoDaddy.com LLC, Defendant Nos.3 & 4 are DoT and MeitY respectively. NIXI has been impleaded as Defendant No.5.

24. Considering the fact that the details of the registrants are not available to the Court and the identity/similarity between the Plaintiffs' and the Defendants' website, it is clear that the intent is to make monetary gain on the strength of the Plaintiff's mark. Redirecting the impugned website to a gambling website would also be completely unlawful. The fact that the Defendants' are violating the Plaintiffs' registered marks as also the common law rights, a prima facie case is made out for grant of an injunction in favour of the Plaintiffs'. A perusal of the above stated facts shows that the balance of convenience lies in favour of the Plaintiffs' and if the injunction is not granted irreparable loss will be incurred to the Plaintiffs'. Considering that the Defendants' website is deceiving the customers/users by directing them to gambling sites.

25. Accordingly, it is directed as under:

- i. Defendant No.1 is restrained from using the mark "DREAM 11" including the accompanying trophy logo as also the red and white combination and any content of the Plaintiffs' website including the domain name www.dream11com.in. The Defendant no.1 is also restrained from using the expression 'DREAM BIG' on its website;
- ii. Defendant No.2- GoDaddy is directed to lock and suspend the said domain name as also disclose the details of the Registrant, contact email, phone number, KYC details and any other payment details which may be available with it;
- iii. DoT/MeitY i.e. Defendant Nos.3 & 4 respectively, are directed to



issue blocking orders *qua* the said website which shall be implemented by all internet service providers.

iv. Defendant No.5- NIXI, the Registry which is an overarching body supervising the “.in” domain names, is directed to disclose within a week to the Plaintiff, the details of the registrant, their email address, telephone no., postal address and any credit card or KYC details which may be available with it.

26. Upon the details of the Registrant of Defendant No.1, being available to the Plaintiffs, let an amended memo of parties be filed.

27. Defendant No.5- NIXI shall also file an affidavit before this Court as to the manner in which, the domain names with well-known marks can be blocked from being registered.

28. The compliance of Order XXXIX Rule 3 CPC be done by email within a week.

29. List on the dates fixed above.

PRATHIBA M. SINGH, J.

SEPTEMBER 22, 2023

dj/ks