

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: 16.06.2023

To,

All Internet Service Licensee's

Subject: CS (COMM) No. 163 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 **22.03.2023** on the subject matter.

2. Please refer to the **para 31(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.


15.06.23

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) Harish Vaidyanathan Shankar (hvscgscdhc@gmail.com) Central Govt. Standing Counsel [Delhi High Court], Senior Panel Counsel for kind information
- (iv) 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) 163/2023

SPORTA TECHNOLOGIES
PVT. LTD AND ANR.

..... Plaintiffs

Through: Mr. Prithvi Singh, Mr. Rohan Krishna
Seth and Mr. Vardaan, Advocates.

versus

JOHN DOE AND OTHERS

..... Defendants

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Sagar Mehlawat and
Mr. Alexander Mathai Paikaday,
Advocates for defendant no.3.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **22.03.2023**

I.A. 5599/2023 (for exemption)

1. Subject to the plaintiffs filing documents with proper margins and the original, clear and legible copies of the documents on which the plaintiffs may seek to place reliance, within four weeks from today, exemption is granted for the present.

2. The application is disposed of.

I.A. 5598/2023(u/S 12A of Commercial Courts Act)

3. In view of the urgent interim relief sought, the plaintiffs are granted exemption from the requirement of pre-institution mediation in terms of Section 12A of the Commercial Courts Act, 2015.

4. Accordingly, the application stands disposed of.

I.A. 5597/2023(O-XI R-1(4) of the CPC)

5. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.

6. The plaintiffs are granted thirty days' time to file additional documents.

7. Accordingly, the application is disposed of.

CS(COMM) 163/2023

8. Let the plaint be registered as a suit.

9. Issue summons.

10. Summons are accepted by the counsel appearing on behalf of defendant no.3.

11. Summons be issued to the defendant no.2 and 4 through email. Summons be issued to the defendant no.1 upon the defendant no.2 providing the requisite details as sought in paragraph 27 of the plaint and upon plaintiff filing amended memo of parties in terms of the aforesaid details. The written statement(s) shall be filed by the defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit of admission/denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

12. Liberty is given to the plaintiffs to file replication(s), if any, within thirty days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit of admission/denial of the documents of the defendants be filed by the plaintiffs.

13. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance

on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

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

15. List before the Joint Registrar on 25th May, 2023 for completion of service and pleadings.

16. List before the Court on 4th August, 2023.

I.A. 5596/2023(O-XXXIX R-1 & 2 of the CPC)

17. The present suit has been filed seeking permanent injunction restraining infringement of registered trademarks and copyrights of the plaintiff as well as passing off and other ancillary reliefs.

18. It is the case of the plaintiffs that the plaintiffs run an online fantasy sports league on their platform under the trademark 'Dream11' since 2012. The fantasy sports league is an online multi-player game where participants create virtual teams and earn virtual points. The plaintiffs claim to have sponsored a large number of internationally renowned sporting tournaments including Indian Premier League (IPL). The plaintiffs are the registered owners of the trademark 'Dream11' and various logos bearing the said trademark in various classes in their favour as mentioned in paragraphs 8 and 9 of the plaint.

19. The plaintiffs also hold the domain name 'dream11.com' and provide their services over their website 'www.dream11.com'. The aforesaid domain name was registered in the name of the plaintiff no.2 on 17th March 2008.

20. It has been averred in the plaint that the design of the 'www.dream11.com' website has a unique UI. Counsel for the plaintiffs

points out that the website of the plaintiffs contains a weblink and upon clicking the same, the 'Dream11' mobile application of the plaintiffs can be downloaded and the services of the plaintiffs provided on the application be accessed. It is averred that as on date the plaintiffs' mobile and online platform have over 15 crore users, with more than 1,000 contests being organised on a daily basis.

21. In March, 2023 the plaintiffs came across the website of the defendant no.1, 'www.dream11apk.in'. The defendant no.1, whose identity is unknown, is the owner and operator of the aforesaid website. The aforesaid website of the defendant no.1 as per the WHOIS records was registered on 18th February, 2022. However, the details of the registrant are masked and the contact details are not available on the said website.

22. Upon perusal of the defendant no.1's website, the plaintiffs learnt that defendant no.1 has created a replica of the plaintiffs' website, 'www.dream11.com'.

23. The similarities between the two websites of the plaintiffs and the defendant no.1 are highlighted in paragraph 24 of the plaint. A comparison of the website of the plaintiffs and defendant no.1 would show that the defendant no.1 has adopted all the essential and distinctive features of the plaintiffs' website and are purporting to provide hyperlinks for downloading the 'DREAM11' mobile application of the plaintiffs. It further demonstrates that the defendant no.1 is violating the statutory as well as common law rights of the plaintiffs, which amount to infringement of the trademarks and copyrights of the plaintiffs as well as passing off.

24. Issue notice.

25. Notice is accepted by the counsel appearing on behalf of defendant

no.3.

26. Notice be issued to the defendants no.2 and 4 through email.

27. Notice be issued to the defendant no.1 upon the defendant no.2 providing the requisite details as sought in the plaint and upon the plaintiffs filing amended memo of parties in terms of the aforesaid details.

28. Reply(ies) be filed within four weeks.

29. Rejoinder(s) thereto, if any, be filed within two weeks thereafter.

30. Based on the averments in the plaint and submissions made on behalf of the plaintiffs, a *prima facie* case has been made out on behalf of the plaintiffs. Balance of convenience is in favour of the plaintiffs. Irreparable harm would be caused not only to the plaintiffs but also to the public if an *ex parte* ad interim injunction as prayed for is not granted in favour of the plaintiffs.

31. Consequently, till the next date of hearing, an *ex parte* ad interim injunction order is passed in the following terms:

- I. The defendant no.1, its representatives and/or other active for and on their behalf are restrained from using the mark 'Dream11' of the plaintiffs or any deceptively similar variant thereof, as a trademark, tradename, domain name or on social media, email addresses or in any other manner.
- II. Defendant no.2 and 4 are directed to suspend access to the domain name 'dream11apk.in' of the defendant no. 1.
- III. Defendant no.2 is directed to reveal the address and contact details of the registrant of the domain name 'dream11apk.in', which are currently masked.

IV. Defendant no.3 is directed to issue a notification calling upon the Internet Services Providers to block access of the website of the defendant no. 1, being 'www.dream11apk.in'.

32. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be done within five days.

33. List before the Joint Registrar on 25th May, 2023 for completion of service and pleadings.

34. List before the Court on 4th August, 2023.

AMIT BANSAL, J.

MARCH 22, 2023

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IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Commercial Jurisdiction)
CS (COMM) No. of 2023
CODE No. 36017, 30617.01

MEMO OF PARTIES

IN THE MATTER OF:

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
E-mail: litigation@fiduslawchambers.com ... PLAINTIFF NO. 1

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

V E R S U S

John Doe,
Owner of
www.dream11apk.in
Email: support@netim.com ... DEFENDANT NO. 1

NETIM SARL
264 Av. Arthur Notebart,
59000 Lille, France
Email: support@netim.com ... DEFENDANT NO. 2

Department of Telecommunications,
Through its secretary,
Ministry of Communications and IT,
20, Sanchar Bhawan, Ashoka Road,
New Delhi-110001,
E-mail: secy-dot@nic.in
dirids2-dot@nic.in

v.n.goyal@gmail.com
uoidhc@gmail.com

... DEFENDANT NO. 3

National Internet Exchange of India
9th Floor, B Wing,
Statesman House,
148, Barakhamba Road,
New Delhi-110001
Email: info@nixi.in
uoidhc@gmail.com

....DEFENDANT NO.4

Filed by:



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New Delhi
14 March 2023

Note: Defendant No. 1 is the main contesting party.