

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:11-12-2024

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 **27.11.2023** on the subject matter.

2. Please refer to the **para 21** of the said court order in respect of blocking of **website** enumerated in the aforesaid para.
3. 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.

Digitally signed by

Shashi Kumar

Date: 11-12-2024 10:21:17

Director (DS-II)

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 with request to take action as per **Annexure..**
- ii. Rohan, (rohan@fiduslawchambers.com) Plaintiff Advocate for kind information. [Requested to take action as per Annexure].
- 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& I.A. 5596/2023, I.A. 46346-46349/2024
SPORTA TECHNOLOGIES PVT. LTD AND ANR.Plaintiffs
 Through: Mr. Rohan Krishna Seth and
 Mr. Ritwik Marwaha, Advocates
 versus
KONSTANTIN KROSNAN & ORS.Defendants
 Through: Mr. Rohan Jaitley, CGSC with
 Mr. Dev Pratap Shahi, Mr. Yogya
 Bhatia, Ms. Ranjana Jetley, Advocates
 for D-3.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **27.11.2024**

I.A. 46347/2024 (u/O I Rule 10 CPC)

1. This application has been filed under Order I Rule 10 of the Code of Civil Procedure, 1908 (*hereinafter 'CPC'*) seeking impleadment of additional parties as defendants in the suit and take on record the amended memo of parties filed by the plaintiffs.
2. It is stated that during the pendency of the present suit, the impugned domain 'dream11apk.in' was released by defendant no.2 and is now registered with another domain name Registrar *i.e.*, EPIK INC from 25th April, 2024.
 - 2.1 The domain presently hosts an active website at www.dream11apk.in. Hence, the impleadment of EPIK INC. is sought as defendant no. 6.
3. Defendant no. 5, who is the registrant of aforesaid domain name is sought to be impleaded as 'John Doe'.
4. Based on the averments made in the application, in my view, the



impleadment of defendants no.5 and 6 would be necessary in order to enable the Court to effectually and completely adjudicate the present suit.

5. Accordingly, proposed defendants no.5 and 6 are impleaded as defendants in the suit.

6. Applications stands disposed of.

6.1 The amended memo of parties filed along with the application is taken on record.

I.A. 46346/2024 (u/O VI Rule 17CPC seeking amendment of plaint)

7. This application has been filed by the plaintiff under Order VI Rule 17 of the CPC seeking amendment of the plaint.

7.1 This amendment application has been filed seeking amendments in the plaint in respect of newly added defendants.

8. In view of order passed above, the proposed amendments are allowed.

9. Accordingly, the amended plaint filed along with the application is taken on record.

I.A. 46349/2024 (filed on behalf of plaintiffs u/O XI Rule 1(5) seeking permission to file additional documents)

10. By way of the present application, the plaintiffs seek to place on record, the following additional documents:

a. WHOIS details for the domain dream11apk.in

b. Website extracts of www.dream11apk.in, which have been filed with the impleadment application.

11. In my view, these documents are relevant for the proper adjudication of the suit and do not change the nature of the suit in any manner.

12. Accordingly, the application is allowed and the aforesaid documents are taken on record.



I.A. 46348/2024 (under Order XXXIX Rules 1 and 2 CPC)

13. This application has been filed under Order XXXIX Rules 1 and 2 of the CPC seeking interim relief against the newly impleaded defendants no.5 and 6.

14. The present suit concerns the plaintiffs' trademark rights in the well-known and widely recognised trademarks DREAM11, **DREAM11**,



15. *Vide* order dated 22nd March, 2023, this Court had passed an interim injunction in favour of the plaintiffs.

16. During the pendency of the present suit, defendant no.2 has released the domain and the same has now been registered by another Domain Name Registrar, the newly impleaded defendant no.6 in favour of the party, whose identity is not known (*newly added defendant no.5*).

17. In view of the above, plaintiffs seek a relief of injunction against the aforesaid defendants restraining the unauthorised use of the domain name www.dream11apk.in.

18. Based on the averments made in the plaint and submissions made on behalf of the plaintiffs, a *prima facie* case has been made out in favour of the plaintiffs and against the defendants no.5 and 6. Balance of convenience is in favour of the plaintiffs. Prejudice would also be caused to the public as the marks/labels of the defendants are deceptively similar to that of the plaintiffs and likely to cause confusion in the market.

19. Consequently, *ad-interim* injunction order is passed in favour of the plaintiffs. Defendant No. 5, their representatives, and any others acting on



their behalf are restrained from using the plaintiffs' registered trademark 'DREAM11' or any deceptively similar variant thereof, as a trademark, tradename, domain name or on social media, email addresses or in any other manner till the next date of hearing.

20. Further, Defendant No. 6 is directed to disclose the complete address and contact details of the registrants of the impugned domain name 'dream11apk.in'; and suspend and lock the impugned domain 'dream11apk.in' during the pendency of the present proceedings.

21. Defendants no. 3 and 4 are directed to issue a notification calling upon various internet service providers to suspend access to the domain/ website of defendant no. 5, being 'www.dream11apk.in'.

22. Compliance of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) shall be filed within one (1) week from today.

23. Issue Notice.

24. Notice be issued to the defendants *via* all permissible modes, including e-mail.

25. Reply(ies) be filed within four (4) weeks.

26. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

27. List before the learned Joint Registrar (Judicial) on 28th January, 2025.

28. List on 18th March, 2025.

AMIT BANSAL, J

NOVEMBER 27, 2024/PB

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
dirds2-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:



Prithvi Singh/Rohan Seth/Parkhi Rai
Fidus Law Chambers
Advocates for the Plaintiffs
F-12, Ground Floor, Sector- 8
Noida-201301
Mob. No.: +91- 9911167179
Email:litigation@fiduslawchambers.com

New Delhi
14 March 2023

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

Annexure

Subject: Action requested to be taken by MEITY and Plaintiff for effective removal of content for viewing by public at large within India as per the said orders of Hon'ble Court.

It is observed that a number of orders of Hon'ble Court are issued for blocking of websites every month. There are around more than 2700 ISPs in India and these ISPs are connected among themselves in a mesh network. DOT is instructing each of the ISPs through emails/through its website for blocking of the websites as ordered by the Hon'ble Courts. Ensuring compliance of the orders by each of the ISPs is a time-consuming and complex task especially in view of multiplicity of orders of Hon'ble Courts, multiplicity of websites to be blocked and multiplicity of ISPs.

2. Allocation of Business Rules inter-alia sates thus:-

'Policy matters relating to information technology; Electronics; and Internet (all matters other than licensing of Internet Service Provider).'

3. In view of above and in order to ensure effective removal by content for viewing by public at large, the plaintiff is requested to do a trace route of the web server hosting the said website. In case the web server happens to be in India, the plaintiff may inform the same to Meity who may direct the owner of such web server to stop transmission of content as per IT Act and as directed by the Hon'ble Court so that the content would be blocked from the source itself and the exercise of blocking by 2700 ISPs would not be required.

4. In case such server is located abroad i.e. outside India then access to such URL/website can be blocked through the international internet gateways which are much less in number. This would result in timely and effectively removal of undesirable content for viewing by public at large as is the requirement as per the orders of Hon'ble Court.