

**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-33/2024-DS-II**

Dated:11-09-2024

**To,**

All Internet Service Licensee

**Subject: CS (COMM) 678 of 2024 Merryvale Limited v. John Doe and Ors  
before the High Court of Delhi**

Kindly find the enclosed Hon'ble Delhi High Court order dated **28.08.2024** on the subject matter.

2. Please refer to the **para 7** of the said court order in respect of blocking of **websites** enumerated in the said 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.

Signed by

Ram Kailash Meena

Date:11-09-2024 17:45:42

**Dir (DS-II)**

**Email: dirds2-dot@nic.in**

Encl:A/A

**Copy to:**

- i. Sh. 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 Ahuja <rohan.ahuja@intladvocare.com> Plaintiff Advocate for kind information.
  - a. Take action as per Annexure.
  - 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) 678/2024

MERRYVALE LIMITED .....Plaintiff

Through: Mr. Prince Kumar, Advocate

versus

JOHN DOE AND ORS .....Defendants

Through: Mr. Mrinal Ojha, Mr. Debarshi Dutta and Mr. Arjun Mookerjee, Advocates for D-7  
Mr. Anurag Ahluwalia, CGSC with Mr. Kaushal Jeet Singh, GP alongwith Ms. Hridyanshi Sharma, Advocate for D-10 & 11

**CORAM:  
HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**  
**28.08.2024**

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**I.A. 37619/2024-Exp**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**I.A. 37618/2024-Exp from filing apostilled, legalised, executed and notarized applications and affidavits**

3. By virtue of the present application, the plaintiff seeks grant of exemption from filing apostilled, legalized, executed and notarized copies of the applications and affidavits and accompanying documents.
4. For the sufficient reasons stated in the application, the application is



allowed. Let the same be filed within a period of four weeks.

5. Accordingly, the application is disposed of.

**I.A. 37615/2024-by plaintiff seeking modification/correction of order dt. 12.08.2024**

6. By virtue of the present application, the plaintiff seeks modification/ correction of the order dated 12.08.2024 passed by this Court in terms of paragraph 7 of the present application.

7. For the reasons stated therein, the present application is allowed and the order dated 12.08.2024 is modified by incorporating the following paragraphs:-

*“39A. Also, the defendant nos.7 to 9 (the DNRs) are directed to suspend the domain names mentioned in the table below and provide all information of the domain registrants like name, phone numbers, address and payment details pertaining to the person(s)/ entity(ies) holding the following domain names within a period of four weeks:*

<b>S.No.</b>	<b>Domain Name</b>	<b>DNR</b>
1.	<www.betway-india.co>	GoDaddy.com,LLC
2.	<www.betway-in.in>	GoDaddy.com,LLC
3.	<www.betwayofficial.in>	GoDaddy.com,LLC
4.	<www.betway-co.in>	NameCheap, Inc
5.	<www.betwayindia.cc>	NameCheap, Inc
6.	<www.betway-india.in>	TLD Registrar Solutions Ltd.

*39B. Similarly, the defendant Nos. 10 and 11 (MEITY & DOT) are directed to issue necessary notifications/directions to all telecom and internet service providers, in India to block/ delete/ remove access to the following websites/ URLs*



*within a period of four weeks:*

<b>S.No</b>	<b>Domain Name URL</b>
1.	<www.betway-india.co>
2.	<www.betway-in.in>
3.	<www.betwayofficial.in>
4.	<www.betway-co.in>
5.	<www.betwayindia.cc>
6.	<https//betway.gpkangra. edu.in>
7.	www.betway-india.in

*39C. Lastly, bearing in mind the judicial dictum enunciated in **UTV Software Communication Ltd. & Ors. v. 1337X.to & Ors, 2019 SCC OnLine Del 8002** and further followed in **Universal City Studios LLC v. Mixdrop Co. & Others, 2023 SCC OnLine Del 3395**, the plaintiff will be at liberty to implead any other/ new rogue domain/ website/ URL, if so noticed or discovered, by making an appropriate application.”*

8. Accordingly, the present application is disposed of.

9. Needless to say, the present order shall be read in conjunction with the order dated 12.08.2024.

**SAURABH BANERJEE, J**

**AUGUST 28, 2024/akr**



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 678/2024

MERRYVALE LIMITED .....Plaintiff

Through: Mr. Prince Kumar, Adv.

Versus

JOHN DOE AND ORS .....Defendants

Through: Mr. Anurag Ahluwalia, CGSC with  
Mr. Kaushal Jeet Kait, GP for D-10  
& 11

**CORAM:**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

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**12.08.2024**

**I.A. 36188/2024-Exp from pre-institution mediation**

1. The plaintiff by way of the present application seeks exemption from instituting pre-litigation mediation.

2. Considering the averments made therein and as the plaintiff is seeking an urgent ad-interim relief, in view of the orders passed in *Yamini Manohar v. T.K.D. Krithi* 2024 (5) SCC 815 and *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited* 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.

3. Accordingly, the present application is allowed and disposed of.

**I.A. 36187/2024-Exp from serving in advance to defendants**

4. Since the learned counsel for the plaintiff submits that there is an urgency in the matter, plaintiff be exempted from serving advance notice on the defendant(s) herein.

5. For the reasons stated in the application and in view of the

CS(COMM) 678/2024

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submissions made by the learned counsel for the plaintiff, the application is allowed and disposed of.

**I.A. 36190/2024-Exp**

6. Exemption is granted, subject to all just exceptions.

7. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance within four weeks from today or before the next date of hearing, whichever is earlier.

8. Accordingly, the present application is disposed of.

**I.A. 36186/2024-Addl.doc.**

9. The plaintiff by way of the present application under Order 11 Rule 1(4) of the Code of Civil Procedure, 1908 as applicable to commercial suits under the Commercial Courts Act, 2015 seeks 30 days to file additional documents.

10. The plaintiff will be at liberty to file additional documents at a later stage, *albeit*, strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

11. Accordingly, the present application is allowed and disposed of.

**I.A. 36189/2024-exempt the plaintiff from issuing notice to D-10 and D-11 U/S 80 CPC**

12. The plaintiff by way of the present application seeks exemption under Section 80 CPC from serving notice to defendant nos. 10 and 11.

13. Exemption is granted.

14. Accordingly, the present application is allowed and disposed of.

**CS(COMM) 678/2024**



15. The plaintiff has instituted the present suit for infringement of trademarks, passing off, rendition of accounts, fraud, dilution of trademarks, and damages.

16. Let the plaint be registered as a suit.

17. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the Joint Registrar on 06.11.2024.

18. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/denial of documents of the plaintiff, without which the written statement(s) shall not be taken on record.

19. Replication(s) thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The said replication(s), if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

20. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

21. List before the Joint Registrar for marking exhibits of documents on 06.11.2024. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

22. List before the Court 17.12.2024.

**I.A. 36185/2024** (*Order XXXIX rule 1 & 2 CPC, 1908: Stay*)

23. The plaintiff by way of the present application seeks to restrain the



defendants, and all those acting in concert/ associated from directly or indirectly using the mark BETWAY in any form along with other reliefs.

24. The plaintiff is a wholly owned subsidiary of Super Group (SGHC) Limited, a Guernsey based company listed on the New York Stock Exchange and regulated by the Securities and Exchange Commission in the United States of America ('Super Group'). Super Group's flagship mark "BETWAY" is owned by the plaintiff. The plaintiff, as a subsidiary of Super Group and together with its other group operating companies (jointly the BETWAY Group of companies) operate a number of online gaming websites under the trademark, "BETWAY".

25. The domain name <betway.com> (the "BETWAY Website") was registered on 13.05.2002 and the BETWAY brand entered the international online gaming market in 2006 via the BETWAY website. The plaintiff through its flagship brand, BETWAY, offers B2C online sports betting (including Esports) and casino products in multiple countries.

26. Learned counsel for the plaintiff submits that the plaintiff has obtained several registrations in India under the Trade Mark Act, 1999 and is the registered proprietor of the Betway Mark since 2016. The plaintiff in the year 2016, has obtained registration of the trademark 'BETWAY' under Classes 9 and 41 being registration no.3202826. Furthermore, the plaintiff in the year 2021, also obtained registration of the trademark 'BETWAY BIG PICK' under Classes 9 and 41, being registration no.4960153.

27. Learned counsel for the plaintiff also submits that the plaintiff along with its affiliate entities is also the registered proprietor of more than 200





other trademarks across the globe under various classes.

28. Learned counsel for the plaintiff further submits that ever since its inception, the plaintiff has spent tremendous time, effort, and resources for promoting and marketing the 'Betway brand' around the world via TV, Radio, Digital Media, Event/ Tournament Sponsorships, CSR Activities and Responsible Gaming advertisements.

29. Further, the plaintiff also sponsors various prestigious and popular sports tournaments and teams across the globe and has been having marketing, advertisement campaigns and creatives from time to time.

30. Learned counsel for the plaintiff yet also submits that in March, 2024, the plaintiff by way of an Economics Times Article dated 08.04.2024 became aware of that several websites were duping unaware customers by employing the plaintiff's registered and internationally well-known trademark BETWAY and mischievously claiming to be an alleged "successor" of the plaintiff in India. Owing to the increasingly volatile and dynamic regulatory environment in India, the plaintiff blocked its services for users from India post 30.09.2023, which was publicly known.

31. Thereafter, the plaintiff immediately brought it to the attention of Economic Times, who corrected its article and removed references to the plaintiff. Not stopping, the plaintiff in May/ June, 2024 learnt that there are several entities dishonestly using the trade mark BETWAY and have been offering betting services on various sports and games with barely any difference in their trading names/ domain names, aimed at duping the general public of India into believing that these websites were a 'successor' of the plaintiff.

32. Learned counsel for the plaintiff yet submits that the defendant no.1



represents itself to be engaged in the business of providing online betting and gambling services by illegally employing the use of the plaintiff's registered and internationally well-known mark, BETWAY as a part of its domain name and trade name to lure unsuspecting consumers into using its impugned website. Further, the defendant no.1's website features a still photo from the plaintiff's website, as well as a photo of the plaintiff's erstwhile brand ambassador without prior permission of the plaintiff to use the same. Further, a WhoIS search of the website shows that the website was created on 04.10.2023 and registered with the Domain Name Registrar- the Defendant No. 7, GoDaddy.com LLC.

33. The situation qua rest of the defendant nos. 2 to 6 is also the same, with hardly any substantive differences.

34. In the wake of the above, the plaintiff has instituted the captioned suit against the defendants wherein the present application has been filed and the learned counsel for the plaintiff has made the aforesaid submissions.

35. This Court has heard the submissions advanced by the learned counsel for the plaintiff and perused the documents placed on record.

36. As per what is before this Court, defendants nos.1 to 6 are operating under the trademark BETWAY without any approval/ authorisation/ permission/ from the plaintiff who is the statutory worldwide owner thereof. The said defendant nos.1 to 6 are portraying to the general public at large that they are in some manner associated with the plaintiff since they are misrepresenting to the general public by making identical representations on their websites.

37. Since the said defendant nos.1 to 6 are deliberately using the trade



mark of the plaintiff as also the other elements and strategy, including the same colour scheme and the overall outlook with an intention to confuse the unaware general public into believing that these are websites associated with the plaintiff since it is far from the reality, the same is going to cause a likelihood of confusion amongst them.

38. Moreover, since the said defendant nos.1 to 6 are also operating and offering the same solutions in online real money to the general public, the use of the trade mark BETWAY of the plaintiff by the defendant nos.1 to 6 is likely to cause *irreparable loss, harm and injury* not only to the plaintiff but also to the general public at large. Therefore, in my opinion the plaintiff has been able to make out a *prima facie case* for the grant of an *ex parte ad interim* injunction with the *balance of convenience* in favour of the plaintiff and against the defendants.

39. Accordingly, till the next date of hearing, John Doe as well as the named defendant nos.1 to 6 including all those acting in concert/ associated with them are restrained from directly or indirectly using the mark BETWAY and/or any deceptively similar variation thereof upon or in relation to its business, products, services as a trade mark or as part of its trade name, trade style, corporate name, store name, domain name, web address, email address, social media handle and/or in any other manner whatsoever so as to infringe, pass off and/or dilute the registered trademark BETWAY of the plaintiff or in any manner whatsoever.

40. Issue notice to the defendants by all permissible modes returnable before the Joint Registrar on 06.11.2024.



41. Reply, if any, be filed within a period of *thirty days* from the date of service. Rejoinder thereto, if any, be filed within a period of *fifteen days* thereafter.
42. The provisions of *Order XXXIX rule 3 CPC* be complied within one week from the receipt of this order.
43. List before the Court on 17.12.2024.

**AUGUST 12, 2024/rr**

**SAURABH BANERJEE, J**

IN THE HIGH COURT OF DELHI AT NEW DELHI  
(*Ordinary Original Commercial Jurisdiction*)

I.A. NO. \_\_\_\_\_ OF 2024  
IN  
CS (COMM.) NO. 678 OF 2024

IN THE MATTER OF:

Merryvale Limited	...	Plaintiff
Versus		
John Doe and Ors.	...	Defendants

**NOTICE OF MOTION**

To,

Godaddy.com, LLC  
14455 North Hayden Road, Suite 219  
Scottsdale, AZ 85260  
United State  
Email: [HQ@GoDaddy.com](mailto:HQ@GoDaddy.com)  
Grievance Officer- Karen Gaydos at  
2155 E GoDaddy Way Tempe,  
AZ 85284, USA  
Email: [grievanceofficer@godaddy.com](mailto:grievanceofficer@godaddy.com)

Namecheap, Inc  
4600 E Washington St, Suite 300, 305  
Phoenix, AZ 85034  
Grievance Officer – Hillan Klein  
Email: [grievanceofficer@namecheap.com](mailto:grievanceofficer@namecheap.com);  
[dmca@namecheap.com](mailto:dmca@namecheap.com)

TLD Registrant Solutions Ltd.  
4<sup>th</sup> Floor, Saddlers House  
44 Gutter Lane  
London England

EC2V, 6BR

Grievance Officer – Volker A. Greimann at

Im Oberen Werk 1, St. Ingbert

66386, Germany

Ph+49-6894 93 96 850

Email: [abuse@tldregistrarsolutions.com](mailto:abuse@tldregistrarsolutions.com);

[abuse@key-systems.net](mailto:abuse@key-systems.net)

Ministry of Electronics and Information Technology

Electronics Niketan, 6-CGO Complex

Lodhi Road, New Delhi-110003

Through the Director General (DIT) Cyber Laws

Email: [cyberlaw@meity.gov.in](mailto:cyberlaw@meity.gov.in); [pkumar@meity.gov.in](mailto:pkumar@meity.gov.in);

[uoidhc@gmail.com](mailto:uoidhc@gmail.com)

Department of Telecommunications

Ministry of Communications and IT

20, Sanchar Bhawan, Ashoka Road

New Delhi-110001

Through its Secretary

Email: [secy-dot@nic.in](mailto:secy-dot@nic.in); [Dirids2-dot@nic.in](mailto:Dirids2-dot@nic.in);

[uoidhc@gmail.com](mailto:uoidhc@gmail.com); [abhinesh.meena@gov.in](mailto:abhinesh.meena@gov.in)

Sir,

The enclosed applications are being filed by the Counsel for the Plaintiff on behalf of the Plaintiff and are likely to be listed for hearing before this Hon'ble Court on August, 27, 2024 or any date thereafter.

**Filed By:**



PRINCE KUMAR

D/2656/2015

C-122, DEFENCE COLONY

NEW DELHI-110024

Mob: 9910450813

Email: [princdhc@gmail.com](mailto:princdhc@gmail.com)

Date: 24.08.2024

Place: New Delhi

## **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 states 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.