

**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-22/2024-DS-II**

**Dated:#ApprovedDate#**

**To,**

All Internet Service Licensee

**Subject: CS(Comm) 440 of 2024 Galactus Funware Technology Private Limited & Anr. v. M/s MLP & Ors. Before Hon'ble Delhi High Court**

Kindly find the enclosed Hon'ble Delhi High Court order dated **04.11.2024** on the subject matter.

2. Please refer to the **para 26(iv)** 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.

 19.11.24

**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. Shri Niddhi Raman <niddhiraman@gmail.com> Central Govt. Standing Counsel Delhi High Court, Senior Penal Counsel for kind information.
- iii. Shri Sauhard Alung <sauhard@ira.law > Plaintiff Advocate for kind information.
  - a. Take action as per Annexure.
- 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) 440/2024 & I.A. Nos. 43984/2024 & 44013/2024

**GALACTUS FUNWARE TECHNOLOGY PVT. LTD. &**

**ANR.**

.....Plaintiffs

Through: Mr. Sauhard Alung, Advocate.  
(M): 9425341404  
Email: sauhard@ira.law

versus

**M/S MLP & ORS.**

.....Defendants

Through: Mr. Shivam Narang, Advocate for  
defendant no. 5.  
Ms. Nidhi Raman, CGSC with  
Ms. Rashi Kapoor, Advocates for  
defendant nos. 8 and 9.

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

% **04.11.2024**

**I.A. No. 43984/2024 (Application seeking leave to implead new defendants)**

1. The present application has been filed under Order I Rule 10 of the Code of Civil Procedure, 1908 ("CPC") seeking leave to implead new defendants.

2. Learned counsel appearing for the plaintiffs submits that vide order dated 27<sup>th</sup> May, 2024, this Court had granted an order of *ex-parte ad-interim* injunction restraining defendant nos. 1 to 4 from infringing the plaintiffs' trademarks and copyright through the impugned websites and apps, along



with certain directions against defendant nos. 5 to 9, i.e., Domain Name Registrars (“DNRs”), platforms and the government entities.

3. It is submitted that this Court had specifically granted liberty to the plaintiffs to approach the respective DNRs/platforms for any other infringing website/domain name/URL and had directed the DNRs/platforms to takedown the said infringing website/domain names/URLs within 36 hours of receipt of such information. Further, this Court had also directed that in case, the DNRs/platforms find request of plaintiffs not to be acceptable for any reason, the plaintiffs shall be at liberty to file an appropriate application before this Court.

4. Thus, it is submitted that in September, 2024, the plaintiffs came across the infringing domain name <https://mplcash.com/>. It is submitted that in compliance with the directions of this Court, the plaintiffs had written to the defendant no. 5 on 09<sup>th</sup> September, 2024, which is the domain name registrar of the infringing website [www.mplcash.com](http://www.mplcash.com). However, the defendant no. 5 responded with requiring a specific Court order directing the defendant no. 5 to take down the said website and disclose the BSI details of the registrant.

5. Thus, it is submitted that the registrant of the infringing domain name [www.mplcash.com](http://www.mplcash.com) is sought to be impleaded as defendant no. 10.

6. It is further submitted that in October, 2024, the plaintiffs came across another infringing domain name, i.e., [www.plaympl.in](http://www.plaympl.in), which is registered with Endurance Digital Domain Technology Private Limited. The plaintiffs wrote to the above DNR on 04<sup>th</sup> October, 2024, however, the plaintiffs have not received any response from the said DNR till date. Thus, the registrant of the infringing domain name [www.plaympl.in](http://www.plaympl.in) is sought to be impleaded as



defendant no. 11 and the domain name registrar, i.e., Endurance Digital Domain Technology Private Limited, is sought to be impleaded as defendant no. 12.

7. It is submitted that given the similarity of the domain names, their *modus operandi* and business operations, it is evident from a bare perusal of the impugned websites, Apps and the new impugned websites, that the same are operated by the same or related persons.

8. It is further submitted that the entirety of the business of the proposed defendant nos. 10 and 11 through the new impugned websites is based on the infringement of the plaintiffs' rights in the registered trademarks i.e.,

**MPL**

“MPL”, “MOBILE PREMIER LEAGUE”, and as

**MPL**

well as copyright in the plaintiffs' logo .

9. It is further submitted that the proposed defendant no. 12 is the domain name registrar of the infringing website, i.e., [www.plaympl.in](http://www.plaympl.in), which is being used to conduct activities in a manner which infringe and use the plaintiffs' trademarks without authorization. It is submitted that proposed defendant no. 12 is a necessary party for the comprehensive implementation of the orders passed by this Court against the infringing websites.

10. It is submitted that plaintiffs have been greatly prejudiced as the illegal, unauthorized and infringing use of the plaintiffs' registered and well-



reputed trademarks by the defendants and the proposed defendant nos. 10 and 11, had caused and continues to cause irreparable harm and injury to the plaintiffs' goodwill and reputation associated with its registered well-reputed trademarks "MPL", "MOBILE PREMIER LEAGUE", and

**MPL**

as well as copyright in the plaintiffs' logo

**MPL**

11. Issue notice.
12. Notice is accepted by learned counsels appearing for defendant no. 5 and defendant nos. 8 and 9.
13. Issue notice to the non-applicants as well as proposed defendant nos. 10, 11 and 12, upon filing of process fees.
14. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.
15. List on 20<sup>th</sup> February, 2025.

**I.A. No. 44013/2024 (Application seeking interim injunction against the defendants)**

16. The present is an application under Order XXXIX Rules 1 and 2 read with Section 151 CPC, seeking interim injunction against the defendants.
17. The plaintiffs have filed the present suit seeking to restrain the defendant nos. 1 to 4 from infringing the plaintiffs' registered trademarks



**MPL**

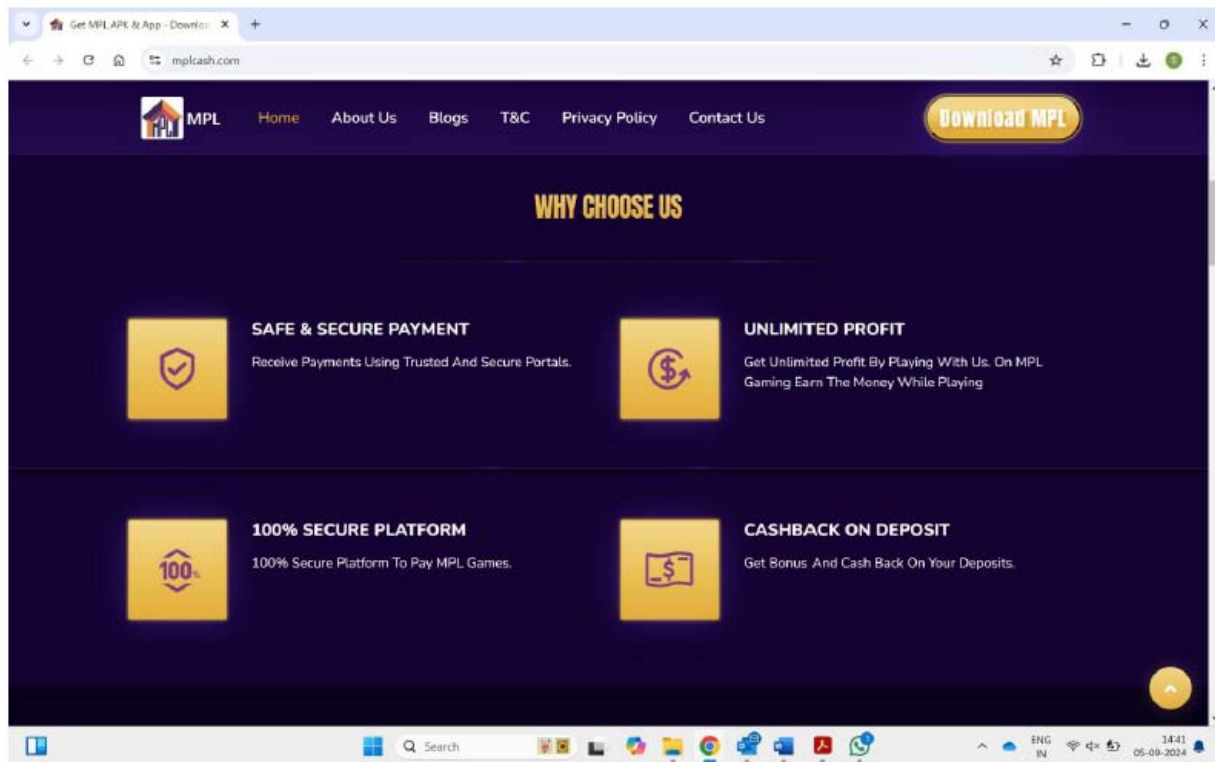
“MPL”, “MOBILE PREMIER LEAGUE”, and as

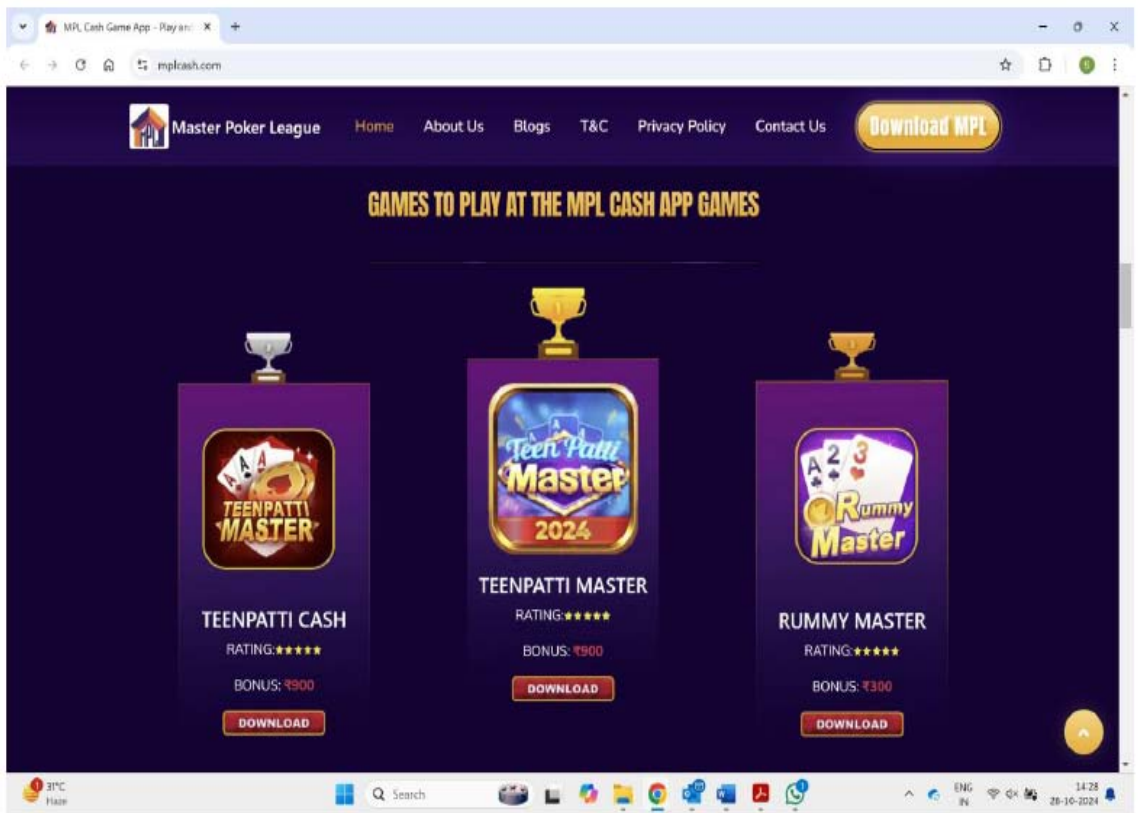
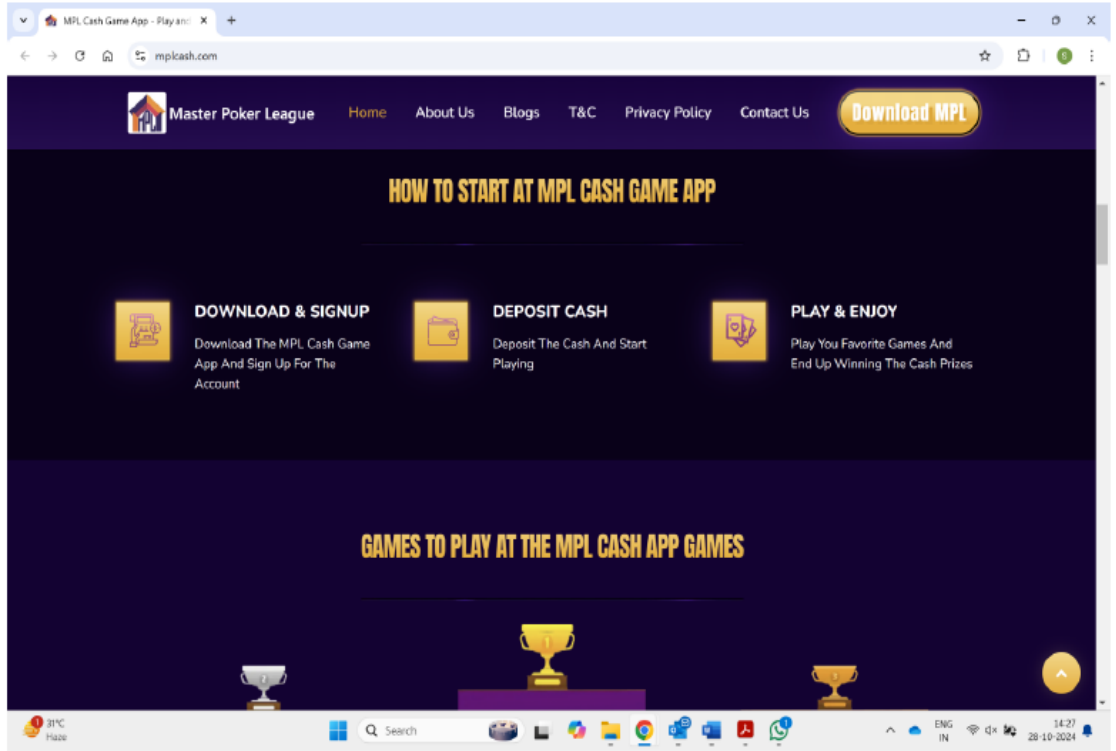
**MPL**

well as copyright in the plaintiffs’ logo and content on its official websites through the various infringing websites as listed in the plaint.

18. It is submitted that plaintiffs have priority in adoption and unassailable statutory and common law rights in MPL Trade Marks and any unauthorized use of the plaintiffs’ MPL Trade Marks by any third-party, particularly, in relation to online gaming, will amount to an unequivocal violation of the plaintiffs’ statutory and common law rights.

19. It is submitted that proposed defendant no. 10 is verily believed to be the owner of the infringing website [www.mplcash.com](http://www.mplcash.com). In September, 2024, during a routine check, the plaintiffs came across the proposed defendant no. 10’s infringing domain name <https://mplcash.com/>. Apart from the fact that the infringing domain name [www.mplcash.com](http://www.mplcash.com) uses the plaintiffs’ trademark ‘MPL’ as a part of the domain name, the website hosted on the said domain name is also actively scamming unsuspecting users and collecting money under the pretext of offering mobile applications providing online real money games under the infringing mark ‘MPL’/ ‘MPL GAMES’, which is deceptively identical to the plaintiffs’ registered trademarks MPL. The screenshots of the infringing websites, as given in the application are reproduced as under:-





This is a digitally signed order.

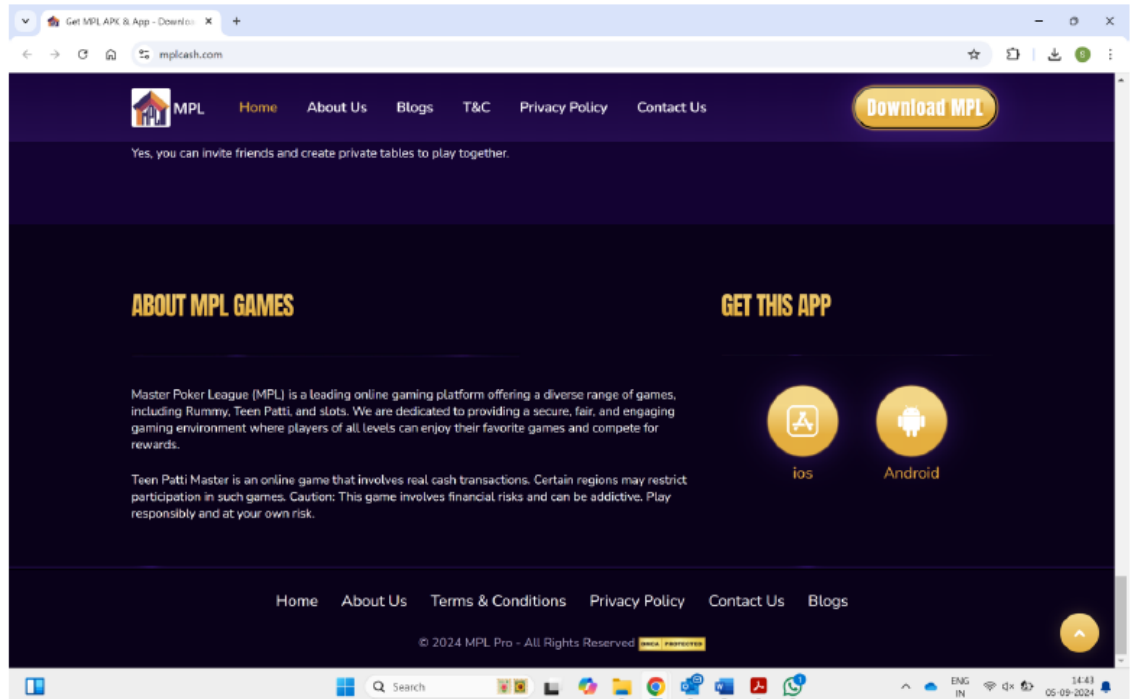
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

File No. Order 764-DW-AR-DS-Prin the CHC-3546-Non 189962024 at 12:15:04

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20. It is further submitted that proposed defendant no. 11 is verily believed to be the owner of the infringing website [www.plaympl.in](http://www.plaympl.in), which is using the plaintiffs' 'MPL' trademark as part of its domain name. Upon further investigation, the plaintiffs found that not only were these infringing websites and Apps operational, but are also actively scamming unsuspecting users and collecting money under the pretext of offering online real money games through the said websites and Apps while using the MPL trademark as a part of the domain name. It is submitted that such use of the MPL trademark clearly infringes the plaintiffs' rights in the said trademark.

21. It is further submitted that the *mala fide* nature of the proposed defendant no. 11's infringing activities is further highlighted from the fact that the plaintiffs are registered owners of the domain names [www.mplplay.in](http://www.mplplay.in) and [www.mplplay.com](http://www.mplplay.com). The proposed defendant no. 11 is using the infringing domain name [www.plaympl.in](http://www.plaympl.in), which is deceptively



similar to the plaintiffs' registered domain names and is liable to cause confusion amongst the unsuspecting consumers.

22. The entirety of the business of the proposed defendant nos. 10 and 11 on the new impugned websites is based on the infringement of the plaintiffs' rights in the MPL Trade Marks and there is no legitimate aspect to the business through the new impugned website of the proposed defendants.

23. It is submitted that the new impugned websites, which use the plaintiffs' registered MPL Trade Marks, have been registered by the proposed defendant nos. 10 and 11, with the sole purpose of defrauding customers by deceiving them into believing that the new impugned websites are owned or operated or at the very least associated with the plaintiffs.

24. It is further submitted that having no mechanism to maintain control over the content or authenticity or quality of services provided on the new impugned websites, the plaintiffs' users may also be misled into believing that the services of the proposed defendant nos. 10 and 11 are those of the plaintiffs and the plaintiffs shall face irreparable monetary and reputational loss on account of the tarnishment of the plaintiffs' registered and well-reputed MPL Trade Mark, which will be caused by the proposed defendant nos. 10 and 11 unauthorized and illegal use.

25. It is further submitted that the proposed defendant nos. 10 and 11 are using the plaintiffs' registered trademarks dishonestly and without any authorization.

26. Considering the submissions made before this Court and considering the fact that an interim order has already been granted in favour of the plaintiff vide order dated 27<sup>th</sup> May, 2024, till the next date of hearing, the following directions are issued:-



I. Proposed defendant nos. 10 and 11, its associated companies, subsidiaries, directors, wholesalers, distributors, partners or proprietors, as the case may be, its officers, servant and agents, or anyone acting for or on their behalf, are restrained from using the plaintiffs' trademark "MPL",

**MPL**

"MOBILE PREMIER LEAGUE", and and/or any mark deceptively similar thereto (including the trademark MLP/

**MLP**)

and/or any formative marks in any manner whatsoever, in relation to any products or services, particularly, in relation to online gaming including through the new impugned websites [www.mplcash.com](http://www.mplcash.com) and [www.plaympl.in](http://www.plaympl.in) or listings on social media websites or doing any other act amounting to infringement of the plaintiffs' registered trademarks/copyright and/or passing off.

II. Defendant no. 5, i.e., Dynadot Inc. and proposed defendant no. 12, i.e., Endurance Digital Domain Technology Private Limited are directed to suspend the impugned website [www.mplcash.com](http://www.mplcash.com) and [www.plaympl.in](http://www.plaympl.in).

III. Defendant no. 5, i.e., Dynadot Inc. and proposed defendant no. 12, i.e., Endurance Digital Domain Technology Private Limited are directed to disclose complete details of the impugned website [www.mplcash.com](http://www.mplcash.com) and [www.plaympl.in](http://www.plaympl.in), as available in its records.



IV. Defendant nos. 8 and 9 are directed to issue necessary directions to block access to the new impugned websites [www.mplcash.com](http://www.mplcash.com) and [www.plaympl.in](http://www.plaympl.in).

27. Issue notice.

28. Notice is accepted by learned counsel appearing for defendant no. 5 and defendant nos. 8 and 9.

29. Issue notice to other non-applicants, as well as proposed defendant nos. 10, 11 and 12, upon filing of Process Fee.

30. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

31. Compliance of Order XXXIX Rule 3 CPC, be done, within a period of one week.

32. List on 20<sup>th</sup> February, 2025.

**MINI PUSHKARNA, J**

**NOVEMBER 4, 2024**

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[premier-league.en.download.it/android](https://premier-league.en.download.it/android)

**Dynadot Inc.**

210 S Ellsworth Ave #345 San Mateo,  
California 94401, United States of  
America.

Email: [info@dynadot.com](mailto:info@dynadot.com)

...Defendant No. 5

**Namecheap, Inc.**

4600 East Washington Street, Suite 305,  
Phoenix, Arizona 85034, United States of  
America

Email: [legal@namecheap.com](mailto:legal@namecheap.com)

...Defendant No. 6

**M/s Download.it**

**Website:** <https://en.download.it/>

Email: [team@download.it](mailto:team@download.it)

...Defendant No. 7

**Union of India**

*Through*

Department of Telecommunications,  
Ministry of Communications,  
Sanchar Bhawan, 20 Ashoka Road, New  
Delhi – 110001

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

...Defendant No. 8


**Union of India**

*Through*

Ministry of Electronics and Information Technology,  
Electronics Niketan, 6, CGO Complex,  
Lodhi Road, New Delhi – 110003

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

...Defendant No. 9



Aditya Gupta and Sauhard Alung

D/2700/2010 | D/6469/2020

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Phone: +91 9958158982

Email: [office@ira.law](mailto:office@ira.law)

May 22, 2024

New Delhi

**Note:** Main relief is sought against Defendant Nos. 1 to 4.

**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.