

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-18/2023-DS-II

Dated: 16.05.2023

To,

All Internet Service Licensee's

Subject: CS (COMM) No. 270 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 **02.05.23** on the subject matter.

2. Please refer to the **para 15(v)** of the said court order in respect of blocking of **two (02) websites** 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.

Handwritten signature and date: 16.05.23

**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) 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) 270/2023, I.A. 8512/2023, I.A. 8513/2023, I.A. 8514/2023 & I.A. 8515/2023

**SPORTA TECHNOLOGIES
PVT. LTD. AND ANR.**

..... Plaintiffs

Through: Ms. Devyani Nath, Ms. Shwetasree Majumder, Mr. Prithvi Singh, Mr. Rohan Krishna Seth and Ms. Parkhi Rai, Advs.

versus

JOHN DOE AND OTHERS

..... Defendants

Through: Mr. Harish Vaidyanathan Shankar, CGSC, Mr. Srish Kumar Mishra, Mr. Sagar Mahlawat and Mr. Alexander Mathai Paikaday, Advs. for Defendants 3 and 4

CORAM:




HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
02.05.2023

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1. Plaintiffs 1 and 2 are the registered proprietors of the following trademarks:

Registered marks of Plaintiff 1

S. No.	Trademark	Number	Classes	Date
1.		3802186	9, 16, 35, 41, 42	11 th April 2018
2.		3660715	9, 16, 35, 41, 42	21 st October 2017
3.		3660717	9, 16, 35, 41, 42	21 st October 2017

4.		3660851	9, 16, 35, 41, 42	22 nd October 2017
5.		3660718	9, 16, 35, 41, 42	21 st October 2017
6.		3660720	9, 16, 35, 41, 42	21 st October 2017
7.		3802184	9, 16, 35, 41 & 42	11 th April 2018
8.		3802185	9, 16, 35, 41 & 42	11 th April 2018




Registered marks of Plaintiff 2

S. No.	Trademark	Number	Classes	Date
1.	DREAM11	4863621	9, 16, 18, 28, 35, 38, 42 & 45	25 th September, 2019
2.		1823011	38	28 th May, 2009
3.		1823015	41	28 th May, 2009

2. On 17th March 2008, Plaintiff 2 got the domain name www.dream11.com registered in its favour. The homepage of the domain name contains a picture of five players positioned in a triangular fashion. The website also contains a link which, if clicked, would download the Dream11 application. The plaintiffs claim copyright with respect to the overall representation, look and feel and information contained on the aforesaid website www.dream11.com.

3. Defendant 1 is the owner and operator of the websites www.prodream11.com and www.dream11.aandra.tech as well as the

mobile applications “ProDream11”. Defendant 1 is also using “Dream11” and “ProDream11” as its trademark, domain name and

part of its logos “Dream11”, “ProDream11”, , , and .

4. Clearly, the marks and the domain names of the defendants infringe the plaintiffs’ registered trademarks. It is also pointed out, in the plaint, that the website of the defendants is a replica of the plaintiffs’ website www.dream11.com. The screenshots of the website have been placed on record and a comparison thereof reveals that this is indeed the case.

5. In the circumstances, let the plaint be registered as a suit.

6. Issue summons.

7. Summons are accepted by Mr. Paikaday on behalf of Defendants 3 and 4.

8. Written statement, accompanied by affidavit of admission and denial of the documents filed by the plaintiffs be filed within 30 days with advance copy to learned Counsel for the plaintiff who may file replication thereto, accompanied by affidavit of admission and denial of the documents filed by the defendants be filed within 30 days thereof.

9. List before learned Joint Registrar (Judicial) for completion of

pleadings, admission/denial of the documents and marking of exhibits on 10th July 2023.

I.A. 8512/2023 (under Order XXXIX Rules 1 and 2 of the CPC)

10. By this application, the plaintiff seeks interlocutory injunctive reliefs.

11. The facts of the case indicate that there is online piracy, by the website owned by Defendant 1, of the plaintiffs' registered trademarks. A *prima facie* case of infringement and passing off is, thus, made out.

12. This Court has always adopted a stern approach where such rogue websites are involved, whose main aim is to ride on the reputation of known websites and lure viewers into believing that their websites are those of the plaintiffs. This Court, in its judgment in *UTV Software Communication Ltd v. 1337x.To¹* has clearly held that, in such cases, a strict view is required to be adopted.

13. In view thereof, issue notice, returnable on 2nd August 2023. Notice is accepted on behalf of Defendants 3 and 4 by Mr. Paikaday.

14. Let notice issue to remaining defendants by all modes.

15. Till the next date of hearing, the following directions are issued:

- (i) The proprietor of the www.prodream11.com website is directed forthwith to discontinue the use of the said website or

to use any part of the plaintiffs registered trademark Dream11 or any deceptively similar mark as part of its domain name, website ID or in any other fashion.

(ii) Defendants 2 to 4 are directed to forthwith suspend access to block access to the domain name www.prodream11.com.

(iii) Defendant 2 is directed to disclose the address and contact details of the registrant of the domain name www.prodream11.com.

(iv) Defendant 2 is directed to maintain status quo regarding the ownership of the domain name www.prodream11.com.

(v) Defendants 3 and 4 are directed to issue appropriate notifications calling upon the various Internet Service Providers (ISPs) to block access to the website www.prodream11.com and www.dream11.aandra.tech.

16. Compliance with Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 (CPC) be effected within one week from today.

I.A. 8513/2023 (under Section 12A of the Commercial Courts Act, 2015)

17. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*², exemption is granted from the requirement of pre-institution

¹ (2019) 78 PTC 375

² 2022 SCC OnLine Del 3529

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mediation under Section 12A of the Commercial Courts Act, 2015.

18. The application stands allowed accordingly.

I.A. 8514/2023 (under Order XI Rule 1(4) of the CPC)

19. By this application, the plaintiffs seek permission to file additional documents.

20. The plaintiffs are permitted to place additional documents on record in accordance with Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (CPC) as amended by the Commercial Courts Act within 30 days from today.

21. The application stands disposed of accordingly.

I.A. 8515/2023 (under Section 151 of the CPC)

22. Subject to the plaintiffs filing legible copies of any dim or illegible documents on which they may seek to place reliance within four weeks from today, exemption is granted for the present.

23. The application is disposed of.

C.HARI SHANKAR, J

MAY 2, 2023

rb/ar

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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

... DEFENDANT NO. 3

Ministry of Electronics and Information Technology
Through the Director General
[(DIT) Cyber Laws & e-security]
Electronics Niketan, 6, CGO Complex,
Lodi Road, New Delhi - 110003
Email: cyberlaw@meity.gov.in;
gccyberlaws@meity.gov.in;
pkumar@meity.gov.in;
sathya.s@meity.gov.in

.... DEFENDANT NO. 4

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

....DEFENDANT NO.5



PRITHVI SINGH/DEVYANI NATH/
PARKHI RAI

Fidus Law Chambers,
Advocates for the Plaintiffs
F-12, Ground Floor,
Sector – 8, Noida,
Uttar Pradesh – 201301
Ph: +91 9911167179

NEW DELHI
DATE:25th April 2023

Email: litigation@fiduslawchambers.com

Note: (i) Defendant No 1 is the main contesting party.
(ii) The address/contact details of the Defendant No 1 are masked and currently unavailable with the Plaintiffs. Upon disclosure, the Plaintiffs undertake to file an amended Memo of Parties, bringing on record the aforesaid details.