

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-01/2024-DS-II

Dated: 15.01.2024

To,

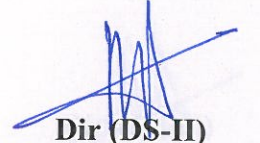
All Internet Service Licensee's

Subject: CS (COMM) No. 21 of 2024 - Sporta Technologies Pvt. Ltd. & Anr. v. John Doe & Ors. Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **08.01.2024** on the subject matter.

2. Please refer to the **para 11** of the said court order in respect of blocking of **1 website** enumerated in **para 3 i.e** www.dream11lotery.com.

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 websites, as above, for compliance of the said court order.



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) Harish Vaidyanathan Shankar (hvscgscdhc@gmail.com) Senior Penal Counsel for kind information.
- (iii) Aiswarya Debadarshini (Aiswarya@fiduslawchambers.com) 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) 21/2024, I.A. 422/2024, I.A. 423/2024, I.A. 424/2024,
I.A. 425/2024 & I.A. 426/2024.

SPORTA TECHNOLOGIES PVT LTD AND ANR. Plaintiffs

Through: Mr. Prithvi Singh, Mr. Roshan
Krishna Seth and Mr. Shiv Mehrotra,
Advs.

versus

JOHN DOE AND ORS. Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
08.01.2024

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I.A. 423/2024 (Exemption from pre-institution mediation)

1. Having regard to the facts of the present case and in light of the judgement of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Private Ltd.*, FAO (COMM) 128/2021, exemption from attempting pre institution mediation is allowed.
2. Accordingly, the application stands disposed of.

I.A. 424/2024 (Leave to file additional documents)

1. The present application has been filed on behalf of the plaintiff under Order 11 Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to commercial suits under the Commercial Courts Act, 2015



seeking to place on record additional documents.

2. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the present application is disposed of.

I.A. 425/2024 (Exemption from filing original and clear copies)

1. Exemption is granted, subject to all just exceptions.
2. 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.
3. Accordingly, the present application is disposed of.

I.A. 426/2024 (Court fees)

1. Counsel for the plaintiffs states that they shall deposit court fees within a week. It is made clear that no further extension will be granted.
2. Accordingly, the application is disposed of, with the aforesaid terms.

CS(COMM) 21/2024

1. Let the plaint be registered as a suit.
2. Upon filing of process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statement(s) be filed by the defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiffs, without which the written statement shall not be taken on record. Liberty is given to the plaintiffs to file



a replication within 30 days of the receipt of the written statement(s). Along with the replication, if any, filed by the plaintiffs, affidavit(s) of admission/denial of documents filed by the defendants, be filed by the plaintiffs, without which the replication(s) shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

3. List before the Joint Registrar for marking of exhibits on 11th March, 2024.
4. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.
5. List before Court for framing of issues thereafter.

I.A. 422/2024 (Application under Order XXXIX Rule 1 & 2 read with Section 151 of the CPC, 1908)

1. The present suit has been filed by the plaintiff in relation to their registered trademarks (“said marks”) as mentioned below:

S. No.	Trademark	Number	Classes	Date
1.	DREAM11	3802186	9, 16, 35, 41, 42	11 th April 2018
2.	DREAM11	3660/15	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

S. No.	Trademark	Number	Class	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. The defendant No.2 is the domain name registrant of the website ‘*www.dream11lotery.com*’ and is using the plaintiff’s said marks as part of their domain name (“*infringing website*”)

3. The plaintiffs launched its hugely popular fantasy sports platform under the trademark Dream11 in 2012. Thereafter, and until the present date, the plaintiffs have been the official fantasy sports partner of the International Council of Cricket (ICC), The Campeonato Nacional de Liga de Premiera



Division (La Liga), Vivo Indian Premier League (IPL), KFC Big Bash League (BBL), Hero Caribbean Premier League (CPL) T20, National Basketball Association (NBA), Vivo Pro Kabaddi League (PKL), International Hockey Federation (FIH), Hero Indian Super League (ISL) and T20 Mumbai. The plaintiff has also acquired Official partner rights of Board of Control for Cricket in India (BCCI), international and domestic matches since 2019. The plaintiff claims that defendant No.1 is operating the infringing domain name using the registered trademark of the plaintiff i.e. www.dream11lotery.com. The said domain name is registered by defendant No.2. Communication was addressed by the plaintiff to defendant No.2 through advance notice. However, no one appears on behalf of defendant No.2.

4. Counsel appears for defendant Nos.3 and 4 (DOT & MEITY). Counsel for the plaintiff has drawn attention to the various facts relating to the reputation and goodwill acquired by the plaintiff, which are narrated in para 13-18 of the said plaint. He has further drawn attention to various orders passed by this Court for protecting the said marks, narration of which is found in para 19 of the said plaint.

5. The defendant No.1, it is alleged, seems to be owner and operator of the impugned website and using the marks “DREAM11”,

“DREAM11LOTERY”, , , and including the domain name “dream11lotery.com” (“**the impugned website**”) as also the email address “dream11lotery.com”.

6. According to the plaintiff, defendant No.1 appears to be operating a mirror website, misrepresenting to the public at large that it is associated with



the plaintiffs. In the month of December 2023, the plaintiffs came across the impugned website which was found have replicated several unique and artistic features of the plaintiff's official website www.dream11.com. For reference, a comparison of the impugned website along with Plaintiff's official website is extracted below:



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.

The Order is downloaded from the DHC Server on 11/01/2024 at 19:32:42



7. The plaintiff has cited several orders passed by this Court wherein plaintiff's right in the registered trademark has been protected. The orders passed by this Court are in various proceedings and include the following:

- *CS (COMM) 141 of 2022 - Sporta Technologies Pvt. Ltd. & Anr. V. Dream 7 Entertainment Private Limited,*
- *CS (COMM) 560 of 2021 - Sporta Technologies Pvt. Ltd. & Anr. V. Roberta Gaming Pvt. Ltd. & Anr.,*
- *CS (COMM) 365 of 2021 -Sporta Technologies Pvt. Ltd. & Anr. V. John Doe & Anr.,*
- *CS (COMM) 375 of 2019 - Sporta Technologies Pvt. Ltd. & Anr. V. Edream11 Skill Power Pvt. Ltd.,*
- *CS (COMM) 355 of 2020 - Sporta Technologies Pvt. Ltd. & Anr. V. Dream11 Team and*
- *CS (COMM) 448 of 2020 - Sporta Technologies Pvt. Ltd. & Anr. v. Dream11 Prime & Ors.”*

8. In the above facts and circumstances and having perused the documents on record, this Court is of the view that the plaintiff has made out a *prima facie* case for grant of *ex parte ad-interim* injunction till the next date of hearing. Balance of convenience lies in favour of the plaintiff who is likely to suffer irreparable harm in case the injunction as prayed for is not granted.

9. Accordingly, till the next date, the defendant No.1 and its principal officers, promoters, employees, associates, affiliates, agents *et al.* are restrained from using plaintiff's said marks or any other mark which is



confusingly similar to plaintiff's said marks, in any form or manner as part of the domain names or as part of the content on the website.

10. Defendant No.2 is directed to ensure that infringing websites which are being used by defendant No.1 are accordingly suspended and locked till the next date of hearing. They are also directed to reveal and disclose the name, address and the details of the domain registrant of the said infringing website, before this Court through an affidavit.

11. Directions are issued to defendant Nos.3 and 4 (DOT and MEITY) to issue directions to ISPs to suspend access to the infringing website within a period of 48 hours of receiving the copy of this order.

12. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 of CPC within a period of one week.

13. Issue notice.

14. Defendants may file a reply within two weeks after having received the said notice with copy to the opposing side. Plaintiff may file a rejoinder thereafter, if necessary, before the next date of hearing.

15. List before the Joint Registrar on 11th March, 2024.

16. List before the Court on 06nd May, 2024.

17. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 8, 2024/MK

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.