

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-56/2023-DS-II

Dated: 27.12.2023

29

To,

All Internet Service Licensee's

Subject: CS(COMM) 842/2023 Sporta Technologies Pvt. Ltd., And Anr. Vs. John Doe And Others Before Hon'ble Delhi High Court

Kindly find the enclosed Hon'ble Delhi High Court order dated **23.11.2023** (Annexure-I) on the subject matter.

2. Please refer to the **para 25** of the said court order in respect of blocking of **2 websites** enumerated in **para 22** of the aforesaid court order.
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.



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** and necessary action with regards to NIXI also.
- (ii) Harish Vaidyanathan Shankar (hvscgscdhc@gmail.com), Central Govt. Standing Counsel [Delhi High Court], Senior Penal Counsel for kind information.
- (iii) Plaintiff Advocate for kind information and necessary action as per **Annexure-II**.
- (iv) IT wing of DoT for uploading on DoT websites please.



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 842/2023, I.As. 23347/2023, 23348/2023, 23349/2023,
23350/2023 & 23351/2023**

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

..... Plaintiffs

Through: Mr. Prithvi Singh, & Ms. Parkhi Rai,
Advs. (M. 7007410620)

versus

JOHN DOE AND OTHERS

..... Defendant

Through: Mr. Harish Vaidyanathan Shankar,
CGSC, with Mr. Srish Kumar
Mishra, Mr. Alexander Mathai
Paikaday, Mr. Krishnan V and Mr.
Gokul Sharma, Advs. for MEITY &
DOT (M. 9810788606)

**CORAM:
JUSTICE PRATHIBA M. SINGH**

ORDER

% **23.11.2023**

1. This hearing has been done through hybrid mode.

I.A.23350/2023 (for exemption)

2. This is an application filed by the Plaintiffs seeking exemption from filing Original/certified/translated copies of documents with proper margins, etc. Original documents shall be produced/filed at the time of Admission/Denial, if sought, strictly as per the provisions of the Commercial Courts Act, 2015 and the DHC (Original Side) Rules, 2018.

3. Exemption is allowed, subject to all just exceptions. Accordingly, the application is disposed of.



I.A. 23348/2023 (u/s 12A of the Commercial Courts Act)

4. This is an application filed by the Plaintiffs seeking exemption from instituting pre-litigation mediation under Section 12A of the Commercial Courts Act. Considering the facts and circumstances of the case, the Court is satisfied that in terms of the judgment of the Hon'ble Supreme Court in *Yamini Manohar v. T.K.D Keerthi, SLP(C) 023488/2023*, the present suit contemplates urgent *interim* relief. The exemption under Section 12A is granted to the Plaintiffs. Accordingly, the application is disposed of.

I.A. 23349/2023(for additional documents)

5. This is an application filed by the Plaintiffs seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act'). The Plaintiffs, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act and the DHC (Original Side) Rules, 2018.

6. The application is disposed of.

I.A.23351/2023 (for court fee)

7. This is an application for exemption from filing the court fee. The court fee is deposited. Application is disposed of.

CS(COMM) 842/2023

8. Let the plaint be registered as a suit.

9. Issue summons to the Defendants through all modes upon filing of Process Fee.

10. The summons to the Defendants shall indicate that the written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall



also file an affidavit of admission/denial of the documents of the Plaintiffs, without which the written statement shall not be taken on record.

11. Liberty is given to the Plaintiffs to file the replication within 15 days of the receipt of the written statement. Along with the replication, if any, filed by the Plaintiffs, an affidavit of admission/denial of documents of the Defendants, be filed by the Plaintiffs, without which the replication 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.

12. List before the Joint Registrar for marking of exhibits on 18th January, 2024. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

13. List before Court on 5th April, 2024.

I.A. 23347/2023 (u/O XXXIX Rules 1 & 2 CPC)

14. Issue notice in the application.

15. The present suit is filed by Plaintiff Nos. 1 & 2- Spota Technologies Pvt. Ltd. and Dream Sports Inc. against Defendant No.1- John Doe Proprietor of Dream 365 (www.dream365book.in, www.dream365.com), restraining them from using the mark 'Dream 365', the 'D cup' logo or any other mark which is deceptively similar to the Plaintiffs' mark 'Dream 11'.

16. The Plaintiff No.1 is a company incorporated as Adwaiya Realtors Pvt. Ltd. in the year 2007 and thereafter adopted the name Dream 11 Fantasy Pvt. Ltd. in the year 2013. The Plaintiff No.1 is a wholly owned subsidiary of Plaintiff No. 2. The Plaintiff No.1 states to be the one stop provider of a number of online fantasy sport leagues. The Plaintiffs also asserts to be the official fantasy sports partner of the International Council of Cricket (ICC), National Basketball Association (NBA), Indian Hockey



Federation (FIH) etc. The Plaintiffs state to be the title sponsors of Indian Premiere League (IPL), 2020 and promoted their brand 'DREAM 11' on player jerseys. The Plaintiff No.1 is also the registered proprietor of the following marks:

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

17. The Plaintiff No. 2 has various registrations for the mark 'Dream 11' in classes *i.e.*, 9,16,18, 28, 35, 38, 41, 42, 45. The website with the domain name dream11.com is registered under the name of Plaintiff No.2.



18. The Plaintiffs also aver that they have filed number of lawsuits, claiming their rights over the 'DREAM 11' mark against third parties whose marks are both phonetically and visually similar *i.e.*, 'Dream11Champ',



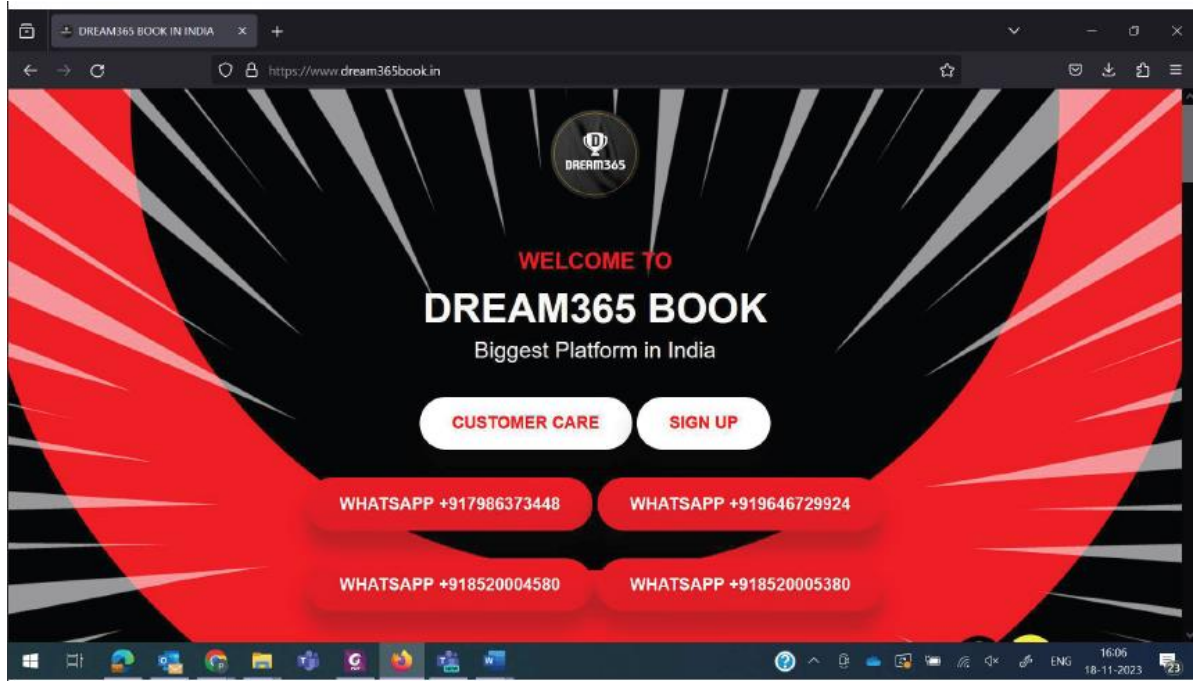
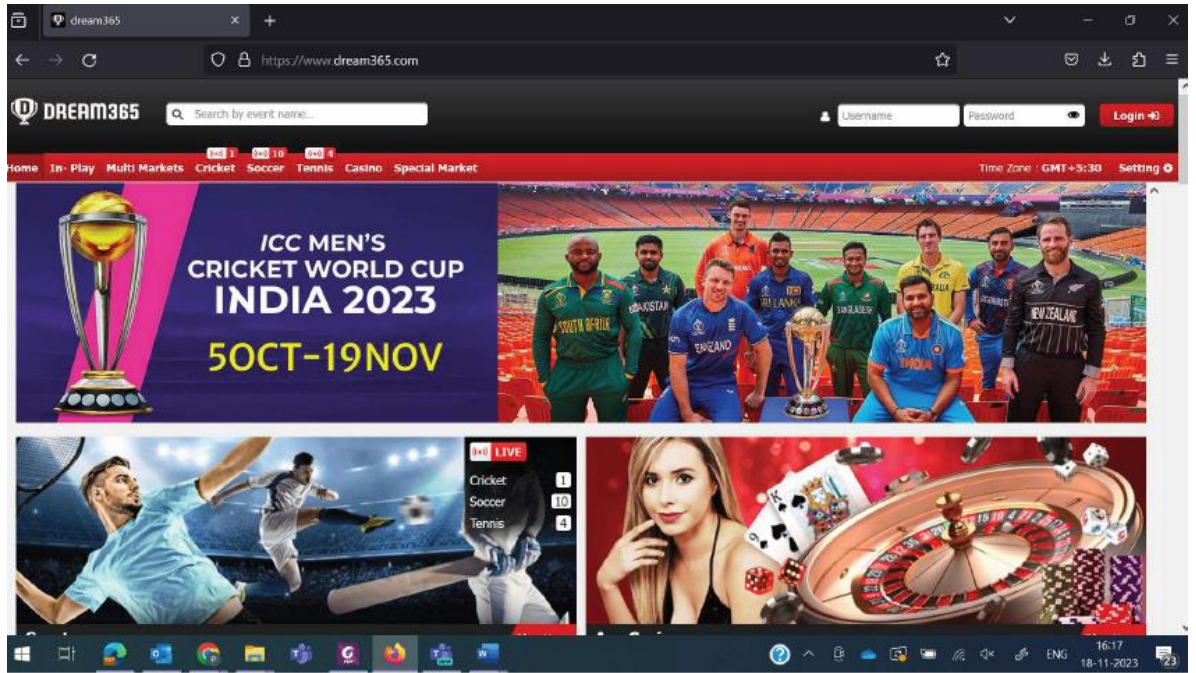
‘Dreamz11’, ‘Dream11app.in’ etc. and the same were also recognized by this Court.

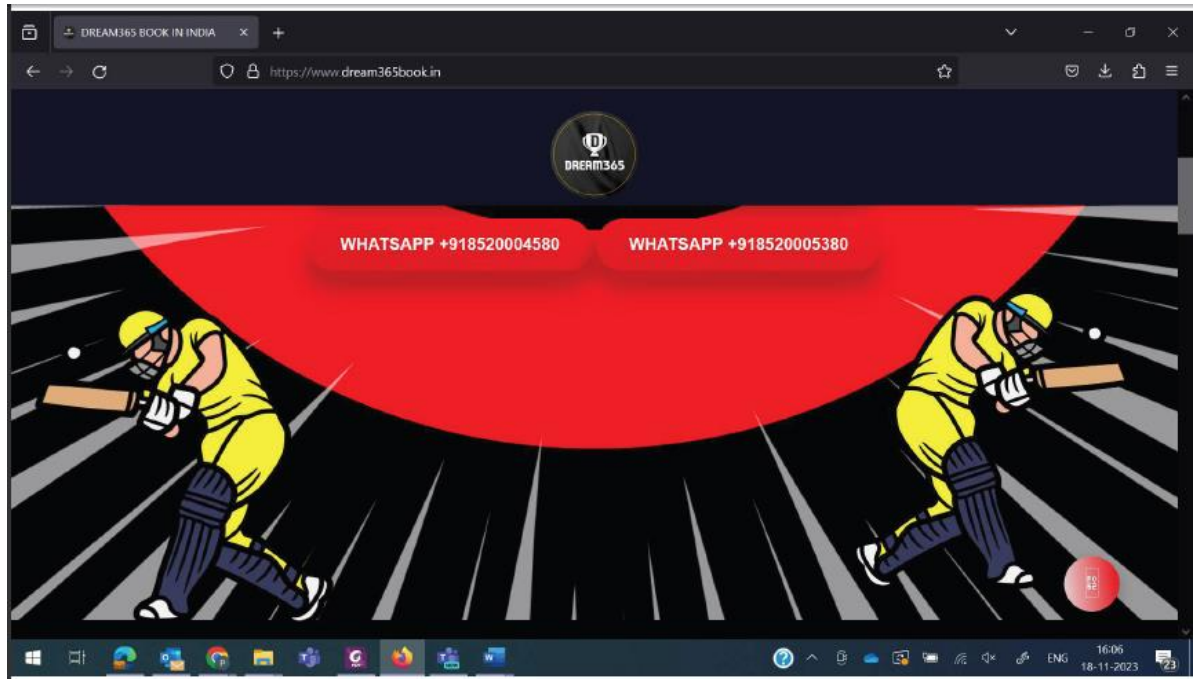
19. The Plaintiffs came across the Defendant No.1’s website in the month of October, 2023, who is stated to be the owner and operator of the websites with the domain name ‘www.dream365book.in & www.dream365.com (hereinafter ‘the impugned websites’). The Defendants are engaged in providing gambling and betting services.

20. The grievance of the Plaintiffs is that Defendant No.1- i.e., John Doe Proprietor of Dream 365 are the domain names www.dream365book.in & www.dream365.com which are registered by DNRs Hostinger, UAB- Defendant No.2 and NameCheap Inc.- Defendant No.3. The said impugned websites are using the name ‘DREAM’ along with the ‘trophy logo’ which belongs to the Plaintiffs. A comparative analysis of Plaintiffs’ and Defendant’s marks is set out below:

Plaintiffs’ Mark	Defendant’s Mark
	

21. Ld. counsel for the Plaintiffs submits that the website is using various distinctive elements of the ‘DREAM 11’ mark of the Plaintiffs. The Defendant’s website is also a betting platform which is claiming to be the biggest platform in India. The screenshots of the websites are set out below:





22. A perusal of the said website screenshots would show that the websites are identified only through some mobile numbers and there is no other indication as to who is operating the said domain name or websites. The Defendants are luring customers and users to play online casinos by using the letter 'D', the trophy logo and the identical font of the word 'DREAM'. The online casinos are providing various supporting event based casinos such as cricket, football, tennis, poker, teen patti *etc.* The Plaintiffs' grievance is that the entire mark 'DREAM' and the logo is being infringed and there is also resulting confusion owing to the use of the said mark and logo amongst the customers of the Plaintiffs. After having perused the website, there can be no doubt that the Defendant No. 1 has imitated the mark and the logo of the Plaintiffs'. The Defendant no.1 domain names/websites are accordingly restrained from using the infringing domain names www.dream365book.in & www.dream365.com or any other domain names or marks or names which consist of the mark DREAM 11, trophy



logo, or any other mark or name which is identical or confusingly similar to the Plaintiffs' marks. Accordingly, the said two websites are restrained from operating any services under the mark 'DREAM 365' including the trophy logo of the Plaintiffs' or any other domain name, mark/logo which is confusingly similar to the Plaintiffs' 'DREAM 11' mark/logo.

23. Ld. counsel for the Plaintiffs also submits that an advance copy of the papers were served upon the two DNRs out of which Hostinger-Defendant No.2 has already confirmed vide email dated 22nd November, 2023 that the domain name has been suspended.

24. Compliance of Order XXXIX Rule 3 CPC, 1908 be done by email within a week.

25. DoT/MEITY *i.e.*, Defendant Nos. 4 & 5 respectively, are directed to block the access to the said websites and ISPs shall also comply with the same. The website with the domain name www.dream365book.in shall also be blocked and suspended by NIXI *i.e.*, Defendant No. 6.

26. List on the dates fixed above *i.e.*, 5th April, 2024.

PRATHIBA M. SINGH, J.

NOVEMBER 23, 2023

dj/ks

IN THE HIGH COURT OF DELHI AT NEW DELHI
(Ordinary Commercial Jurisdiction)
CS (COMM) NO. OF 2023
Code No. 50000, 50000.04

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

... PLAINTIFF NO. 1

Dream Sports Inc.

formerly known as Dream11 Inc.

960 Holmdel Road, Bldg. 2,
Holmdel, NJ-0773
USA

... PLAINTIFF NO. 2

V E R S U S

John Doe

Proprietor of,

Dream365 (www.dream365book.in, www.dream365.com)

Email: abuse@hostinger.com; greivanceofficer@namecheap.com;
shivam.narang1753@gmail.com

... DEFENDANT NO. 1

Hostinger, UAB

Jonavos str. 60C, 44192

Email: abuse@hostinger.com

... DEFENDANT NO. 2

NameCheap, Inc.

4600 E Washington St Ste 305,

Phoenix, Arizona 85034, US

Email: greivanceofficer@namecheap.com;
shivam.narang1753@gmail.com

... DEFENDANT NO. 3

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
uoidhc@gmail.com

... DEFENDANT NO. 4

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
uoidhc@gmail.com

... DEFENDANT NO. 5

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

... DEFENDANT NO. 6

Filed by:



Prithvi Singh | Rohan Krishna Seth | Parkhi Rai
Enrl. No.: [D/2066/2011], [D/2172/2017], [D/8420/2022]

Fidus Law Chambers
Advocates for the Plaintiffs
F – 12, Ground Floor,
Sector – 8, Noida – 201301

Place: New Delhi
Date: 18th November 2023

Mob. No.: +91 – 9911167179
litigation@fiduslawchambers.com

Note: Defendant No 1 is the main contesting party.

Annexure II

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.