

# Sporta Technologies Pvt. Ltd. & Anr vs Dream11 Prime. & Ors on 14 October, 2020

**Author: Mukta Gupta**

**Bench: Mukta Gupta**

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IN THE HIGH COURT OF DELHI AT NEW DELHI  
CS(COMM) 448/2020

SPORTA TECHNOLOGIES PVT. LTD. & ANR.

Represented by: Ms.Shwetasree Majumdar  
Singh and Ms.Pritika  
Advocates.

versus

DREAM11 PRIME. & ORS.

Represented by:

Mr.Shantanu  
Roy, Advocate  
No.52/GoD

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA  
ORDER

% 14.10.2020 The hearing has been conducted through Video Conferencing. I.A. 9346/2020 (exemption)

1. Allowed, subject to all just exceptions.

2. Original documents, if any, be filed within two weeks of the resumption of the normal Court functioning.

3. Application is disposed of.

I.A. 9345/2020 (under Order XI Rule 1 (4) Commercial Courts Act)

1. Additional documents be filed within 30 days.

2. Application is disposed of.

I.A. 9347/2020 (exemption from filing suit papers without notarisation)

1. Plaintiff is exempted from filing the notarised suit papers at this stage. The same be filed within two weeks of the resumption of the normal functioning of the Court.

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2. Application is disposed of.

CS(COMM) 448/2020 I.A. 9344/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Complaint be registered as a suit.

2. Issue summons in the suit and notice in the application to the defendants.

3. Learned counsel for the defendant No.52 /GoDaddy.com LLC accepts summons in the suit and notice in the application.

4. Summons in the suit and notice in the application be now issued to defendant Nos.1 to 51 and 53 to 64 on the plaintiffs taking steps through email, SMS, whatsapp, Speed Post and Courier, returnable before this Court on 17th February, 2021.

5. Written statement and reply affidavit along with affidavit of admission/denial be filed within 30 days of the receipt of summons in the suit and notice in the application.

6. Replication and rejoinder affidavit, along with affidavit of admission/denial, be filed within three weeks thereafter.

7. Plaintiffs have filed the present suit inter alia seeking a decree of permanent injunction restraining the defendant Nos.1 to 51 who are the websites, infringing the plaintiff trademark 'Dream11' and their owners, proprietors, employees etc. from using 'Dream11' trademark or any mark deceptively similar thereto. The plaintiffs also seek directions to defendant Nos.52 to 61, the domain name registrars, to cancel/delist the domain name registrations of defendant Nos.1 to 51 infringing the plaintiffs' trademark and refrain from further offering for sale to third parties any new domain name with the plaintiffs' trademark 'Dream11' in favour of the third parties.

Signing Date:14.10.2020 21:55:53 This file is digitally signed by PS to HMJ Mukta Gupta The plaintiffs further seek directions to defendant Nos.52 to 61 to provide details/Basic Subscriber Information of defendant Nos.1 to 51 and 65, that is the websites which have been discovered and which will be discovered during the course of the proceedings, engaged in the infringing/passing off the plaintiffs mark as also directions to defendant Nos.62 to 63 to block access to the defendant Nos.1 to 51 websites, rendition of accounts, damages etc.

8. In the suit the plaintiffs have impleaded defendant Nos.1 to 51 as the websites which are infringing the plaintiffs trademark 'Dream11' and defendant Nos.52 to 61 are the domain name registrars and defendant No.62 is the Department of Telecommunications, Ministry of Communications and Information Technology, Government of India, defendant No.63 being Ministry of Electronics and Information Technology and defendant No.64 being National Internet Exchange of India (in short 'Nixi'). The plaintiffs have impleaded John Does as defendant No.65.

9. Case of the plaintiffs is that the plaintiffs registered their website [www.dream11.com](http://www.dream11.com) on 17th March, 2008 and thereafter got registered its trademark 'Dream11' in multiple classes on 28th May, 2009. Subsequently, the plaintiff No.1 filed and registered their trademark and in multiple classes on 11th April, 2018. The initial name of the plaintiff No.1 was Dreame11 Fantasy Pvt. Ltd. which has been now changed to Sporta Technologies Pvt.

Signing Date:14.10.2020 21:55:53 This file is digitally signed by PS to HMJ Mukta Gupta Ltd. and that of the plaintiff No.2 was Dream11 Inc. which is changed to Dream Sports Inc.

10. Plaintiffs claim that plaintiff are one stop provider of a number of online fantasy sport leagues wherein in an online multiple player game number of participants with virtual teams of real players can play the professional sport. The plaintiffs launched their Fantasy Sport platform under the trademark 'Dream11' in 2012 and thereafter have attained a brand value and goodwill. The plaintiffs are the official fantasy sports partner of the International Council of Cricket (ICC), the Campeonato Nacional de Liga de Primera Division (La Liga), Vivo Indian Premier League (IPL), KFC Big Bash League (BBL) etc. The plaintiffs have also acquired the official partner's rights of Board of Control for Cricket in India (BCCI), for international and domestic matches since 2019. Plaintiff No.2 is the registrant of the domain [www.dream11.com](http://www.dream11.com) which as noted above was registered on 17th March, 2008. As on today the plaintiff Nos.1 and 2 have the following registrations of the trademark:

S.No.	Trade Mark	Number
1.	DREAM11 CHAMPIONS	3847330
2.		1823011
3.		1823015
4.		3802186

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5.	3802185
6.	3660715

7.	3660717
8.	3660851
9.	3660713
10.	3802184

11. Grievance of the plaintiffs in the present suit is to the mushrooming of the rogue websites under the name 'Dream11' which the plaintiffs have impleaded as defendant Nos.1 to 51 in the present suit. The said websites have been registered over the course of last three months approximately, close on the heels of the IPL 2020. Some of the said domain names are even copying the entire get up and layout of the plaintiffs' website in order to deceive and lure the customers while promoting their lottery/lucky draw schemes representing to be part of the plaintiffs' concern/group companies.

12. The plaintiffs have also noted that few of these registrars after Signing Date:14.10.2020 21:55:53 This file is digitally signed by PS to HMJ Mukta Gupta purchasing the domain names with 'Dream11' formative are selling or offering for sale the same on premium price. Illustratively, defendant Nos.1 to 15 websites use the word mark 'Dream11' as part of their domain name. Further defendant No.1, 2, 3, 5, 6 and 8 are using the 'Dream11' logo on their websites as well. Defendant Nos.1, 2, 3, 5, 6 and 8 are also using the D Cup logo mark of the plaintiffs on their website. Illustratively, the plaintiffs have placed the home page of defendant No.16 website which is offering a fake lucky draw under the plaintiffs' trademark and not only using the plaintiffs' 'Dream11' trademark but also the D Cup logo.

13. On coming to know about the infringing activity of defendant No.16, the plaintiffs issued a notice to defendant No.52, GoDaddy.com, the registrant of the website to remove the said website however, no action was taken by the defendant No.52, and thus the plaintiffs were compelled to file the present suit.

14. The defendant No.52 is the domain registrar of defendant Nos.1, 4 to 7, 8-11, 13-17, 19-28, 30, 32-35, 38, 42-44, 47-48. Defendant No.53 is the domain registrar of defendant No.3. Defendant No.54 is the domain registrar of defendant No.2. Defendant No.55 is the domain registrar of defendant Nos.12, 18, 29, 46 and 49. Defendant No. 56 is the domain registrar for defendant No. 31, defendant No. 57 is the domain registrar for defendant Nos.36 and 37, defendant No. 58 is the domain registrar of defendant No.50, defendant No.59 is the domain registrar of defendant No.51, defendant No.60 is the domain registrar of defendant No.45 and defendant No.61 is the domain registrar for defendant Nos.39-41

15. Considering the averments in the plaint and the documents filed therewith this Court finds that the plaintiffs have made out a prima facie Signing Date:14.10.2020 21:55:53 This file is digitally signed by PS to HMJ Mukta Gupta case in their favour and in case no ex-parte ad-interim injunction is granted, the plaintiff would suffer and irreparable loss. Balance of convenience also lies in favour of the plaintiffs. Consequently, an ex-parte ad-interim injunction is granted in terms of prayer (a), (b) and (c) of para-22 of I.A.9344/2020. Defendant Nos.52 to 61 are also directed to provide the Basic Subscriber Information in respect of the domain name registrants/account holder of defendant Nos.1 to 51 to this Court with advance copy to the learned counsel for the plaintiff before the next date.

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

MUKTA GUPTA, J.

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