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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 141/2022 & I.A. 7065/2023**

SPORTA TECHNOLOGIES PVT. LTD. AND ANR. Plaintiffs

Through: Mr. Rohan Krishna Seth, Adv.

versus

DREAM7 ENTERTAINMENT PRIVATE LIMITED AND ANR.

..... Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
22.04.2024

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I.A. 7065/2023

1. Pursuant to the previous order dated 13th February, 2024, Mr. Sunil Kumar Ojha, counsel appears for defendants and states that he has no instructions on behalf of defendants and seeks to be discharged from the matter.
2. Accordingly, Mr. Sunil Kumar Ojha, Advocate is discharged from the matter.
3. Defendants' right to file the written statement was closed by order dated 26th August, 2022. An *ex parte ad-interim* injunction was granted in favour of plaintiffs *vide* order dated 04th March, 2022 in the following terms extracted



as under:

17. Accordingly, this Court is of the opinion that the Plaintiffs have made out a *prima facie* case for granting of *ex parte ad-interim* injunction in their favour. Considering that a large number of youngsters would be users of this website, it is deemed appropriate to direct as under:

- a. The Defendants and all persons/entities acting on their behalf shall stand restrained from using the mark applied for by them i.e. '*Dream7*' for any online gaming application or gaming platform.
- b. The Defendants shall remove the 'Cup/Trophy' logo from their website as also from the mobile application, with immediate effect. However, the Defendants may continue to use the website name '*www.gameking11.com*'.

The said order was made absolute by order dated 30th August, 2022.

4. In these circumstances, this application under Order XIII-A of Civil Code of Procedure, 1908 ("CPC") has been moved seeking summary judgment.

5. The facts and circumstances on which the earlier injunction order was premised has been narrated in paras 12–16 of the order dated 04th March, 2022, which is reproduced hereunder:

12. The Plaintiffs have filed the present suit seeking protection of the trademark, '*Dream11*', against misuse by the Defendants using the expression '*Dream7*'. In addition, the Plaintiffs' case is that the Defendants are infringing their rights by using the 'D Cup Logo' which is a registered trademark of the Plaintiffs.



13. The case of the Plaintiffs is that it is one of the top providers of online fantasy sports leagues in which various participants create teams and earn virtual points. The '*Dream11*' sports platform was launched by the Plaintiffs in 2012 and the Plaintiffs claim to have sponsored a large number of internationally renowned sporting events. As per the plaint, the Plaintiffs are registered owners of various logos and the mark '*Dream11*' in artistic style, form, as also in the color combination of Red and White and the D Cup/Trophy logo which is also reflected in their trademarks. The Plaintiffs also run a website by the name '*www.dream11.com*'.

14. Ms. Majumdar, Id. Counsel for Plaintiffs, submits that the Defendant has applied for a deceptively similar trademark '*Dream7*', though the application of the Defendant is yet to be advertised in the Trade Marks Journal. Defendant No.1 has also used the name '*Dream7*' as part of its corporate name, which is incorporated by the Registrar of Companies by the name '*Dream7 Entertainment Private Limited*'. She further submits that though the Defendants use the website name '*www.gameking11.com*', the look and feel of the website is similar to that of the Plaintiffs' along with the use of the Cup/Trophy logo.

15. Perused the plaint and heard Id. counsel for the Plaintiffs.

16. A perusal of the registrations of the Plaintiffs shows that the Plaintiffs have registered the trademark for various derivatives of the '*Dream11*' mark, as also the Cup/Trophy logo, which is registered in Classes 9, 16, 18, 28, 35, 38, 41, 42 & 44. The Defendants have applied for the registration of the mark '*Dream7*' as is clear from the trademark application bearing no. 5002513 in Class 41, in the name of Defendant No. 2, filed on 12th June, 2021. However, the website of the Defendants is called '*www.gameking11.com*'. A perusal of the website also shows that on the top left corner, a mark which is similar to the Plaintiffs' 'D Cup/Trophy' logo is also used on the website.



6. Considering that there is no rebuttal by defendants, the said averments in the plaint are being, therefore, considered.

7. Plaintiffs are registered trademark owners of the following marks:

S. No.	Trademark	Number	Class	Date
1.	DREAM11	3802186	9, 16, 35, 41, 42	11 th April, 2018
2.	DREAM11	3660715	9, 16, 35, 41, 42	21 st October, 2017
3.	DREAM11	3660717	9, 16, 35, 41, 42	21 st October, 2017
4.	DREAM11	3660851	9, 16, 35, 41, 42	22 nd October, 2017
5.		3802184	9,16,35, 41 & 42	11 th April, 2018

6.	 DREAM11	3802185	9,16,35, 41, 42	11 th April, 2018
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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



8. Plaintiffs' rights in the trademark 'DREAM11' have been upheld by this Court in previous matters, which are as under:

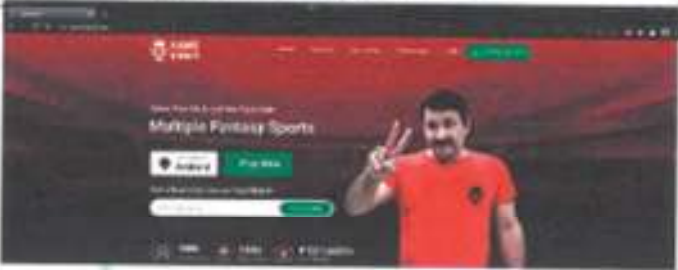
The Plaintiffs' rights over the trademark Dream11 have been upheld by this Hon'ble Court in several suits, including but not limited to *CS (COMM) 560 of 2021 – Sporta Technologies Pvt. Ltd. & Anr. V. Roberta Gaming Pvt. Ltd. & Anr.*, *CS(COMM) 365 of 2021 - Sporta Technologies Pvt. Ltd. & Anr. V. John 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.* Copies of these orders are filed in the present proceedings.

9. The grievance was against defendants operating under the name 'Dream7 Entertainment Private Limited'. In December 2021, during a routine search, plaintiffs came across trademark applications in the name of defendant no.2 in Class 41 for the mark 'DREAM7' on a '*proposed to be used*' basis.

10. Counsel for plaintiffs states that the said trademark has not been accepted by the Trademark Registry and has not been published as yet.

11. Defendant no.1 is the owner and the operator of the website 'www.gameking11.com' and has the similar look and feel to that of plaintiffs' site as represented in the pictures below:



SCREENSHOTS	SIMILARITIES
	• The 'red' and 'white' colour combination used by Defendants similar to Plaintiffs'. • The 'How to Play' section of Defendants' website is similar in representation and the text used. • The placement of the 'Download Link' section next to the Brand Ambassadors.
	
	

12. The suit was filed in these circumstances.

13. Accordingly, plaintiffs are entitled to a decree in terms of para 38 (a) to (d), which is extracted as under:

- a) A decree of permanent injunction restraining the Defendants, their



directors, representatives and/or others acting for and on their behalf from using the mark Dream7 or any deceptively similar variant thereof in any manner which amounts to infringement of the Plaintiffs' Dream 11 trademarks as listed in the plaint;

- b) A decree of permanent injunction restraining the Defendants, their directors, representatives and/or others acting for and on their

behalf from using the mark  along with the red and white colour combination or any deceptively similar variant thereof in any manner which amounts to infringement of the Plaintiffs' D cup logos



- c) A decree of permanent injunction restraining the Defendants, their directors, representatives and/or others acting for and on their behalf from using the mark Dream7 or any deceptively similar variant thereof, in any other manner which amounts to passing off the services and business of the Defendants as that of the Plaintiff;

- d) A decree of permanent injunction restraining the Defendants, their directors, representatives and/or others acting for and on their

behalf from using the mark  along with the red and white colour combination or any deceptively similar variant thereof in any manner



which amounts to passing off the services and business of the
Defendants as that of the Plaintiff;

14. Additionally, counsel for plaintiffs seek costs in their favour, in context of the fact that they had moved a cease-and-desist notice prior to the filing of the suit, which was not responded to. It is also noted that defendants have since chosen not to appear and not filed a response to the said plaint.

15. Accordingly, costs in favour of plaintiffs to the extent of Rs.2 Lacs are directed.

16. Decree-sheet be drawn up accordingly, in terms of the abovesaid directions.

17. Suit is accordingly, disposed of. Pending applications, if any, also stand disposed of, as being rendered infructuous.

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

ANISH DAYAL, J

APRIL 22, 2024/MK/na