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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 269/2023 & I.A. 8504/2023**

SPORTA TECHNOLOGIES PVT. LTD., AND ANR. Plaintiffs

Through: **Mr. Rohan Krishna Seth & Ms. Urvi
Tripathi, Advs.**

versus

RAFAEL ALFARO AND OTHERS Defendants

Through: **Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Advocates.**

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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15.04.2024

1. An *ex parte ad interim* injunction was passed in favour of plaintiff by this Court on 02nd May, 2023 in the following terms:

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

(i) The proprietor of the www.dream11app.in 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 5 are directed to forthwith suspend access to block access to the domain name www.dream11app.in.

(iii) Defendant 2 is directed to disclose the address and contact details of the registrant of the domain name www.dream11app.in.

(iv) 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.dream11app.in.

(v) Defendant 2 is directed to maintain status quo regarding



the ownership of the domain name www.dream11app.in.

2. The factual background in context of which the said injunction was passed was noted by this Court in its order dated 02nd May, 2023 in paras 1-6 which are reproduced as under: -

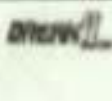
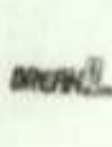
Registered marks of Plaintiff 1

S. No.	Trademark	Number	Classes	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.	DREAM11	3660718	9, 16, 35, 41, 42	21 st October 2017
6.	DREAM11	3660720	9, 16, 35, 41, 42	21 st October 2017
7.	DREAMBIG DREAM11	5262737	9, 16, 18, 25, 28, 35, 38, 41, 42, 45	27 th December 2021
8.	DREAM11 DREAMBIG	5262738	9, 16, 18, 25, 28, 35, 38, 41, 42, 45	27 th December 2021



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. The plaint alleges that Defendant 1 has created an identical website with the said domain name www.dream11.com and is running the website www.dream11app.in. The said website is stated to have been registered on 20th July 2022, as per the WHOIS details available. The details of the registrants of the website are masked and it is not possible, therefore, to identify the person running the website. As such, the owner of the website has been impleaded under the general appellation John Doe, pending identification of the person who is owning and running the website. The Domain Name Registrar (DNR) of the website, Namecheap Inc. has been impleaded as Defendant 2.

4. Screenshots from the websites have been placed on record in the plaint, at a bare glance, it is clear that www.dream11app.in website is identical in look and feel to the plaintiffs' website www.dream11.com. There is also obvious infringement of the plaintiffs' registered mark, by the use, in the infringing domain name of "Dream11".

5. The plaint alleges that, that persons are being lured into believing the defendants' website to be that of the plaintiff, resulting in serious prejudice to the plaintiffs.

6. *Prima facie*, a case of trademark infringement as well as online piracy of the plaintiffs' website as well as their registered trademarks is made out. The facts of the case also indicates that the proprietor of the website www.dream11app.in is seeking to pass off his website as that of the plaintiffs.



3. Pursuant to the summons being issued, none of the defendants have filed their written statements and their right to file the same was closed by order of the Joint Registrar dated 22nd February, 2024.
4. No one appears on behalf of defendants today as well.
5. Counsel for plaintiff, therefore, seeks a decree in terms of prayer at para 39 (a) (b) (c) & (d) which are reproduced as under:-

- a) A decree of permanent injunction restraining Defendant No. 1, its representatives and/or others acting for and on its behalf from using the mark 'Dream 11' of the Plaintiffs or any deceptively similar variant thereof, as a trademark, tradename, domain name, as part of their email addresses or in any other manner which amounts to infringement of the Plaintiffs' Dream 11 trademarks listed in the plaint.
- b) A decree of permanent injunction restraining Defendant No. 1, their representatives and/or others acting for and on its behalf from using the mark 'Dream11' or any deceptively similar variant thereof, as a trademark, tradename, domain name as part of their email addresses or in any other manner which amounts to passing off the services and business of the Defendant No. 1 as that of the Plaintiff.
- c) A decree of permanent injunction restraining the Defendant No. 1, its representatives and/or others acting for and on its



behalf from using a layout/user-interface on the website www.dream11app.in, which amounts to infringement of the Plaintiffs' copyright vested in website www.dream11.com.

- d) An order and decree directing Defendant No. 2 to transfer the domain dream11app.in to the Plaintiffs and also disclose the contact particulars and details of the registrant.

6. In view of the facts and circumstances, decree sheet be drawn up accordingly in terms of prayer at para 39 (a) (b) (c) & (d).
7. The suit is disposed of in the above terms.
8. Pending applications if any, are also rendered infructuous.
9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 15, 2024/RK/ig