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

+ **CS(COMM) 560/2021**

SPORTA TECHNOLOGIES PVT. LTD AND ANR. Plaintiffs

Through: Mr. Prithvi Singh, Mr. Rohan Krishna
Seth & Ms. Shilpi Sinha, Advs.

versus

ROBERTA GAMING PVT LTD AND ANR. Defendants

Through: Mr. Nishant Sharma, Mr. Kuldeep
Jawhar, Mr. Anubhav Tyagi and Mr. A.
Aggarwal, Advocates for D-1.

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 10th November, 2021 in the following terms:

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15. In view of the above, the Plaintiffs have established a *prima facie* case in their favour. The balance of convenience also lies in favour of the Plaintiffs and an irreparable loss would be caused to them, in case an *ex-parte* injunction is not granted. Accordingly, till the next date of hearing, the Defendants, their directors, representatives and/ or other(s) acting for/ on their behalf are restrained from:

- i. Using the mark “Fandream11” or any deceptively similar variant thereof, as trademark, tradename, domain name or on social media, e-mail addresses or in any other manner, which amounts to infringement of the Plaintiffs’ “Dream11” trademark as listed in the instant application; and



- ii. Using the mark “Fandream11”, or any deceptively similar variant thereof, as a trademark, tradename, domain name or on social media, e-mail addresses or in any other manner which amounts to ‘passing off the services and businesses of Defendants as that of the Plaintiffs.

16. Further, GoDaddy.com LLC is directed to suspend the domain name registrations of the Defendants, (viz. – *www.fandream11.com* and *www.fandream11.in*).

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2. An injunction had been passed in context of the facts as have been narrated by the Court in its order dated 10th November, 2021 in paras 13 & 14 and which are reproduced as under: -

13. The Plaintiffs have filed the accompanying suit seeking a permanent injunction restraining the infringement of its registered trademarks, passing off, rendition of accounts, damages, delivery up, etc. The case of the Plaintiffs, as set out in the Plaint, is as follows:

- i. Plaintiff No. 1 - Sporta Technologies Pvt. Ltd. - is an Indian company engaged in the business of an online fantasy sports platform under the name ‘Dream11’ since 2012. Plaintiff No.1 is a wholly owned subsidiary of Plaintiff No. 2 - Dream Sports Inc. – which is a U.S. based company.
- ii. Plaintiff No. 1 is the registrant of the domain name ‘*www.dream11.com*’ since 2008, and launched its online gaming platform Dream11 in 2012.
- iii. Plaintiff has been 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), 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.



- iv. The trademark '*Dream11*' is registered in India in various logo forms in several classes. The word mark '*Dream11 Champions*' has also been registered. The Plaintiffs' claim to have various brand ambassadors including celebrities such as Mr. M.S. Dhoni, Mr. R. Ashwin, Mr. Jasprit Bumrah, Mr. Rishab Pant, Mr. AB de Villiers, Mr. Andre Russel, Mr. Faf Du Plesis, Mr. Kane Williamson, etc.
- v. That Plaintiffs No. 1 and 2 are proprietors of several registered trademarks, which have been enumerated in the plaint as follows:

S. No.	Trade Mark	Number	Class(es)	Date
1.	DREAM11 CHAMPIONS	3847330	16 and 41	30 th May, 2018
2.	DREAM11	4863621	9, 16, 18, 28, 35, 38, 42 & 45	25 th September, 2019
3.		1823011	38	28 th May, 2009
4.		823015	41	28 th May, 2009
5.	DREAM11	3802186	9, 16, 35, 41, 42	11 th April, 2018
6.		3802185	9, 16, 35, 41, 42	11 th April, 2018
7.	DREAM11	3660715	9, 16, 35, 41, 42	21 st October, 2017
8.		3660717	9, 16, 35, 41, 42	21 st October, 2017
9.		3660551	9, 16, 35, 41, 42	22 nd October, 2017
10.		3802184	9, 16, 35, 41 & 42	11 th April, 2018



14. Ms. Shwetasree Majumder, counsel for the Plaintiffs, submits as follows:

- i. In the month of September 2021, the Plaintiffs came across the impugned websites– “*www.fandream11.in*” of Defendant No. 1 and “*www.fandream11.com*” of Defendant No. 2.
- ii. A perusal of Defendant No. 1’s website indicates that not only are they using the mark Fandream11, but they are also unauthorisedly using IPL team trademarks and logos – as well images and photographs of the Plaintiff’s exclusive brand ambassadors (being Shreyas Iyer, Rohit Sharma and Mahendra Singh Dhoni) in an unauthorised manner. Further, Defendant No. 1’s website claims that “*Fandream11 is a product of Roberta Gaming Private Limited, established in 2021*” which appears to have been incorporated on 14th December 2020.
- iii. The *mala-fides* of Defendant No. 1 are apparent as they are not a fantasy sports platform at all, and, in fact, are facilitating betting, which is illegal under various statutes, including but not limited to The Public Gambling Act, 1867. Further, Defendant No. 1 is also providing an unlawful betting/gambling platform and providing betting odds for a number of matches across a number of sports such as cricket, football, etc. When a user clicks on the tabs – “Cricket”, “Olympics” or “Offers” on the top right corner – they are re-directed to the website – “*www.unvin55.in*”.
- iv. Thus, by using the Plaintiffs’ well-known trademarks, Defendant No. 1 is making the public associate the Plaintiffs with prohibited activities, thereby tarnishing their reputation and image, and consequently, their trademark.



- v. Ms. Majumder states that in order to restrict Defendant No. 1, a legal notice dated 29th September, 2021 was also issued, however, there has been no response to the same. In the investigation, the Plaintiffs have also come across the website 'www.fandream11.com' of Defendant No. 2 which is dressed up as a legitimate fantasy sports operator, albeit under the same trademark "Fandream11" and the logo . A perusal of the same revealed that "Fandream11" is a creation of Defendant No. 2 – which was incorporated on 7th May, 2021.
- vi. The adoption of "Fandream11" infringes the Plaintiffs' trademarks viz. "Dream11". Defendants have added the generic term 'FAN' to indicate an association with the Plaintiffs. The addition of this prefix does not absolve the Defendants of any liability arising out of the infringement of Plaintiffs' trademark.

3. Subsequently, counsel for defendant no.1 has appeared. It is stated by counsel for defendant no.1 that they do not wish to contest the suit considering that the domains were registered at the behest of a company called Provenance Digital for which they were working, using their identification and their credit cards and has nothing to do with the said impugned domain names.

4. Counsel for plaintiff states that in view of submissions made by counsel for defendant no.1, they will not press for cost and damages against the defendants and therefore, a decree may be passed accordingly.

5. Submissions made by counsel for defendant, would at best be an internal issue between defendant no.1 and Provenance Digital which is not a party before this Court. The issue in the said suit however relates to a decree of permanent injunction against the defendants from using the mark 'Fandream 11' or any deceptively similar mark to that of the plaintiff's mark 'DREAM11'.



6. In view of the submissions made by counsel, the suit be decreed in terms of prayer contained in para 39 (a) & (b):

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 fandream11 or any deceptively similar variant thereof, as a trademark, tradename, domain name or on social media, email addresses or in any other 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 fandream11 or any deceptively similar variant thereof, as a trademark, tradename, domain name or on social media, email addresses or in any other manner which amounts to passing off the services and business of Defendant No.1 as that of the Plaintiff.

7. Decree sheet be drawn up accordingly.
8. The suit is disposed of in the above terms.
9. Pending applications if any, are also rendered infructuous.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 15, 2024/RK/ig