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

+ **CS(COMM)No.355/2020 & I.A.Nos.7610-13/2020**

SPORTA TECHNOLOGIES PVT LTD & ANR.Plaintiffs
Through : Ms. Shwetasree Majumder, Mr.
Prithvi Singh and Ms. Pritika Kohli,
Advs.

versus

DREAM11 TEAM AND ANR.Defendants
Through : Mr. Shantanu Sahay and Ms. Imon
Roy, Advs. for D-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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02.09.2020

[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A. No. 7611/2020

1. Allowed. The plaintiffs are permitted to file additional documents.
- 1.1 The additional documents will be filed within 30 days from today.

I.A. No. 7612/2020

2. Allowed, subject to just exceptions.

I.A. No. 7613/2020

3. Allowed, subject to the plaintiffs curing the deficiencies adverted to in the captioned application within five days from today.

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4. It is averred by the plaintiffs in the plaint that plaintiff no. 2 is the proprietor of the registered trademark "Dream 11.com", *albeit*, in multiple classes.

4.1 As per the plaint, the registration of the aforementioned trademark was obtained on 28.05.2009.

4.2 The plaintiffs claim that they also operate a website i.e. www.dream11.com. It is claimed by the plaintiffs that plaintiff no. 1 obtained registration of yet another mark i.e. “Dream 11”, once again, in multiple classes, on 11.04.2018.

4.3 The plaintiffs are, presently, aggrieved by the fact that the defendant has slavishly adopted an identical trademark and trade logo and, therefore, has created confusion in the minds of the consumers.

4.4 Ms. Shwetasree Majumder, who appears on behalf of the plaintiffs, in support of the assertions made in the plaint, has drawn my attention to pages 167, 175 and 191 of the documents filed by the plaintiffs.

5. I have heard Ms. Majumder and perused the record. I am of the view that, at least at this stage, the plaintiffs have established a *prima facie* case in their favour.

5.1 The balance of convenience also appears to be in favour of the plaintiffs.

5.2 It is my sense that if, at this juncture, the plaintiffs are not protected, their statutory and commercial rights are likely to get jeopardised.

6. Accordingly, issue summons in the suit and notice in the captioned application *via* all means including e-mail.

7. In the meanwhile, the defendant, its proprietor, partners, employees and agents are restrained from using the mark “Dream 11” and the logo set forth hereafter or any other trademark/logo which is deceptively similar to



the plaintiffs’ trademarks and logo.

7.1 Furthermore, the defendant, its proprietor, partners, employees and agents are restrained from using the plaintiffs’ trademark as part of its domain name.

7.2 I am informed by Ms. Majumder that the Registrar of the defendant’s domain name i.e. www.dream11team.com is an entity going by the name GoDaddy, LLC.

7.3 The Registrar i.e. GoDaddy, LLC is, to my mind, a proper party and, therefore, should be arrayed as a defendant to the instant proceedings.

7.4 It is ordered accordingly. The plaintiffs will file an amended memo of parties. The needful will be done within five days from today.

7.5 GoDaddy, LLC [now defendant no. 2] is directed to suspend/block the defendant’s domain name i.e. www.dream11team.com.

7.6 At this stage, Mr. Shantanu Sahay, who has joined the virtual-court hearing, says that he has been instructed to appear on behalf of Registrar i.e. GoDaddy, LLC. Mr. Sahay accepts service on behalf of the newly arrayed defendant no. 2. Mr. Sahay has been apprised of the direction contained in paragraph 7.5 above.

7.7 Besides the foregoing, defendant no. 1 is also directed to take down the infringing material from its social media pages.

8. The plaintiffs will comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 within five days from today.
9. Renotify the matter on 06.10.2020.

RAJIV SHAKDHER, J

SEPTEMBER 02, 2020

Aj/KK

Click here to check corrigendum, if any

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