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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 657/2024 & I.A. Nos. 35708/2024, 35709/2024,
35710/2024, 35711/2024, 35712/2024 & 35713/2024
PLAY GAMES 24X7 PRIVATE LIMITEDPlaintiff

Through: Ms. Mamta Rani Jha with Mr. Rohan
Ahuja, Ms. Shruttima and Ms. Diya
Viswanath, Advocates.
(M): 9502321779

versus

WWW10XBETTCOM & ORS.Defendants

Through: Ms. Nidhi Raman, CGSC with Mr.
Yash Tyagi, GP, Mr. Zubin Singh and
Ms. Rashi Kapoor, Advocates for
defendant no. 24 and 25.
(M): 9891088688
Email: nidhiraman.office@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
% **07.08.2024**

I.A. 35710/2024 (Exemption from instituting Pre-Institution Mediation)

1. The present is an application under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), seeking exemption from undergoing Pre-Institution Mediation.
2. Having regard to the facts of the present case and in the light of the judgment of Supreme Court in the case of ***Yamini Manohar Versus T.K.D.***



Keerthi, 2023 SCC OnLine SC 1382, and Division Bench of this Court in *Chandra Kishore Chaurasia Versus RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption from attempting Pre-Institution Mediation, is granted.

3. Accordingly, the application stands disposed of.

I.A. 35709/2024 (Application seeking leave to file additional documents)

4. This is an application under Order XI Rule 1(4) read with 151 CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

5. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

6. The application is disposed of, with the aforesaid directions.

I.A. 35711/2024 (Exemption from advance service)

7. The present is an application under Rule 22 of Delhi High Court Intellectual Property Rights Division Rules, 2022 read with Section 151 CPC seeking exemption from advance service to the defendant nos.1 to 14.

8. The plaintiff seeks urgent interim relief. Therefore, in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the defendant nos. 1 to 14, is granted.

9. For the reasons stated in the application, the same is allowed and disposed of.

I.A. No. 35712/2024 (Application seeking exemption from advance notice)

10. The present is an application under Section 80(2) of the CPC seeking exemption from serving notice under Section 80(1) to defendant nos. 24 and



25.

11. Ms. Nidhi Raman, Advocate has put in appearance on behalf of defendant nos. 24 and 25.

12. As such, the present application is rendered infructuous, and accordingly is disposed of.

I.A. No. 35713/2024 (Application seeking leave to place on record pen drive as document)

13. The present is an application under Section 151 CPC seeking leave to place on record pen drive as document.

14. Rule 24 of Chapter-XI of the Delhi High Court (Original Side) Rules, 2018, make it clear that electronic records can be received in CD/DVD/Medium encrypted with a hash value. The said rule is extracted as below:

“24. Reception of electronic evidence - A party seeking to tender any electronic record shall do so in a CD/ DVD/ Medium, encrypted with a hash value, the details of which shall be disclosed in a separate memorandum, signed by the party in the form of an affidavit. This will be tendered along with the encrypted CD/ DVD/ Medium in the Registry. The electronic record in the encrypted CD/ DVD/ Medium will be uploaded on the server of the Court by the Computer Section and kept in an electronic folder which shall be labeled with the cause title, case number and the date of document uploaded on the server. Thereafter, the encrypted CD/ DVD/ Medium will be returned to the party on the condition that it shall be produced at the time of admission/denial of the documents and as and when directed by the Court/ Registrar. The memorandum disclosing the hash value shall be separately kept by the Registry on the file. The compliance with this rule will not be construed as dispensing with the compliance with any other law for the time being in force including Section 65B of the Indian Evidence Act, 1872.”

15. Accordingly, Registry may receive electronic record on pen drive, so long as it is encrypted with a hash value or in any other non-editable format.



The video recordings containing in the pen drive be placed in the electronic record of the present suit, in a format which is non-editable, so that the same can be viewed by the Court during hearing.

16. Application is disposed of.

CS(COMM) 657/2024

17. Let the plaint be registered as suit.

18. Issue summons.

19. Summons is accepted by learned counsel appearing for defendant nos. 24 and 25.

20. Upon filing of the process fee, issue summons to the defendant nos. 1 to 23, 26 and 27 by all permissible modes. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

21. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek inspection of the documents, the same shall be sought and given within the timelines.

22. List before the Joint Registrar (Judicial) for marking of exhibits, on 01st October, 2024.

23. List before the Court on 17th December, 2024.



I.A. No. 35708/2024 (Application under Order XXXIX Rules 1 and 2)

24. The present suit has been filed for permanent and mandatory injunction restraining infringement of copyright, infringement of trademark, passing off, fraud, misrepresentation, unfair competition, rendition of accounts and damages.

25. Learned counsel appearing for the plaintiff submits that the plaintiff has been constraint to approach this Court against the defendants, on account of blatant, deliberate infringement of its well-known registered trade

mark MY11CIRCLE/, copyright in the promotional materials, passing off the plaintiff's goodwill and reputation, as well as the goodwill, reputation and image rights of its brand ambassadors and celebrity endorsers. It is submitted that the defendants are employing the "Bait & Switch" method to redirect unsuspecting users to their websites, which offer betting/gambling/speculative games, which are unlawful in India. The targeted websites offer a variety of gambling and betting games such as Dice, Blace Jack, Keno, Baccarat, amongst many others. These games are highly addictive and involve a high financial risk, not to mention them being illegal within the territory of India. It is submitted that these "Games of Chance" disrupt the sports integrity and cause severe financial and mental harm to users.

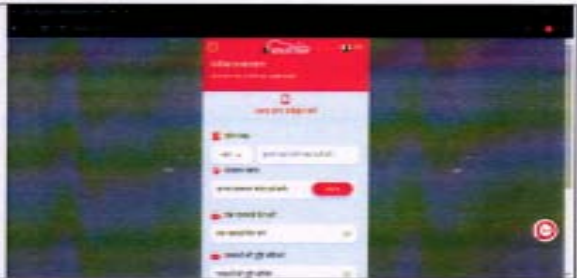
26. An illustrative chart of the defendants initial dummy website infringing the plaintiff's rights and the targeted websites, as given in the plaint, is reproduced as under:-

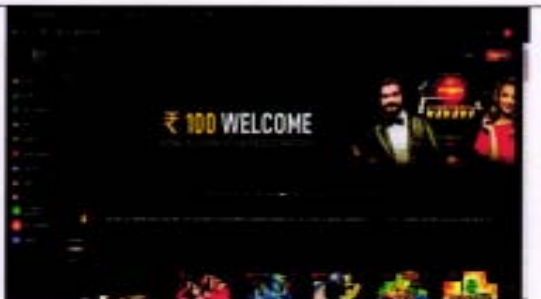


Plaintiff's Intellectual Property on its website	Illustrative Screenshot of offending website and method of redirecting
	Defendant No. 7 https://www.my11circle-id.top.1win-id.in/
	 The website automatically redirects to Defendant No. 1's website after 5 seconds 
	Defendant No. 8 https://my11circle.net/





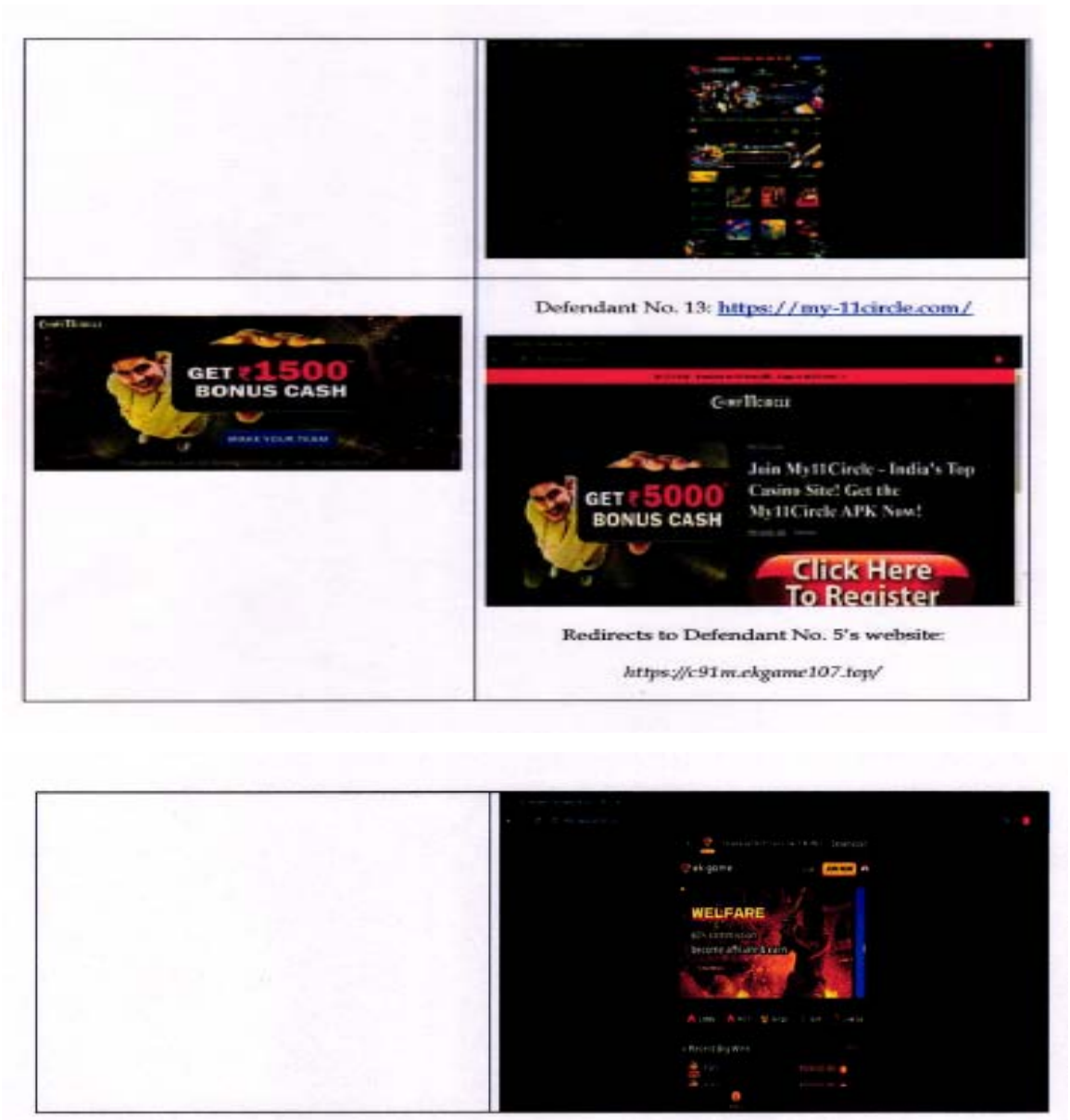
	
	Defendant No. 10: https://my11-circle.com/  Redirects to Defendant No. 2's website https://www.rs7sports.com/register?affiliateCode=gatgsc06006

	 Defendant No. 10: https://my11-circle.com/  Redirects to Defendant No. 6's website https://www.mk2014.com-9001/EN
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	 English
 MY11CIRCLE	Defendant No. 11: https://my-11-circle.co.in/  Redirects to Defendant No. 2's website https://www.rs2sports.com/register?affiliateCode=gztgseof006

	
 MY11CIRCLE	Defendant No. 12: https://my11-circle.online/  My 11 Circle India's Leading Fantasy Cricket and Football Redirects to Defendant No. 4's website https://my24kabet.com/farmagame?gamecategoryid=0



27. It is submitted that these infringing websites are not only illegal, but constitute a blatant violation of the plaintiff's rights and are causing widespread public harm and misrepresentation, along with propagation of illegal activities.

28. It is submitted that given the similarity of the *modus operandi*, it is evident that the targeted websites are working in collusion with each other to infringe the plaintiff's rights.



29. Accordingly, it is submitted that by way of the present suit, the plaintiff is seeking *inter alia*, an order of permanent injunction against the known defendants and subsequently identified John Doe Defendants, restraining them from violating the plaintiff's rights, inflicting damage, and also preventing the grave and irreparable public harm.

30. It is submitted that plaintiff commercially launched MY11CIRCLE, an Online Fantasy Sports platform, in the year 2019, spanning the thrilling realms of Cricket, Football, and Kabaddi. The user earns points based on the actual performance of the players in the match and can compete with other users based on their standing at the league table.

31. It is submitted that plaintiff adopted the arbitrary trade mark/trade name MY11CIRCLE for this game/service along with the distinctive device

mark  which has been openly, extensively, and continuously used since then.

32. It is submitted that the plaintiff's MY11CIRCLE game/service gained immense popularity in a short span of time, and the said service/game is now ranked as one of the most popular fantasy sports platforms in India.

33. It is submitted that the plaintiff in order to strengthen its intellectual property rights over the brand MY11CIRCLE, has applied for and obtained

a multiclass registration for the said trade mark and device  in India, under the Trade Marks Act, 1999, the details of which are as under:-



Trade Mark Details	Specification	Status
 Regn. No. 4522470 dated 31/09/2019 in Class 99 (Multi Class Application)	[CLASS : 9] Computer game programs, cartridge, discs and cassettes for use with personal computers, video game consoles; electric and electronic devices, apparatus and instruments; downloadable software, games and programs; apparatus and software tools for accessing, launching and operating electronically operated video games; apparatus for recording transmitting, reproducing or playing data, texts, sound, video or images; data or image communication, processing apparatus, computer software, hardware	Registered & Valid up to 06/06/2030

	and peripherals all being goods included in class 09. [CLASS : 16] Paper, cardboard and goods made from these materials not included in other classes; role playing game equipment, namely game book manuals; photographs; stationery; gift bags, boxes, cartons, cases for writing instruments, enclosures and gift wrapping materials and vouchers, certificates and calendars and leaflets all featuring video and computer games; instructional and teaching material for video and computer games; video game user and strategy guides all being goods included in class 16. [CLASS: 28] Toys, games and playthings, toy tools, baby rattles, vinyl and plastic toy animals and characters, jigsaw puzzles, equipment sold as a unit for playing board, skill and action and role-playing games; playing cards, board games, card games, trading card games, handheld electronic games; gymnastic and sporting articles not included in other classes. [CLASS: 35] Promotion and marketing of events, arranging and conducting of events, promotion of competitions, organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes retail services of game manual; advertising and commercial information services; advertising and promotional services; retail services of downloadable electronic publications; retail services of video game programs; business management; business information services; arranging and conducting of	
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	commercial exhibitions; on-line data processing services; promotion of sports competitions and events; retail services of portable media players; advertising via the internet; inventory control; product marketing; management and compilation of computerized databases; computerized data processing; compilation of statistical information; retail services of portable computers. [CLASS: 41] Entertainment services, namely, providing website featuring online games, electronic games, games for cellular, handheld, and wireless devices, interactive multimedia games, virtual reality games, social games and networks, organizing multiplayer games and competitions; providing information on non-downloadable publications in the nature of newsletters, magazines, reports, journals, manuals, advice, career and vocational counselling by computer networks; providing of training; entertainment; sporting and cultural activities. all being services included in class 41. [CLASS: 42] Programming, designing, hosting and maintenance of websites on the internet and wap sites, game software for computers, digital or analog television decoders, mobiles and personal digital assistants; computerized online services for temporary use of non-downloadable computer game software; providing online interactive discussion forum for realtime interaction between computer users; providing online computer database in the fields of computer hardware and software; design and development of computer hardware and	
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	software all being services included in class 42. [CLASS : 9] Computer game programs, cartridge, discs and cassettes for use with personal computers, video game consoles; electric and electronic devices, apparatus and instruments; downloadable software, games and programs; apparatus and software tools for accessing, launching and operating electronically operated video games; apparatus for recording transmitting, reproducing or playing data, texts, sound, video or images; data or image communication, processing apparatus, computer software, hardware and peripherals all being goods included in class 09 [CLASS : 16] Paper, cardboard and goods made from these materials not included in other classes; role playing game equipment, namely game book manuals; photographs; stationery; gift bags, boxes, cartons, cases for writing instruments, enclosures and gift wrapping materials and vouchers, certificates and calendars and leaflets all featuring video and computer games; instructional and teaching material for video and computer games; video game user and strategy guides all being goods included in class 16. [CLASS : 28] Toys, games and playthings, toy tools, baby rattles, vinyl and plastic toy animals and characters, jigsaw puzzles, equipment sold as a unit for playing board, skill and action and role-playing games; playing cards, board games, card games, trading card games, handheld electronic games; gymnastic and sporting	
MY ELEVEN CIRCLE Regn No. 4530763 Dated 13.06.2020 in Class 99 (Multi Class Application)		Registered & Valid up to 13/06/2030



	articles not included in other classes. [CLASS : 35] Promotion and marketing of events, arranging and conducting of events, promotion of competitions, organization of events, exhibitions, fairs and shows for commercial, promotional and advertising purposes retail services of game manual; advertising and commercial information services; advertising and promotional services; retail services of downloadable electronic publications; retail services of video game programs; business management; business information services; arranging and conducting of commercial exhibitions; on-line data processing services; promotion of sports competitions and events; retail services of portable media players; advertising via the internet; inventory control; product marketing; management and compilation of computerized databases; computerized data processing; compilation of statistical information; retail services of portable computers. [CLASS : 41] Entertainment services, namely, providing website featuring online games, electronic games, games for cellular, handheld, and wireless devices, interactive multimedia games, virtual reality games, social games and networks, organizing multiplayer games and competitions; providing information on non-downloadable publications in the nature of newsletters, magazines, reports, journals, manuals, advice, career and vocational counselling by computer networks; providing of training; entertainment; sporting and cultural activities. all being services included in class 41.	
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	[CLASS : 42] Programming, designing, hosting and maintenance of websites on the internet and wap sites, game software for computers, digital or analog television decoders, mobiles and personal digital assistants; computerized online services for temporary use of non-downloadable computer game software; providing online interactive discussion forum for realtime interaction between computer users; providing online computer database in the fields of computer hardware and software; design and development of computer hardware and software. all being services included in class 42.	
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34. Thus, it is submitted that apart from the trademark registrations, the

device mark/logo  also constitutes an original artistic work within the meaning of Section 2(c) of The Copyright Act, 1957. It is submitted that plaintiff is the owner of copyright in the aforesaid device and any unauthorized use/reproduction/adaptation thereof, constitutes infringement of the plaintiff's exclusive rights under Section 51 of the Copyright Act, 1957.

35. It is the case of the plaintiff that on account of long and continuous use, the brand built up through extensive promotional campaign and marketing network, enormous sales and painstaking quality control, the

plaintiff's trade mark MY11CIRCLE  and variant marks have acquired enviable goodwill and reputation amongst the members of trade and public at large. This goodwill and reputation that vests in the said trade mark and copyright of the plaintiff, is a creation of huge financial and human resource investment undertaken by the plaintiff over the past decades.

36. It is submitted that defendant nos. 1 to 6 are the unlawful Targeted Websites from where the users are redirected to the initial dummy pages displayed. These impugned websites offer betting and gambling games with real money transactions.

37. It is submitted that defendant nos. 7 to 14 are the initial dummy Infringing Domains/Websites/Webpages displayed, to lure in the plaintiff's users. These impugned websites are identical or use elements from the



plaintiff's website to falsely associate themselves and establish a nexus to the plaintiff, which is not the case. The users are misled into believing that these impugned websites either belong to the plaintiff or are associated with the plaintiff in some manner and lured into registering/ signing up.

38. It is submitted that some of the websites are outright replications of the plaintiff's website, and even copy the underlying hyperlinks/URLs to lend an air of misplaced authenticity. Attention of this Court has also been drawn to the averments made in para 32 of the plaint, wherein, details of the various UPI Ids are given, through which payments are made from the built websites.

39. Thus, it is submitted that the defendants have unethically and unlawfully copied the Intellectual Property of the plaintiff. Such use, and replication by the defendants, is *mala fide*, without any due cause, and has been done with the sole intention to bait the users and mislead them into believing the impugned websites belong to the plaintiff and redirect them onto unlawful betting websites banned by the Indian Government.

40. Thus, it is submitted that the illegal trade activities of the defendants are causing irreparable loss, injury, damage, and prejudice to the plaintiff. The plaintiff is not only suffering loss of sales on account of business diversions but is also suffering irreparable damage and injury on account of misappropriation of the goodwill and reputation, that vests in the plaintiff's well-reputed trademark and copyrighted works.

41. Learned counsel appearing for the plaintiff has relied upon the order dated 01st June, 2022 passed in CS (COMM) 389/2022 and order dated 20th July, 2020 passed in CS (COMM) 264/2020, to pray for similar orders in favour of the plaintiff.



42. Having considered the submissions made before this Court, the plaintiff has demonstrated a *prima facie* case for grant of interim injunction and in case, no *ex-parte ad-interim* injunction is granted, the plaintiff will suffer irreparable loss. Further, the balance of convenience also lies in favour of the plaintiff and against the defendants.

43. Accordingly, the following directions are passed:-

43.1 Till the next date of hearing, an interim injunction is granted in favour of the plaintiff, thereby restraining defendant nos. 1 to 14, their directors, assignees in business, licensees, franchisees and any persons claiming right

through/for them from using MY11CIRCLE  or any other identical/similar trade mark/domain name/logo, either as trade mark/trade name/logo or as part of domain name, social media posts, creatives, in electronic or physical media or in any manner whatsoever amounting to infringement/passing off, of plaintiff's registered trade mark, trade name/service/copyright.

43.2 Interim injunction is granted in favour of the plaintiff thereby directing defendant nos. 15 to 23, to suspend/block the domain names as given in the following table:-

DNR associated	Targeted website	Infringing Dummy Website associated
GoDaddy LLC (Defendant No. 15)	www.10xbett.com (Defendant No. 1) www.rs7sports.com (Defendant No. 2) https://www.mk2014.com:9001/EN (Defendant No. 6)	-
Name.com LLC (Defendant No. 16)	www.82bet.com (Defendant No. 3)	-



NameSilo LLC (Defendant No. 17)	www.my24kbet.com (Defendant No. 4)	-
Dynadot LLC (Defendant No. 18)	https://c91m.ekgame107.top (Defendant No. 5)	https://my-11circle.com/ (Defendant No. 13)
Hosting Concepts B.V. d/b/a (Defendant No. 19)	-	https://www.my11circle-id.top.1win-id.in/ (Defendant No. 7)
NameCheap Inc. (Defendant No. 20)	-	https://my11circle.net/ (Defendant No. 8) https://www.my11circle.vip/ (Defendant No. 9) https://my-11-circle.co.in/ (Defendant No. 11) https://my11-circle.online/ (Defendant No. 12)
Gname.com Pte. Ltd (Defendant No. 21)	-	https://my11-circle.com/ (Defendant No. 10)
Mark Monitor Inc (Defendant No. 22)	-	https://my11circleorg.wordpress.com/ (Defendant No. 14)

43.3 If the plaintiff discovers any other infringing website/domain name/webpage used by any other John Doe, amounting to infringement/passing off, of plaintiff's registered trademark, trade name/service/copyright, the plaintiff shall be entitled to move an appropriate application in this Court, seeking appropriate relief against such websites/domain name/webpage.



43.4 Defendant nos. 15 to 23 are directed to disclose the Basic Subscriber Information and Account Registration details of the defendant nos. 1 to 14, as may be available in a sealed cover, before this Court.

43.5 Directions are issued to defendant nos. 24 & 25 to immediately block the infringing websites of the defendant nos. 1 to 14, as given in the table in the preceding paragraph or any John Doe Infringing website, which may

contain the trade mark MY11CIRCLE  or any mark deceptively similar thereto, upon being so notified by the plaintiff.

43.6 State Bank of India is directed to disclose details linked to the UPI ID/Defendant No. 3 www.my24kbet.com Alias: Timir Garments at timirgarments2024.63245359@sbi Shri Devnarayan Trading at 8433904928.996999530@sbi and an order directing Karur Vysya Bank to disclose details linked to the UPI ID <https://c91m.ekgame107.top> Alias: Ajesh K at UPI ID: kvbupiqr.105000000016340@kvb in a sealed cover before this Court.

44. Issue notice to the defendants.

45. Notice is accepted by learned counsel appearing for the defendant nos. 24 and 25.

46. Issue notice to other defendants by all permissible modes, upon filing of process fees, returnable on the next date of hearing.

47. Reply, if any, be filed within a period of four weeks from the date of service.

48. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

49. Compliance of Order XXXIX Rule 3 CPC, be done, within a period



of one week, from today.

50. List before the Court on 17th December, 2024.

MINI PUSHKARNA, J

AUGUST 7, 2024

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