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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 108/2023 and I.A. 17802/2023**

DIGITAL COLLECTIBLES PTE LTD AND ORS. Plaintiffs

Through: Ms. Shwetasree Majumder, Mr. Prithvi Singh, Mr. Rohan Krishna Seth and Ms. Parkhi Rai, Advocates (M: 9999845680).

versus

GALACTUS FUNWARE TECHNOLOGY PRIVATE LIMITED
AND ANR. Defendants

Through: Ms. Raj Latha Kotni, Mr. Rohan Garg and Mr. Anirudh Ramanathan, Advs. for D-1 (M: 7550038500).

Mr. Amit Sibal, Senior Advocate with Mr. Maanav Kumar, Mr. G. Bijaharini, Mr. Rishab Sharma, Mr. Saksham Dhingra and Mr. Vinay Tripathi, Advocates for D-2 (M: 98102 33743).

Mr. Ashish Mohan, Mr. Kushal Kumar, Mr. Ravi Goyal, Mr. Akash Deep Gupta and Ms. Sagarika, Advocates for Intervenor (M: 9958724670).

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **14.09.2023**

1. This hearing has been done through hybrid mode.

I.A. 17802/2023 (seeking intervention) in CS(COMM)-108/2023

2. This is an application filed by M/s Fancraze Technologies Inc. which operates the platform 'FanCraze' (formerly known as Faze) seeking intervention in the present suit, under Order 1 Rule 8A read with section 151



of the CPC, 1908 and Rule 25 of the Delhi High Court IPR Division Rules, 2022.

3. The stand of the Applicant is that the issue relating to personality rights in player cards, which has been raised by the Plaintiffs against the Defendants, is an issue which could affect its business, as also have a bearing on various agreements which it has entered into.

4. The said Applicant claims that it is a duly incorporated organization in the State of Delaware, United States of America, who offers Digital Player Cards and other digital collectibles related to cricketers in the form of Non-Fungible Tokens (“NFTs”) through licenses from federations such as ICC, ACC, T20 leagues and other individual cricketers. The Plaintiff also claims that it has rights in respect of various sporting events as also with cricketers including Mr. MS Dhoni, Mr. Virat Kohli, Mr. Rohit Sharma, Mr. Hardik Pandya, Mr. Jasprit Bumrah, Mr. Shubman Gill, Mr. Ravindra Jadeja, Mr. Lasith Malinga, Mr. Andre Russel, Mr. Jonty Rhodes, Mr. Tim David, etc.

5. The case of the Applicant is that the captioned suit will involve adjudication on the issues of legality of commercial or non-commercial use of Digital Player Cards in the form of Non-Fungible Tokens without the authorization of the cricketers whose personalities form part of such Digital Player Cards and such decision would therefore impact the rights of the present Applicant as well.

6. According to the Applicant, the issuance of non- fungible tokens even as part of the games offered by the Defendants without authorization, would be violative of publicity rights as also event rights.

7. The present application is supported by the Plaintiffs. However, it is



opposed by Defendant No. 1, who operate a platform 'Mobile Premier League' (MPL) which hosts the game "Striker" and "Galactus" run by the Defendant No. 2. The interim injunction application has already been dismissed vide order dated 26th April, 2023. An appeal is stated to be pending before the Ld. Division Bench

8. Issue notice. Notice is accepted by the ld. counsels for Defendant Nos. 1 and 2.
9. Let the said Defendants file a reply to this application within four weeks. Rejoinder, if any, be filed within four weeks thereafter.
10. List for hearing on 15th January, 2024.

PRATHIBA M. SINGH, J.

SEPTEMBER 14, 2023

mr/ks