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

\# **CNR No. DLHC010301872026**

\+ CS(COMM) 738/2026

T.V.TODAY NETWORK LIMITED .....Plaintiff

Through: Mr. Gopal Jain & Mr. Hrishikesh Baruah, Sr. Advs. with Mr. Shahrukh Ejaz, Mr. Utkarsh Dwivedi, Mr. Ganiul Hakim, Ms. Pragya Agarwal, Ms. Nishtha Sachan, Mr. Pratham Pandey, Advs.

Versus

GLOBAL WEATHER PRODUCTIONS LLC & ORS.....Defendants

Through: Mr. Aditya Gupta, Ms. Aishwarya Kane, Mr. Rohith Venkatesan & Ms. Sunidhi Agrahari, Advs. for D-7.
Ms. Chandrika Gupta, Adv. for D-8.

**CORAM:**
**HON'BLE MR. JUSTICE TEJAS KARIA**

**O R D E R**

**% 05.11.2026**

**IA No.18139/2026**

1. This Application is filed under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 ("**CPC**") by the Plaintiff, *inter alia*, seeking: (A) an interim injunction restraining Defendant Nos. 1 to 6, their directors, officers, employees, agents, representatives, attorneys, assigns and persons acting on their behalf from taking further steps in ***Global Weather Productions LLC & Ors. v. T.V. Today Network Limited & Anr.***, Case No. 3:26-cv-02367-KAW ("**US Suit**"), pending before the United States District Court for the Northern District of California ("**US Court**"), or proceedings arising therefrom, insofar as they concern the Plaintiff and the subject matter of this Suit; (B) an interim injunction restraining Defendant Nos. 1 to 6 from issuing or causing further copyright infringement notices,



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notices under the Digital Millennium Copyright Act, 1998 of the US ("**DMCA**"), copyright strikes, takedown requests, legal notices, complaints, threats or other enforcement action concerning the broadcasts in this Suit; and (C) a stay of the operation and effect of the Plaintiff's declaration in favour of Defendant No. 7 under Section 512 of Title 17 of the United States Code.

2. Learned Senior Counsel for the Plaintiff does not press Prayer (C), directed against Defendant No. 7. The Application is accordingly considered only *qua* Defendant Nos. 1 to 6.

3. The brief facts germane to the present Application are as follows:

3.1. The Plaintiff has filed the present Suit seeking, *inter alia*, a declaration that its use of material claimed by Defendant Nos. 1 to 6 in news broadcasts does not infringe copyright under the Copyright Act, 1957 ("**Act**"); protection against groundless threats under Section 60 of the Act; a permanent injunction against further copyright infringement notices and enforcement actions; an anti-suit injunction against continuation of their proceedings before the United States District Court for the Northern District of California, United States of America ("**US**"); and consequential reliefs.

3.2. The Plaintiff, an Indian company, broadcasts news and current affairs on television and digital platforms. Part of the India Today Group, it operates, *inter alia*, 'Aaj Tak', 'Aaj Tak HD', 'India Today Television' and 'Good News Today', and disseminates news through, *inter alia*, its channels on YouTube, the online video-sharing platform owned and operated by Defendant No. 7.

3.3. Defendant No. 1, a limited liability company incorporated under US law, claims ownership, licensing and enforcement rights in audio-



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visual recordings of weather events and natural disasters. Defendant Nos. 2 to 6, US residents, claim authorship and ownership of certain audio-visual recordings ("**Defendants' Recordings**"). Defendant No. 7 owns and operates YouTube. Defendant No. 8, a former employee of the Plaintiff who resigned, assisted during employment in drafting counter-notifications concerning the copyright strikes in this Suit and is also a defendant in the US Suit. Defendant No. 8 is impleaded here only as a *proforma* defendant, with no substantive relief claimed against Defendant No. 8.

3.4. Between 2022 and 2025, the Plaintiff published YouTube news reports on weather events and natural disasters outside India. Scripted, edited, compiled and uploaded from India, they included the Plaintiff's narration, reporting, commentary, graphics and other editorial content.

3.5. On or about 05.03.2026, copyright complaints lodged with Defendant No. 7 at the instance of Defendant Nos. 1 to 6 alleged infringement in weather-related footage used in the Plaintiff's news reports, prompting Defendant No. 7 to disable access to certain videos. The Plaintiff sought restoration through counter-notifications under Defendant No. 7's prescribed procedure ("**Counter-Notifications**"), which required a declaration under Section 512 of Title 17 of the United States Code, including a standard-form jurisdiction clause prescribed by Defendant No. 7.

3.6. On 18.03.2026, Defendant Nos. 1 to 6 instituted the US Suit against the Plaintiff and Defendant No. 8, alleging copyright infringement, removal of copyright management information and related claims



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concerning 42 videos published by the Plaintiff and taken down by Defendant No. 7 ("**Subject Videos**"). They asserted US Court jurisdiction based on the Plaintiff's use of YouTube and the Counter-Notifications. Summons issued on 20.03.2026 were received by Defendant No. 8 on 25.05.2026 and the Plaintiff on 26.05.2026 through the Ministry of Law and Justice, Government of India, under the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

3.7. On 12.06.2026, Defendant Nos. 1 to 6 declined the Plaintiff's commercial settlement proposal and prospective licensing arrangement.

4. Learned Senior Counsel for the Plaintiff made the following submissions:

4.1. The Counter-Notifications sought only to contest the takedowns and restore the YouTube content. Consent under Section 512(g)(3)(D) of the DMCA is confined to takedown and restoration of that content, not standalone infringement or copyright management information claims before the US Court. The jurisdiction clause was a mandatory, non-negotiable condition imposed by Defendant No. 7, not an agreement between the parties.

4.2. All acts challenged in the US Suit occurred in India. The Subject Videos were prepared and published from India by an Indian broadcaster for an Indian audience; the relevant personnel, editorial records and evidence are located here. The Plaintiff has no office in California. Copyright subsistence and the exceptions under Section 52 of the Act are governed by Indian law.



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4.3. The Defendants' Recordings depict natural weather events—storms, tornadoes, floods and snowfall—not created by Defendant Nos. 1 to 6; copyright does not subsist in facts, events or information. The clips appeared for only a few seconds in news programmes on the India Today and Aaj Tak YouTube channels to report prevailing weather, particularly storms, in the public interest, not as independent entertainment or substitutes for the originals. This constitutes fair dealing under Section 52(1)(a)(iii) of the Act. In ***Associated Broadcasting Company Limited v. Google LLC and Others***, 2026 SCC OnLine Del 815, this Court held that weather footage comprises universal, non-imaginative and generic facts, and that brief, segmented extracts embedded in news narration and commentary constitute fair dealing, not infringement.

4.4. The use is also *de minimis*. In ***India TV Independent News Service Pvt. Ltd. v. Yashraj Films Pvt. Ltd.***, 2012 SCC OnLine Del 4298, followed in ***Associated Broadcasting*** (*supra*), trivial use causing no demonstrable prejudice or commercial harm to the copyright owner was held non-actionable under *de minimis non curat lex*.

4.5. Relying on ***Oil and Natural Gas Commission v. Western Company of North America***, (1987) 1 SCC 496, it was submitted that permitting US proceedings on a matter governed by Indian law, thereby placing a party in an inextricable situation, is oppressive and warrants restraint. The US Suit would compel the Plaintiff to defend editorial decisions taken in India under a law other than the Act, risking decisions conflicting with those in this Suit.



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4.6. Reliance was also placed on ***HT Media Limited and Another v. Brainlink International, Inc. and Another***, 2020 SCC OnLine Del 1703, where this Court restrained US District Court proceedings as vexatious and oppressive because the plaintiffs' rights arose in India and they did not carry on business in the US.

4.7. Unless restrained, Defendant Nos. 1 to 6 are likely to pursue the US Suit and issue further copyright strikes, causing loss of content, audience and reputation not compensable in damages. They would suffer no prejudice, remaining free to seek remedies before competent Indian courts. The US Suit is listed on 06.11.2026, when an adverse order may be passed against the Plaintiff. The relief operates only *in personam* against Defendant Nos. 1 to 6 and does not question the US Court's authority.

5. None has appeared on behalf of Defendant Nos. 1 to 6 and no Reply is filed to the Application by them. Counsel for Defendant Nos. 7 and 8 are present. However, since Prayer (C) is not pressed, no relief survives against Defendant No. 7; no substantive relief is claimed against Defendant No. 8, who is a *proforma* defendant.

6. Heard learned Senior Counsel for the Plaintiff.

7. An advance copy of the Suit and applications was emailed to Defendant Nos. 1 to 6 on 10.07.2026. Following the order dated 21.08.2026 directing fresh service on Defendant Nos. 2 to 6, Defendant No. 2 was served by speed post on 03.10.2026, Defendant Nos. 3 and 4 on 23.09.2026, and Defendant No. 6 on 24.09.2026, as recorded by the learned Joint Registrar on 08.10.2026. Defendant No. 5 was served by courier on 28.10.2026 and email on 14.10.2026, as recorded on 04.11.2026.



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8. Defendant Nos. 1 to 6 have been duly served, and Defendant No. 1 has entered appearance before the learned Joint Registrar. The claims of Defendant Nos. 1 to 6 concern the Subject Videos conceived, edited and uploaded from India for an Indian audience, and the complaints filed by them caused takedowns whose consequences the Plaintiff suffers within this Court's jurisdiction. In ***HT Media*** (*supra*), this Court exercised personal jurisdiction over foreign defendants where the cause of action arose here and damage was suffered in India by publishers serving Indian audiences. On the same reasoning, Defendant Nos. 1 to 6 are, *prima facie*, amenable to this Court's jurisdiction.

9. In ***ONGC*** (*supra*), the Supreme Court held that courts may restrain persons within their jurisdiction from instituting or prosecuting foreign proceedings where necessary or expedient, or required by the ends of justice. This power must be exercised sparingly, with utmost respect for the foreign court, but restraint is warranted where its refusal would be unjust and unreasonable. Permitting US proceedings on a matter governed by Indian law, thereby placing a party in an inextricable situation, would be oppressive.

10. In ***HT Media*** (*supra*), applying ***Modi Entertainment Network v. W.S.G. Cricket Pte. Ltd.***, (2003) 4 SCC 341, this Court held that an anti-suit injunction requires the defendant's amenability to its personal jurisdiction, a finding that refusal would defeat justice and perpetuate injustice, and due regard to comity. Where multiple forums are available, the Court considers the parties' convenience and may restrain proceedings that are oppressive, vexatious or in a *forum non conveniens*.

11. The dispute is whether the Subject Videos, created and published from India by an Indian broadcaster, infringe any copyright of Defendant Nos. 1 to



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6 in the Defendants' Recordings. Copyright subsistence and the exceptions under Section 52 of the Act are to be determined as per the provisions of the Act. The only asserted US connection is the Plaintiff's use of YouTube and the Counter-Notifications' jurisdiction clause. *Prima facie*, that clause was Defendant No. 7's standard-form condition for contesting takedowns, not a negotiated forum choice between the parties. It cannot alone shift the forum of a dispute arising entirely from acts in India. The Plaintiff has no US business, and the relevant personnel, records and evidence are in India.

12. Continuation of the US Suit would subject the Plaintiff's conduct in India to foreign law while the same issue awaits adjudication here, creating a real risk of conflicting decisions. Such a situation is oppressive under ***ONGC*** (*supra*). As in ***HT Media*** (*supra*), US proceedings against a party with no US business are, *prima facie*, oppressive where its broadcasts serve Indian audiences. Indian courts are therefore the appropriate forum.

13. The Plaintiff also has a *prima facie* case on merits. In ***Associated Broadcasting*** (*supra*), involving US entities' claims to weather footage used in an Indian broadcaster's YouTube news programmes, this Court held that natural events and current affairs comprise universal, non-imaginative and generic facts. Brief, segmented extracts within news narration and commentary fall within Section 52(1)(a)(iii) of the Act and *de minimis non curat lex*, as explained in ***India TV*** (*supra*). The record indicates use of the Defendants' Recordings for only a few seconds in weather reports, not as independent content or substitutes for the originals. These averments remain uncontroverted by Defendant Nos. 1 to 6, who have not appeared.

14. As recorded on 04.11.2026, the US Suit is listed on 06.11.2026, when an adverse order may be passed against the Plaintiff. Refusing restraint would



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compel it to defend proceedings in a forum with, *prima facie*, only a remote connection to the dispute, while the same matter is pending here, defeating the ends of justice. The balance of convenience favours the Plaintiff, which would suffer irreparable harm without an injunction. Defendant Nos. 1 to 6 would suffer no prejudice, remaining free to pursue remedies before competent Indian courts.

15. The US Suit is, *prima facie*, vexatious and oppressive: the Plaintiff has no US business, and the Subject Videos were prepared and published in India for Indian audiences. A *prima facie* case for an anti-suit injunction is thus established.

16. Accordingly, until final disposal of this Suit, Defendant Nos. 1 to 6, their agents and representatives are restrained from proceeding with ***Global Weather Productions LLC & Ors. v. T.V. Today Network Limited & Anr.***, Case No. 3:26-cv-02367-KAW, before the United States District Court for the Northern District of California, or instituting or filing any suit, application or proceeding before any court or Authority outside India concerning any issue forming the subject matter of this Suit.

17. The Application is allowed in the aforesaid terms. These observations are *prima facie* and express no final opinion on the merits of the Suit.

18. The Plaintiff shall communicate this order to Defendant Nos. 1 to 6 by email forthwith.

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19. List before the Joint Registrar (Judicial) on the date already fixed, i.e. 09.02.2027.

**TEJAS KARIA, J**

**NOVEMBER 5, 2026/***Sz*



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