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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

LD-VC-84-2020

IA O. OF 2020

IN

COM.(IP) SUIT (L) NO. OF 2020

Tips Industries Ltd. ...Plaintiff

Versus

Entertainment Network (Kindia) Ltd. & Anr. ...Defendants

Mr.Virag Tulzapurkar, Senior Advocate with Mr.Hiren Kamod, Ms.Anushri Raut, Mr.Navankar Pathak, Mr.P.Saboo i/b. Ms.Parul Sharma, for the Plaintiff.

Dr.Virendra Tulzapurkar, Senior Advocate, Ms.Vanditta Malhotra Hegde, Ms.Ravina Rajpal, Mr.Rishi Mody, Ms.Leanne D'Souza i/b. M/s.Singh & Singh, Malhotra Hegde, for Defendant no.1.

Mr.Rashmin Khandekar with Ms.Vanditta Malhotra Hegde, Ms.Ravina Rajpal, Mr.Rishi Mody, Mr.Kartik Pai, Mr.Hardik Sampat, MsAiswarya Mudaliar i/b. M/s.Singh & Singh Malhotra & Hegde, for Defendant no.2.

CORAM : G.S. KULKARNI, J.

DATE : 26 May 2020
(Through Video Conference)

PC.:

The applicant-plaintiff has filed the above suit seeking reliefs of a permanent injunction against defendant no.1 on the ground of alleged infringement of the applicant's (plaintiff's) copyright in its repertoire. It is applicant's case that defendant no.1 is illegally broadcasting the plaintiff's repertoire without any existing agreement in its favour, thereby infringing the plaintiff's copyright.

2. The present applicant stated that in May 2020 the applicant has come to know of defendant no.1 is streaming of the applicant's repertoire on defendant no.2's digital platform "Gaana" without applicant's permission and in breach of the plaintiff's copyright in its repertoire. It is submitted that such

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streaming by defendant no.1 is causing significant financial loss to the plaintiff/applicant.

3. I have heard Mr.Virag Tulzapurkar, learned Senior Counsel for the plaintiff and Dr.Virendra Tulzapurkar, learned Senior Counsel for defendant no.1 for some time.

4. It may not be necessary to adjudicate this application today as on behalf of defendant no.1 Dr.Virendra Tulzapurkar, learned Senior Counsel, on instructions has made the following statement which would operate as an ad-interim arrangement between the parties:

“Without prejudice to the rights and contentions of the plaintiff and defendant no.1, defendant no.1 states that pending the next hearing of the interim application, defendant no.1 is at present not providing and will not provide to defendant no.2 or to any other internet service the plaintiff’s repertoire on digital or internet platforms. This is without prejudice to defendant no.1’s rights and contentions to claim statutory licenses and compulsory licenses in respect of the aforesaid repertoire, in accordance with the provisions of the Copyrights Act,1957.”

5. Statement of Dr.Virendra Tulzapurkar, learned Senior Counsel is accepted. All contentions of the parties are expressly kept open.

6. Stand over for eight weeks.

7. This order will be digitally signed by the Private Secretary of this Court. Associate/Sheristedar of this Court is permitted to forward the Petitioner copy of this order by e-mail. All concerned to act on digitally signed copy of this order.

[G.S. KULKARNI, J.]