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O.A. No.640 of 2022

in

C.S.(Comm.Div) No.210 of 2022

M.SUNDAR, J.

The parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity. The applicant in this application is the lone plaintiff in the main suit and 35 respondents herein are defendants 1 to 35 in the main suit.

2. Plaintiff has taken out this application claiming that the cinematographic film with title 'Vikram Vedha' in Hindi language, starring Hrithik Roshan, Saif Ali Khan, Radhika Apte and others, directed by Pushkar-Gayathri (hereinafter 'suit movie' for brevity) is an upcoming Hindi movie and that the producer has invested substantial sums of money in the production of suit movie. It has been averred that the suit movie is scheduled to be released in more than 3000 screens worldwide including Chennai.

3. It is the further submission of the plaintiff that



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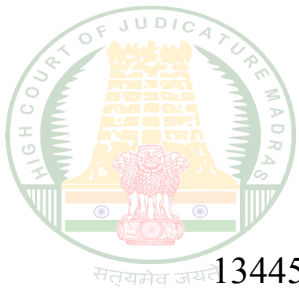
Trailer/Teaser for promotion of the suit movie has been released to the general public and the official trailer was released on YouTube.

4. It has also been averred by the plaintiff that the suit movie is scheduled to be released on 30.09.2022.

5. The plaintiff asserts that it has Exploitation rights as plaintiff is the co-producer of the suit movie along with another entity. To buttress this, attention of this Commercial Division is drawn to certificate dated 26.09.2022 issued by 'Central Board of Film Certification' ('CBFC' for brevity) {plaint document No.2}.

6. I have heard Mr.A.M.Venkatakrishnan, learned counsel representing on behalf of M/s.PK Law Firm [Law Firm] for the plaintiff.

7. It is the specific submission of Mr.A.M.Venkatakrishnan that the list of websites set out in Schedule A (Schedule A to judges summons) consists of what according to plaintiff are non-compliant websites. To be noted, in Schedule-A, there is enumeration of as many as



13445 websites. It is submitted that these websites have no reporting and take down mechanism in place. It is further submitted that these websites are infringing the copyright of the plaintiff in the suit Movie.

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8. Turning to the prayer in the instant application, defendants 1 to 35, who are respondents 1 to 35 in this application, I am informed are Internet Service Providers. I am also informed that technologically / technically, there is no possibility of blocking that part of the contents of the website which contains alleged pirated version of the suit Movie alone. This submission is taken on record. I have also been taken through the documents filed in support of plaint, which have been placed in the form of typed set. I am also informed that in similar matters, ex-parte interim orders have been granted by this Court. Reliance was also placed on the judgment of the Delhi High Court dated 27.07.2016 made in **R.P.No.131/2016 in FAO (OS) 57/2015.**

9. I have examined the aspects of the *prima facie* case, balance of convenience and irreparable legal injury incapable of compensation which are necessary parameters for grant of injunction in a case of this



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nature. With regard to *prima facie* case, there is no difficulty in accepting that the plaintiff has made out a *prima facie* case regarding co-ownership of Copyright in the suit movie in view of certificate dated 26.09.2022 issued by CBFC, which has been placed before me as plaint document No.2. In terms of balance of convenience, if this interim order is not granted now, it can result in alleged piracy being completed in all and every aspect of the matter. Thereafter, it will lead to an irreversible situation and therefore, irreparable legal injury incapable of compensation parameter has also been satisfied.

10. If notice is ordered in this application, it will entail delay and therefore, as mentioned supra, in the light of the fact that the suit movie is scheduled to be released today (30.09.2022) (theatrical release), viewed in the light of submissions of learned counsel for plaintiff that some pirated versions are already surfacing in the Internet, if the possible piracy is completed in all and every aspect of the matter, the very object of grant of this interim order can be defeated. In other words, I record this as reason for granting interim order before giving notice to respondents.



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11. Therefore, there shall be an order of interim injunction restraining the respondents herein or any other person or entity/entities from infringing Copyright in the suit movie in Hindi language {titled 'Vikram Vedha' i.e, suit movie} in any manner so as to prevent transmission, communication, display and exhibition of suit movie and for this purpose, if blocking of websites/web pages set out in Schedule-A to judge's summons becomes necessary, the same shall be done by all concerned.

12. Other aspects of the prayer contained in the Judge's summons will be considered later, post service.

The aforesaid interim injunction shall operate for a period of six weeks i.e., upto 11.11.2022 on the above terms. Though obvious, the applicant to comply with Order XXXIX Rule 3 of Code of Civil Procedure, 1908.

List the captioned matter along with suit on 11.11.2022.

30.09.2022
(1/2)

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***Note: Issue order copy today (30.09.2022)
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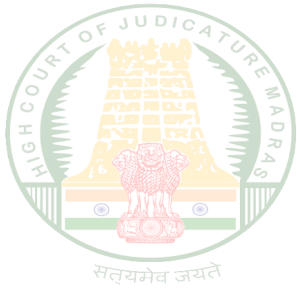
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Dated : 30.09.2022
(1/2)



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M.SUNDAR.J.,

The parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity. The applicant in this application is the lone plaintiff in the main suit and 5 respondents herein are defendants 36 to 40 in the main suit.

2. Plaintiff has taken out this application claiming that the cinematographic film with title 'Vikram Vedha' in Hindi language, starring Hrithik Roshan, Saif Ali Khan, Radhika Apte and others, directed by Pushkar-Gayathri (hereinafter 'suit movie' for brevity) is an upcoming Hindi movie and that the producer has invested substantial sums of money in the production of suit movie. It has been averred that the suit movie is scheduled to be released in more than 3000 screens worldwide including Chennai.



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3. It is the further submission of the plaintiff that Trailer/teaser for promotion of the suit movie has been released to the general public and the official trailer was released on YouTube.

4. It has also been averred by the plaintiff that the suit movie is scheduled to be released on 30.09.2022.

5. The plaintiff asserts that it has Exploitation rights as plaintiff is co-producer of such rights qua suit movie. To buttress this, attention of this Commercial Division is drawn to certificate dated 26.09.2022 issued by 'Central Board of Film Certification' ('CBFC' for brevity) {plaint document No.2}.

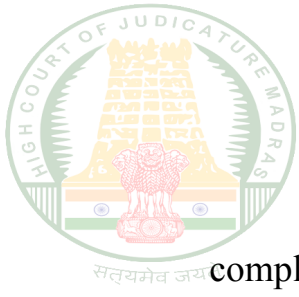
6. As mentioned supra the 5 respondents herein are defendants 36 to 40 in the main suit. It is averred that there is imminent threat of infringement of copyright in the suit movie by defendants 36 to 40 who are respondents herein.



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7. I have examined the aspects of the *prima facie* case, balance of convenience and irreparable legal injury incapable of compensation which are necessary parameters for grant of injunction in a case of this nature. As regards *prima facie* case, there is no difficulty in accepting that the plaintiff has made out a *prima facie* case that it is one of the owners of Copyright in the suit Movie in view of Certificate dated 26.09.2022 issued by CBFC which has been placed before me as plaint document No.2. In terms of balance of convenience, if this interim order is not granted now, it can result in alleged piracy being completed in all and every aspect of the matter. Thereafter, it will lead to an irreversible situation and therefore, irreparable legal injury incapable of compensation parameter has also been *prima facie* satisfied.

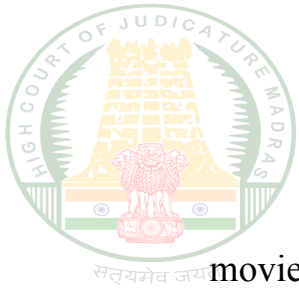
8. If notice is ordered in this application, it will entail delay and therefore, as mentioned supra, in the light of the fact that the suit movie is scheduled to be released today (30.09.2022) (theatrical release), viewed in the light of submissions of learned counsel for plaintiff that some pirated versions are already surfacing in the internet, if the possible piracy is



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completed in all and every aspect of the matter, the very object of grant of this interim order can be defeated. In other words, I record this as reason for granting interim order before giving notice to respondents.

9. Therefore, there shall be an order of interim injunction restraining respondents 1 to 5/defendants 36 to 40 and any other person or entity infringing the cinematographic film 'Vikram Vedha' (suit movie) by themselves, their partners/proprietor/director, heirs, representatives, successors in business, assigns, distributors, agents, servants or any one claiming through them or under them from infringing the applicant's copyrighted cinematographic film 'Vikram Vedha' (suit movie) by copying recording, reproducing or allowing camcording or allowing others to transmit, communicate or make available or distributing or duplicating or displaying or releasing or showing or uploading or downloading or exhibiting or playing and / or in any manner whatsoever from communicating the suit movie and said work without a proper license from the applicant/plaintiff or in any other manner which would violate / infringe the applicant's copyrighted cinematographic film 'Vikram Vedha' i.e, suit



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movie through different mediums including but not limited to CD, DVD, Blu-ray disc, VCD, Cable TV, Direct to home services, internet services, multimedia messaging services, pen drives, hard drives, tapes, DAS, Satellite, Conditional Access Systems or in any other medium/manner whatsoever.

10. The aforesaid interim injunction shall operate for a period of six weeks, i.e., upto 11.11.2022 on the above terms. Though obvious, applicant to comply with Order XXXIX Rule 3 of Code of Civil Procedure, 1908.

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