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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(OS) 1230/2015
MULTI SCREEN MEDIA PRIVATE LIMITED

..... Plaintiff

Through Mr. Abhishek Malhotra and Mr.
Debashish Mukherjee, Advocates.

versus

WWW.VIMEO.COM & ORS

..... Defendants

Through Nemo.

CORAM:
HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **01.05.2015**

I.A.No.9231/2015 (exemption)

Exemption is allowed subject to just exceptions.

Application disposed of.

I.A.No.9230/2015 (exemption)

Subject to the undertaking of the plaintiff that he will file original documents within four weeks from today exemption is allowed.

Application disposed of.

CS(OS) 1230/2015 & I.A.No.9229/2015 (u/O XXVI R. 9 CPC)

Plaint be registered as a suit.

Let summons of the suit and notice of the pending applications be issued to the defendants on the plaintiff taking necessary steps by

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way of ordinary process, speed post as also courier.

Written statement and reply be filed within four weeks from the date of service with advance copy to the plaintiff who may file replication/rejoinder before next date.

L.A.No.9229/2015 (u/O XXXIX R. 1& 2 CPC)

The present has been filed by the plaintiff against the defendants seeking permanent injunction restraining the defendant from communicating or making available or distributing, or duplicating, or displaying, or releasing, or showing, or uploading, or downloading or exhibiting, or playing or defraying the movie "Piku – Motion Se Hi Emotion" which is scheduled to be released on 08.5.2015.

Defendant no.1 to 13 are websites engaged in the business of uploading pirated and un-licensed content. There is apprehension that they may communicate unlicensed copy of the said film which will result in losses to the plaintiff as also to the Government of revenue collected through taxes.

Defendant nos.14 to 17 are internet service provider (hereinafter referred to as "ISP") engaged in the business of basic telephony, mobile service and broadband network all over the world. These defendants provide a medium to access World Wide Web (www) and telecommunications services through wired and wireless telephony to their respective customers. These defendants are functioning as vessels for others to use their services to infringe copyright work such as the aforementioned film.

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Defendant no.28 is the department of telecommunications, Ministry of Communication and Information Technology. It has been made a party for the limited purpose for enabling compliance of the orders passed by this Court.

Defendant nos.29 to 35 and 36 to 75 are multi system operators and cable operators that are governed by the Cable Network Regulation Act, 1995 and the Telecom Regulatory Authority of India, Act, 1997. The plaintiff submits that these multi system operators and/or cable operators all over the country are engaged in unauthorized and unlicensed reproduction and broadcast on their local channels and there is likelihood that the aforesaid film is likely to be exhibited by them. The said defendants are not licensed by the plaintiff to distribute and broadcast the aforesaid film.

Defendant nos.76 to 100 are all the presently unknown person who the plaintiff apprehends will infringe the copyright of the plaintiff in the upcoming cinematograph film "Piku- Motion Se Hi Emotion". The plaintiff seeks proactive protective orders from this Court qua these defendants as well. This would be consistent with the International "John Doe" practice and India's TIPS obligation to effectively enforce all Intellectual Property Rights, including rights, such as in the present case.

Submission is that this film was completed on 21.3.2015, the music of the said film was launched on 01.4.2015 and trailer of the film was distributed by the plaintiff on various platforms on 25.3.2015. These strong apprehensions that the acts of the defendants

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would amount to unlicensed and illegal exploitation of the film and also interfere with and disrupt the established industry practice thereby causing immense losses to producers such as the plaintiff.

Further submission is that in the past also there have been violation of copy right of movies and similar orders commonly known as a "John Doe" order has been obtained.

The averments in the plaint and the documentary evidence have been perused.

A prima facie case is made out in favour of the plaintiff. Irreparable loss will be suffered by him in case ad interim ex parte injunction is not granted in his favour. Balance of convenience is also in favour of the plaintiff.

Accordingly, till next of hearing the defendants, their partners, proprietors, directors, shareholders, nominees, servants, representatives, franchisees, agents and other known and unknown parties, are restrained from communicating or making available or distributing or duplicating, or displaying, or releasing, or showing, or uploading, or downloading or exhibiting, or playing, and/or defraying the movie "Piku-Motion Se Hi Emotion" in any manner without a proper license from the plaintiff or in any other manner which would violate/infringe the plaintiff's copyright in the said cinematograph film "Piku-Motion Se Hi Emotion" through different mediums like CD, DVD, Blu-ray, VCD, cable TV, DTH, Internet, MMS, Tapes, Conditional Access System or in any other like manner.

Defendant nos. 14 to 27 are further directed to block access to
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the unlicensed content of the infringing websites upon the plaintiff giving notice of the infringing activity to the said IPSs and the IPS will react within the next 24 hours.

Compliance of Order XXXIX Rule 3 CPC be effected in four days.

For completion of service and pleadings list before Joint Registrar on 14.8.2015.

Order dasti under signatures of the Court Master.

sd/-
INDERMEET KAUR, J

MAY 01, 2015
ndn

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