

**Petitioner Vs. Respondent**

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**SooperKanoon Citation :** [sooperkanoon.com/1185795](http://sooperkanoon.com/1185795)

**Court :** Chennai

**Decided On :** Feb-08-2017

**Judge :** C.V. Karthikeyan

**Appeal No. :** O.A.Nos. 117 & 118 of 2017 in C.S. No. 77 of 2017

**Appellant :** Petitioner

**Respondent :** Respondent

**Judgement :**

**C.V. Karthikeyan, J.**

1. O.A.No.117 of 2017 has been filed to grant an order of interim injunction restraining the respondents / defendants 1 to 37 and from in fringing the file Jolly LLB 2 and the work of blocking all websites / web pages including websites mentioned in Schedule A hosting contents that relate to plaintiff's copyright protected cinematographic film "Jolly LLB 2 .

2. O.A.No. 118 of 2017 has been filed to grant an order of interim injunction restraining the respondents 1-5 / defendants 38-42 from the said cinematographic film "Jolly LLB 2" by themselves, their partners / proprietor / directors , heirs, representatives, successors in business, assigns, distributors, agents and servants.

3. O.A. No.119 of 2017 has been filed to grant an order of interim injunction restraining the respondents 1 to 8 / defendants 43-50 from infringing the said cinematographic film "Jolly LLB2" by themselves, their partners / proprietor / directors, heirs, representatives successors in business, assigns distributors, agents and servants.

4. In the affidavit filed in support of the applications, the applicant had stated that as producer of the movie, he had invested a huge amount towards the production and also engaged leading artist to act in the said movie. He had further stated that he is the sole owner of the film "Jolly LLB 2" having right to distribute it in theatres and other modes including internet, mobile, TV and other digital medias. He has also stated that many of his earlier movies, which he has listed in the affidavit, were subjected to infringement and video piracy. In order to safeguard the present movie Jolly LLB 2 , he has stated that he had also engaged a team to gather information relating to internet piracy and infringing web sites and he has listed about 225 web sites, which are indulging in internet piracy and they caused him a huge loss.

5. It is further stated that the defendants 1 to 42 herein are website providers, who are providing access to web pages, containing recording, camcording and re-producing the audio songs, audio-visual clips, audio-visual songs and full cinematographic films that are screened in theaters and then copying/reproducing them through various medium including but not limited to CDs, DVDs, VCDs, Blu-ray Discs, computer hard drives, pen drives etc., and unlawfully distributing the same for a meagre sum to the general public without any authority and right. Further, the defendants 43 to 50 are involved in uploading of such illegally recorded cinematographic films on internet thereby allowing general public to download the same at free of costs. It is also stated that the defendants 38 to 42 are cable operators in the City of Chennai. They are governed by the Cable Network Regulation Act, 1995 and Telecom Regulatory Authority of India (TRAI) Act, 1997. According to the applicant, the defendants 43 to 50 are other unknown persons involved in the infringing activities. Before screening a movie, as cable operators, the defendants 38 to 42 are required to obtain a license from the producer of the movies, but the respondents 38 to 42 never obtain such licence

and are illegally transmitting and broadcasting the movies illegally recorded. In such circumstances, the applicant is also seeking to restrain the respondents 38 to 42 by granting injunction as prayed for.

6. In these circumstances, invoking the provisions of the Copy Rights Act 1957, this application has been filed seeking to prohibit the respondents from reproducing, copying, distributing and displaying through cable or online medium of the film Jolly LLB 2 either by respondent themselves or by any persons accessing website in the territory of India. In view of the huge investment made by him and in view of the infringement by the rogue web site, this application has been filed seeking interim injunction. The applicant has also given representation to various Government agencies seeking to restrain the rogue websites from indulging in act of copyrighting. The applicant apprehends that if an interim injunction is not granted, the respondents would violate the provisions contained in the Act of Copy Rights Act and it would result in huge loss to him. According to the applicant, the balance of convenience is in their favour for grant of interim injunction.

7. I heard the learned counsel for the applicant and perused the materials placed on record.

8. I am of the view that the applicant has made out a prima facie case and the balance of convenience is in favour for grant of interim injunction. Further, denial of grant of injunction would cause serious loss to the producer. On these grounds, interim injunction is granted as prayed for in O.A.Nos.117 and 118 of 2017 till 28.02.2017. Issue Notice through Court and privately (Email and paper publication) returnable by 28.02.2017.

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