

**O.A.No.442 of 2015 in
C.S.No.333 of 2015**

K.RAVICHANDRABAABU,J.

The plaintiff is the applicant.

2.The above Suit is filed for permanent injunction restraining the defendant, their men agents, subordinates, servants, assigns, successors in interest or any one acting under them from in any manner infringing the copy of the plaintiff in the Tamil motion picture "O Kadhal Kanmani" starring Dulquer Salmaan and Nithya Menon, music by A.R.Rahman, by copying/duplicating the said picture and making them available in vaious mediums by Internet mediums, CDs, DVDs, Bluray drives, VCDs, Multi Media Messaging Services, Conditional Access Systems including by directing the intermediaries namely respondents 1 to 13 and unknown persons shown as Ashok Kumar to block all URL (Unique Resource Locator) carrying any image of the Tamil feature Film "O Kadhal Kanmani" and to direct the defendant to pay the cost. Pending Suit, the present Application has been filed seeking for temporary inunction restraining, as aforesaid.

3.Heard Mr.T.Mohan, learned Senior counsel appearing for the applicant and Mr.Satish Parasaran, learned counsel appearing for respondents 6 and 10, and perused the materials placed before this Court.

4.It is contended that the applicant/plaintiff has produced the film called O Kadhal Kanmani (English: Oh Love, Apple of my Eye), a Tamil romantic drama film written, directed and produced by Mr.Mani Ratnam, who is one of the partner of the plaintiff. The film stars are Mr.Dulquer Salmaan and Ms.Nithya Menen, Music by Mr.A.R.Rahman.

5.It is further stated that the film was released on 17.04.2015 and many unknown persons like one Ashok Kumar/14th respondent herein have pirated the original version of the film and distributed the same to the audience worldwide through various devices like compact discs, bluray, VCDs, etc., including the reproduction of the film in the internet through various websites. It is further contended that the websites which have been habitually indulging in video piracy have been shown in the plaint schedule.

6.The plaintiff has shown 24 Websites as on date involved in the said piracy. Thus, it is contended that the act of duplication/copying the original work in all mediums including the internet would amount to infringement and copy of the same is an infringed copy under the definition of Section 2(m) of the Copy Right Act of 1957. It is further contended that the plaintiff is not having any machinery to check the illegal copying and reproduction of the original work, since the Government does not have any control over the dissemination of information or images/sounds/pictures in the internet.

7.It is further stated that there are various unknown persons who host websites/ pages/ portals and since those persons cannot be easily identified, one among them is shown as Ashok Kumar, the 14th defendant herein. It is further stated that the named defendants 1 to 13 in the present Suit are the intermediaries as defined under section 2(w) of the Information Technology Act, 2000, and through those intermediaries, there is massive piracy committed in the internet domine.

8.It is contended by the learned counsel for the applicant that as on date the applicant has come to understand that 24 websites,

which are shown in page 11 of the types set of papers, are carrying the URLs, generated by the pirates. Therefore, the learned counsel contended that unless interim injunction is granted as sought for, the interest and rights of the plaintiff will be seriously prejudiced and irreparable loss would be caused to them.

9. Mr. Sathish Parasaran, learned counsel undertakes to file vakalat for respondents 6 & 10 and seeks time for filing counter. The learned counsel raised objection and submitted that a blanket injunction cannot be granted as sought for by the plaintiff.

10. It is seen that the plaintiff produced and released the film on 17.04.2015, and the same is said to have been pirated through 24 websites as on date illegally. The list of those 24 websites is enclosed in the typed set of papers. For better appreciation, the said websites are extracted herein below:

1. <https://kickass.to/ok-kanmani-2015-tamil-tcrip=xvid-mp3-700mb-t10531868.html>.

2. <https://katproxy.com/ok-kanmani-2015-tamil-tcrip=xvid-mp3-700mb-t10531868.html>.

3. <https://www.torlock.com/torrent/4000454/ok-kanmani-2015-tamil-tcrip-mp3-700mb.html>.

4. <https://yourbittorrent.com/torrent/7742826/www.tamilrockers.com/ok-kanmani-2015-tamil-tcrip-mp3-700mb-t10531868.html>.

5. https://www.monova.org/torrent/9564535/_OK_Kanmani-2015-Tamil_TCRip_xvid_Mp3_700MB.html.

6. <https://h33t.to/torrent/08126909/ok-kanmani-2015-tamil-tcrip-xvid-mp3-700mb>

7. <https://www.torrentdownloads.me/torrent/1659953252/-+OK+Kanmani+-+2015+-+Tamil+TCRip+Xvid+Mp3+700mb>

8. <https://www.limetorrents.cc/OK-Kanmani+2015-Tamil-TCRip-Xvid-Mp3-700MB-torrent-6103613.html>

9. <http://w.bluegratin.xyz/bellagente?q+OK+Kanmani+2015+Tamil+HDTS+499MB+x264-ACC-SmallSizeMovies+mkv>

10. <http://1337.x.to/torrent/1135144/OK-Kanmani-2015-Tamil-HDTS-499MB-x264-ACC-SmallSizeMovies-mkv>

11. <http://w.torlock.com/torrent/3998283/ok-kanmani-%282015%29-tamil-hdts-499mb-x264-aac-SmallSizeMovies.html>

12. <https://yourbittorrent.com/torrent/7736523/ok-kanmani-2015%2529-tamil-hdts-499mb-x264-aac-SmallSizeMovies.mkv.html>

13. [https://www.monova.org/torrent/9557527/OK_kanmani_\(2015\)_Tamil_KDTS_499MB-x264-aac-SmallSizeMovies.mkv.html](https://www.monova.org/torrent/9557527/OK_kanmani_(2015)_Tamil_KDTS_499MB-x264-aac-SmallSizeMovies.mkv.html)

14. <http://h33t.to/torrent/08120372/ok-kanmani-2015-tamil-hdts-499mb-x264-aac-smallsizemovies-mkv>

15. <http://www.torrentdownloads.me/torrent/1659949561/OK+Kanmani+%282015%29+Tamil+HDTS+499MB+x264-AAC-SmallSizeMovies.mkv/>
16. <http://www.torrentbit.net/torrent/3594154/OK+Kanmani+%282015%29+Tamil+HDTS+499MB+x264+AAC-SmallSizeMovies.mkv/>
17. <http://www.torrents.net/torrent/6612336/OK-Kanmani-%282015%29+Tamil+HDTS-499MB-x264-AAC-SmallSizeMovies.mkv/>
18. <http://www.torrentfunk.com/torrent/10878429/ok-kanbmani-%25282015%2529-tamil-hdts-499mb-x264-aac-smallsizemovies.mkv.html>
19. <https://www.limetorrents.cc/-torrent-6098731.html>
20. <https://torrentproject.se/c5497add8818091e19360c11dc87b0898c260a8b/>
21. <http://video.tt/e/9pgXUKuqC>
22. <http://vodlocker.com/embed-3zch0byp5r8h-640x360.html>
23. <http://streamin.to/embed-dqdet47kkn2v-640x360.html>
24. <http://www.streamable.ch/video/Py49m0QEj>

11. In view of the above, I am of the view that the plaintiff/applicant has made out a *prima facie* case for grant of interim injunction in so far as the above said 24 web sites are concerned. This Court is also of the view that irreparable loss would be caused to the plaintiff, if injunction is not granted, as the balance of convenience is also in their favour.

12. Accordingly, there will be an order of interim injunction in so far as the above 24 web sites containing URLs relating to the above said film "O Khadal Kanmani", for a period of six weeks. It is open to the plaintiff/applicant to provide any other URLs carrying the above said film and provide the same to the intermediaries namely respondents 1 to 13 herein as and when the plaintiff comes to know about such piracy of such URLs. If such details are furnished, then the respondents 1 to 13 are directed not to allow those URLs also to be accessed without any further delay. The applicant is directed to comply with the procedures contemplated under Order 39 Rule 3 CPC. Private notice also permitted.

13. Post the matter after six weeks for counter and further hearing.

rpa

21.04.2015

Note: Issue order copy on 22.04.2015

8

K.RAVICHANDRABAABU,J.

Rpa

**O.A.No.442 of 2015 in
C.S.No.333 of 2015**

21.04.2015