

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 2161 OF 2015

IN
SUIT (L) NO. 815 OF 2015

Viacom 18 Media Pvt. Ltd.

...Plaintiff

Versus

International Cable TV Network & Ors.

...Defendants

Mr. Venkatesh Dhond Sr. Advocate; Mr. Ameet Naik, Ms. Madhu Gadodia, Mr. Rahul Mehta and Mr. Vicky Pohuja i/b Naik Naik and Co. for the Plaintiff

CORAM: S.J. KATHAWALLA, J.
DATE; 11th August, 2015.

PC:

1. The present application is for the relief in the nature of a “**John Doe order**”. It is the case of the Plaintiff that some known Defendants, who are arraigned as Defendant Nos.1 to 2 to the present suit and other unknown persons are likely to infringe the copyright of the Plaintiffs in a film titled “**Manjhi – Mountain Man**” co-produced by the Plaintiff and Defendant Nos 4 & 5. The Film is scheduled for release in India on August 21, 2015.

2. The basis of the Plaintiff's claim is that prior to the release of the film "**Manjhi Mountain Man**", the Plaintiff has on August 10, 2015 come across several websites /URLs on the internet which offer a facility of free download of the Plaintiff's movie "**Manjhi – The Mountain Man**" starring Nawazuddin Siddique. Radhika Apte & Ors. It is submitted by the Plaintiffs that the said links are currently active even before the release of the Film and the same is being used for illegally recording / downloading the said Film and making copies thereof. This has made it impossible for the Plaintiff to monitor the recipients through free downloads from these sites and further proliferation of pirated copies of the Plaintiff's movie. The Plaintiff has disclosed some of the links / websites / URLs in the plaint.

3. Our Court, like several other High Courts, has passed orders even based on apprehensions of a breach of copyright. However, in the present case, the injunction sought is not based merely on apprehension of infringement but the infringement has already taken place and the Plaintiff's rights have already been violated. The Plaintiff therefore seeks protective orders safeguarding the Plaintiff's copyright in the said film so as to restrain any further damage and loss likely to be caused to the Plaintiff if pirated copies are continued to be circulated in the market.

4. In the premises, I am satisfied that urgent ad-interim reliefs are necessary in the matter even without notice to Defendant Nos. 1 to 3. There will be an ad-interim order in terms of prayer clauses (a) to (e) of the Notice of Motion.

5. It is clarified that prayer clause (e) is modified to read as under:

(e) pending the hearing and final disposal of this suit, pass an order directing Defendant Nos.2 and 3 to block access to the Plaintiff's film "Manjhi – The Mountain Man" on any website / URLs, including the websites / URLs contained in paragraph 9 of the plaint.

6. The Plaintiff shall be at liberty to publicize in all available media an authenticated copy of this Order by setting out a substance of the order. The order/ its substance may also be prominently displayed by advertising in television as also in cinemas, as the Plaintiff may desire.

7. Replies to be filed and served on or before 19th August, 2015. . Rejoinder, if any, to be filed on or before 21st August, 2015. Place the Notice of Motion for hearing on 25th August, 2015.

(S.J. Kathawalla, J.)