

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 2172 OF 2015

IN

SUIT (L) NO. 820 OF 2015

Viacom 18 Media Pvt. Ltd.

... Plaintiff

Versus

International Cable TV Network & Ors.

... Defendants

Mr. Ameet Naik, Mrs. Madhu Gadodia, Mr. Rahul Mehta and Mr. Vicky Pohuja
i/b. Naik Naik and Co. for the Plaintiff

CORAM: S.J. KATHAWALLA, J.

DATE: AUGUST 12, 2015

PC :

1. Notice of this Application is served on Defendant Nos. 1 and 2. However, none appear for Defendant Nos. 1 and 2. No reliefs are claimed against Defendant No. 4.

2. 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 infringing the copyright of the Plaintiffs in a film titled “**Drishyam**” co-produced by the Plaintiff and Defendant No. 4. The Film has already released in India on July 31, 2015.

3. The basis of the Plaintiff's claim is that pursuant to the release of the film “**Drishyam**”, 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 "**Drishyam**" starring starring Ajay Devgan, Shreya Saran, Tabu & Ors. It is submitted by the Plaintiffs that the said links are currently active 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.

4. It is submitted on behalf of the Plaintiff that this Court, like several other High Courts, has earlier 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 is therefore entitled to 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.

5. I am therefore satisfied that urgent ad-interim reliefs are necessary in the matter. There will be an ad-interim order in terms of prayer clauses (a) to (e) of the Notice of Motion.

6. 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 "Drishyam" on any website / URLs, including the websites / URLs contained in paragraph 9 of the plaint and as mentioned in the EXHIBIT A of the additional affidavit dated 12th August, 2015".

7. 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.

8. 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 27th August, 2015.

(S.J. KATHAWALLA, J.)