

IN THE HIGH COURT OF DELHI AT NEW DELHI**CS(OS) 2912/2012****VIACOM 18 MOTION PICTURES Plaintiff****Through: Mr. Akhil Sibal and Mr. Harshvardhan Jha,****versus****JYOTI CABLE NET WORK and ORS Defendant****Through:****CORAM:****HON'BLE MR. JUSTICE V.K. JAIN****ORDER****24.09.2012****IA No.17669/2012 (exemption)****Exemption allowed subject to all just exceptions.****The application stands disposed of.****CS(OS) 2912/2012 and IA No.17667/2012 (under Order 39 Rule 1and2 CPC) and IA No.17668/2012 (under Order 26 Rule 9 CPC)****Issue summons of the suit and notice of the applications to the defendants, returnable on 01.11.2012.**

The plaintiff is a co-producer of the movie ?Oh My God? and under the agreement which the plaintiff-company has with the other co-producer, the exploitation rights under the aforesaid film came to the share of the plaintiff. The exploitation rights include the rights to market, distribute and otherwise exploit the said film as well as all re-transmission rights and broadcasting rights. The apprehension of the plaintiff is that the defendants may infringe its copyright to the aforesaid film by telecasting its pirated version. Defendants No. 1 to 3 are various cable operators in Delhi, whereas defendant No. 4 is an internet service provider. Defendant No. 5 is alleged to be a person duplicating, selling and marketing available tapes, CDs, etc.

The plaintiff is also seeking invocation of John Doe principle

which this Court has recognized in a number of cases and is seeking injunction against unnamed defendants on the ground that it is not possible for the plaintiff, at this stage, to identify all possible infringers. The intention behind seeking such order is that if the plaintiff comes across any person other than the defendants 1 to 3 and 5 infringing its broadcast rights/copyrights, the injunction order which this Court may pass in the suit, may be served upon him and in the event of that person disobeying the order, appropriate action may be initiated against him for disobedience of the order of the Court. Taking into consideration all the facts and circumstances, I am satisfied that the plaintiff has made out a prima facie case for grant of ad-interim injunction and the purpose of filing the suit may be frustrated if ex parte injunction is not granted. Defendants 1, 3 and 5, their agents, employees and representatives as well as unnamed and undisclosed persons, who might be committing breach of the copyright/broadcast right of the plaintiff in the Film 'Oh My God?' by unauthorized telecast of the same are hereby restrained, till further orders, from broadcasting/re-broadcasting/telecasting/communicating the said film, to the public, without permission/license from the plaintiff.

The plaintiff is directed to comply with provisions of Order 39 Rule 3 CPC within 24 hours.

Dasti.

V.K. JAIN, J

SEPTEMBER 24, 2012/rd

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