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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(COMM) 37/2018

NOVEX COMMUNICATION PRIVATE LIMITED ..... Plaintiff  
Through: Mr. Chander Lall, Sr. Adv. with Mr.  
Jasdeep S. Dhillon, Mr. Rupin Bahl  
and Ms. Nancy Roy, Advs.

Versus

LE MERIDIEN NEW DELHI & ORS ..... Defendants  
Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

% **19.01.2018**

**IA No.819/2018 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

**CS(COMM) 37/2018 & IA No.818/2018 (u/O XXXIX R-1&2 CPC)**

3. The plaintiff has sued the defendants No.1&2 (defendant No.3 is a pro-forma party) for injunction restraining exploitation of the sound recording in which the plaintiff claims copyright.

4. The senior counsel for the plaintiff, on enquiry, states that the rights of the plaintiff are as owner of the sound recording, the rights of IPRS are in the underlying lyrics of the sound recording and in the musical composition, the Indian Singers' Right Association claims rights in the voice component of the sound recording but which is disputed by the Plaintiff and Public

Performance Limited also claims rights in the sound recordings but the sound recordings of the plaintiff are distinct or for different work from the sound recordings of the Public Performance Limited.

5. Issue summons of the suit and notice of the application for interim relief to the defendants No.1&2 by all modes including *dasti* and electronic returnable on 24<sup>th</sup> January, 2018. At this stage need to summon defendant no.3 is not felt.

6. The senior counsel for the plaintiff states that the defendants No.1&2 in response to a notice preceding the suit have already stated that they will not exploit the sound recordings of the plaintiff.

7. It is expected that the defendants No.1&2, till further orders, will abide by the statement aforesaid.

8. This order be communicated to the defendants no.1&2.

A copy of this order be given *dasti* under the signatures of the Court Master.

**RAJIV SAHAI ENDLAW, J.**

**JANUARY 19, 2018**

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