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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 180/2019

SUPER CASSETTES PRIVATE LIMITED Plaintiff
Through Mr.Amit Sibal, Sr. Adv. with
Mr.Harsh Kaushik, mr. Abhay Chattopadhyaya
and Mr.Varun Tandon, Advs.

versus

FELIX ARVID ULF KJELLBERG & ORS. Defendants
Through

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 08.04.2019

IA No.5132/2019 (exemption)

Allowed subject to all just exceptions.

CS(COMM) 180/2019

Let the plaint be registered as suit.

Issue summons to the defendants through ordinary process and speed post, returnable for 15.07.2019.

IA No. 5131/2019

1. This application is filed under Order 39 Rules 1 and 2 CPC seeking ad interim injunction in favour of the plaintiff and against defendants No. 1 to 3 from uploading, communicating or making available the impugned songs namely, "T-Series Diss Track/Bitch Lasagna" and "Congratulations" or any other version thereof.

for 
Court Master
High Court of Delhi
New Delhi

2. The accompanying suit is filed seeking a decree of permanent injunction in favour of the plaintiff and against defendants No. 1 to 3 from uploading, communicating, exploiting, etc. the impugned songs as noted above. Other connected reliefs are also sought.
3. It is submitted in the accompanying plaint that defendant No. 1 operates a YouTube Channel, namely, PewDiePie and has for quite some time been the most subscribed channel on YouTube in the world. Of late, the popularity of the Plaintiff has increased so significantly in the world market that the plaintiff has recently overtaken defendant No. 1 as the most subscribed YouTube Channel in the world, across all categories. It is pleaded that in a bid to outscore the Plaintiff and regain its top position, Defendant No. 1 has been uploading defamatory and disparaging music videos which target the plaintiff and Indians as a community and contains racist, inflammatory and hateful remarks against them as well as T-Series in a bid to ridicule and disparage the plaintiff and its trademarks. It is pleaded that the lyrics used in the two impugned songs uploaded by Defendant No. 1, in conjunction with the other defendants No. 2 and 3, are on the face of it defamatory, disparaging, insulting and offensive. These videos are accessible throughout the world to a global audience of more than a billion who access internet and YouTube every day.
4. Defendants No. 4 to 6 have a platform i.e. YouTube where the said videos have been uploaded by defendants No. 1 to 3. Hence, they have been impleaded as a party.
5. A perusal of the snapshots of the videos which have been uploaded by defendants No. 1 to 3 shows that there are repeated comments made which are abusive, vulgar and also racist in nature. In my opinion, it would be in

for *A. Singh*
Court Master
High Court of Delhi
New Delhi

- the interest of justice that these videos are taken off by defendants No. 4 to 6.
6. It may be noted that vide communication dated 07.10.2018, defendant No. 1 apologized for the posting stating that it was all in good fun. He had also assured that he is not planning any more videos on the same line.
7. However, learned senior counsel for the plaintiff points out that recently, on 31.03.2019 a new video has been uploaded by defendants No. 1 to 3 which are on the same line as the earlier videos.
8. The plaintiff has made out a prima facie case. Balance of convenience is also in favour of the plaintiff. Defendants No. 4 to 6 are directed to remove and disable access to the impugned videos of the song namely "T-Series Diss Track/Bitch Lasagna" presently available at https://www.youtube.com/watch?v=6Dh-RL_uN4&list=RD6DhRL_uN4&start_radio=1 and song namely "Congratulations" presently available <https://www.youtube.com/watch?v=PHgc8Q6qTj> c&t=36s and also ensure that the said videos do not get uploaded ever again on the platform, www.youtube.com.
9. Issue notice to the defendants through ordinary process and speed post, returnable for 15.07.2019.
10. The plaintiff to comply with Order 39 Rule 3 CPC within two weeks from today.

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

APRIL 08, 2019
rb

JAYANT NATH, J

for 
Court Master
High Court of Delhi
New Delhi
8/4/19