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

+ **CS(COMM) 347/2020**

SUPER CASSETTES INDUSTRIES PVT. LTD.. Plaintiff

Represented by: **Mr. Amit Sibal, Senior Advocate
with Ms. Geetanjali Visvanathan,
Mr. Aditya Gupta, Ms. Aishwarya
Kane, Mr. Vinay Tripathi, &
Mr. Saksham Dhingra, Advocates.**

versus

RELEVANT E SOLUTIONS PVT LTD. & ORS. Defendant

Represented by: **Mr. Akshay Bhandari, Advocate for
D-1.
Mr. Sai Krishna Rajagopal, Advocate
for D-2 to D-4.
Mr. Ashim Sood Advocate with
Ms. Roopali Singh,
Mr. Abhimanyu Chopra,
Ms. Sayobani Basu, &
Mr. Rhythm Barua, Advocates for
D-6.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

27.08.2020

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The hearing has been conducted through Video Conferencing.

I.A. 7420/2020 (exemption from filing notarised affidavit)

1. Exemption allowed subject to all just exceptions.
2. Affidavit in support of the plaint, applications, statement of truth and certificate under Section 65-B of the Indian Evidence Act be filed within two weeks from today.

3. Application is disposed of.

I.A. 7419/2020 (under Order XI Rule 1(4) Commercial Courts Act)

1. Additional documents be filed within thirty days.

2. Application is disposed of.

I.A. 7421/2020 (exemption from filing clear copies with supporting affidavit)

1. Exemption allowed subject to all just exceptions.

2. Application is disposed of.

CS(COMM) 347/2020

I.A. 7418/2020 (under Order XXXIX Rule 1 and 2 CPC)

1. Plaintiff be registered as suit.

2. Issue summons in the suit and notice in the application.

3. Learned counsel for defendant No.1, defendant Nos.2 to 4 and defendant No.6 accepts notice.

4. None appears on behalf of defendant No.5. Defendant No.5 has been impleaded being the investor of defendants No.1 to 4. Hence, at this stage, this Court finds no ground to issue summons to defendant No.5.

5. Documents be supplied to the learned counsel for defendant No.1, who states that the same has not been supplied to him.

6. Plaintiff states that it is the India's leading film and music production company engaged in the business of producing, acquiring, licensing and promoting a diverse repertoire of content in the media and entertainment domain including films, music videos, music albums, sound recordings, etc. and thus holding copyright in the underlying literary works, *i.e.* lyrics, musical compositions, sound recordings, music videos, etc.

7. Grievance of the plaintiff is that defendant Nos.1 to 4 which control and operate the short video sharing services known as Roposo, provided services including website www.roposo.com and a mobile application under the name Roposo. It is the claim of the plaintiff that by the said services the defendants are exploiting the plaintiff's copyrighted work without any license by actively modifying the music, abetting and inducing users to exploit the same for their commercial use.

8. The manner in which the copyright of the plaintiff is infringed by the defendants has been elaborated in Para 41 of the plaint.

9. Learned counsel for defendant Nos.2, 3 & 4 states that without prejudice to his defences available in law that defendant Nos.2,3 & 4 had created a music library which contain popular music including to which the plaintiff had the copyright and when the plaintiff issued notice to defendant Nos.2,3 & 4, the defendants have taken down substantial portion of the music library, extracting and effects tools, which allegedly infringed the plaintiff's copyright.

10. Learned counsel for defendant Nos.2,3 & 4 further states that defendant Nos.2,3 & 4 be given two days time to sit with the plaintiff and ensure compliances of the alleged violation as mentioned in Para 41 which can be done by defendant Nos.2,3 & 4 within the legal frame work, which would be reported to this Court on the next date of hearing, whereafter this Court can further proceed with the matter and pass necessary orders after hearing both the parties.

11. Learned counsel for the plaintiff, on instructions has no objection to the same.

12. Learned counsel for defendant No.6 states that defendant No.6 is not an investor of defendant No.1 to 4 and thus, neither a necessary party nor proper party to the present suit.

13. At request, renotify on 31st August, 2020.

14. Order be uploaded on the website of this Court.

MUKTA GUPTA, J.

AUGUST 27, 2020

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