

O.A.No.115 of 2018
in CS.No.90 of 2018

M.SUNDAR.J.,

The parties in this application are referred to by their respective ranks in the main suit for the sake of convenience and clarity. The applicant in this application is the lone plaintiff in the main suit and 5 respondents herein are defendants 38 to 42 in the main suit.

2. The plaintiff has taken out this application claiming that the cinematographic film with title "Pad Man" in Hindi language starring Akshay Kumar, Sonam Kappor, Radhika Apte and others, directed by R.Balki (hereinafter referred to as 'said Movie') is an upcoming Hindi drama film and the plaintiff has invested substantial sums of money in the production of the said film and most importantly, it has been averred that the said film is scheduled to be released in more than 2200 screens in India including Chennai and more than 475 screens worldwide.

3. It is the further submission of the plaintiff that Trailer and Teaser for promotion of the said film alone have been released to the general public.

4. Most importantly, it has been averred by the plaintiff that the said film is scheduled to be released on 09.02.2018.

5. The petitioner asserts that it has acquired all Exploitation and Distribution Rights including Television rights, Communication, Digital and Home video. It is further asserted by the plaintiff that all such rights are exclusive.

6. The five respondents herein are defendants 38 to 42 in the main suit. It is averred that there is imminent threat of infringement of copyright in the said movie by defendants 38 to 42 who are respondents herein.

7. I have examined the aspects of the *prima facie* case, balance of convenience and irreparable injury incapable of compensation which are necessary parameters for grant of injunction in the case of this nature. With regard to *prima facie* case, there is no difficulty in accepting that the plaintiff is the owner of the Copyright in the said Movie. In terms of balance of convenience, if this interim order is not granted now, it would result in the alleged piracy being completed in all and every aspect of the matter. Thereafter, it will lead to an irreversible situation

and therefore, irreparable injury incapable of compensation parameter has also been satisfied.

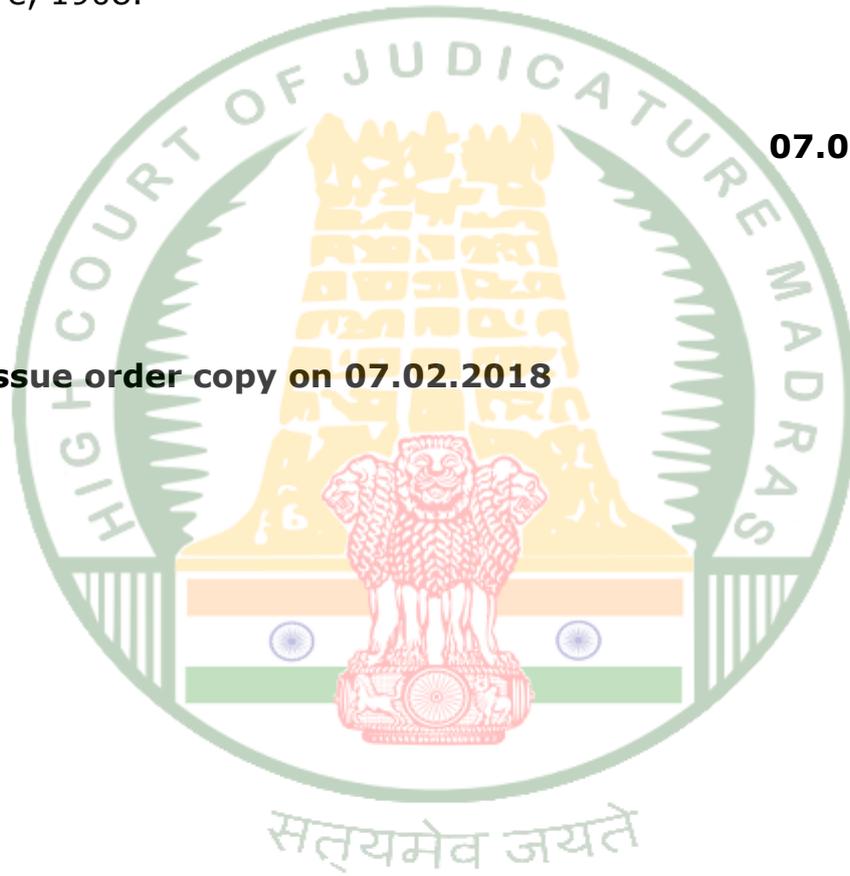
9. Therefore, there shall be an order of interim injunction restraining the respondents 1 to 5/defendants 38 to 42 and any other person or entity infringing the said cinematographic film "Pad Man" by themselves, their partners/proprietor/director, heirs, representatives, successors in business, assigns, distributors, agents, servants or any one claiming through them or under them from infringing the applicant's copyrighted cinematographic film "Pad Man" by copying recording, reproducing or allowing camcording or allowing others to transmit, communicate or make available or distributing or duplicating or displaying or releasing or showing or uploading or downloading or exhibiting or playing and / or in any manner whatsoever from communicating the said Film and said Work without a proper license from the applicants or in any other manner which would violate / infringe the applicant's copyrighted cinematographic film "Pad Man" through different mediums including but not limited to CD, DVD, Blu-ray disc, VCD, Cable TV, Direct to home services, internet services, multimedia messaging services, pen drives, hard drives, tapes, DAS, Satellite, Conditional Access Systems or in any other medium/manner whatsoever.

The aforesaid interim injunction shall operate for a period of three weeks up to 28.02.2018 on the above terms. The petitioner to comply with Order 39 Rule 3 of Code of Civil Procedure, 1908.

gpa

Note: Issue order copy on 07.02.2018

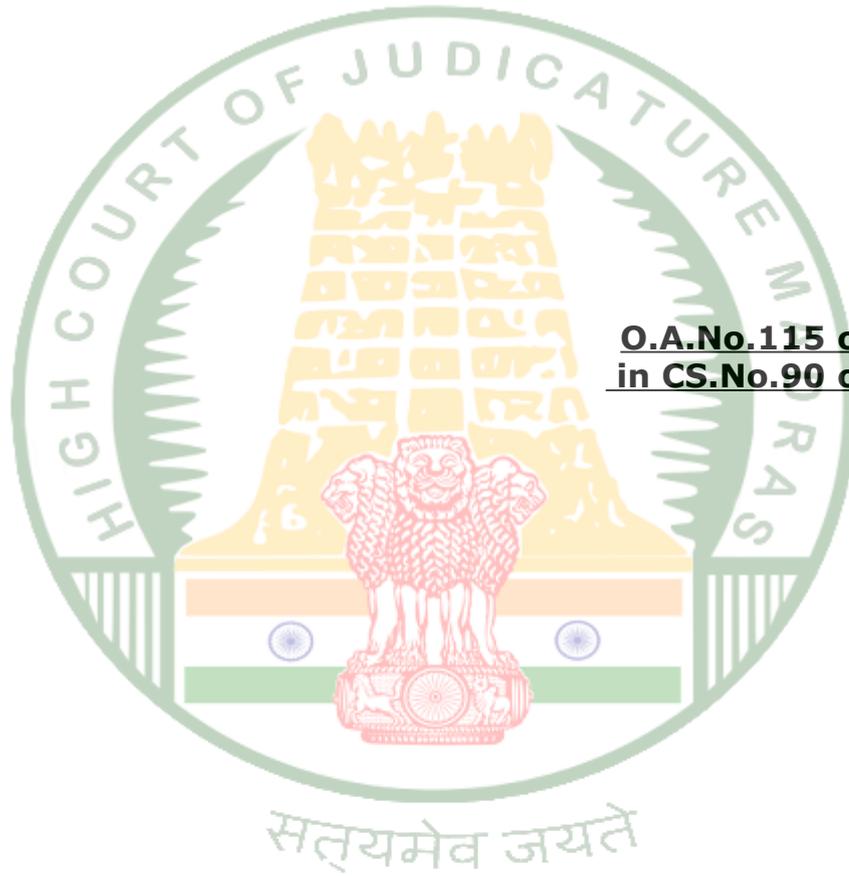
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