

C.S.No.625 of 2014

M.SATHYANARAYANAN, J.

Heard the submissions of the learned counsel appearing for the plaintiff and the learned counsel appearing for the defendants and also perused the pleadings:

2. The following issues are framed for trial and adjudication:

1. Whether the Suit is barred by law in view of the provisions of the Copyright Act, 1957 especially with regard to "sound recordings"?

2. What is the role played by the plaintiff in the schedule mentioned "cinematograph films" and whether that role entitles him to any right over the said film songs and sound recordings under the Copyrights Act, 1957?

3. Whether the plaintiff is the "owner" of the "sound recordings" in the Schedule mentioned films?

4. Whether the 2nd defendant has obtained rights of the "sound recordings" from various producers of the movies mentioned in "Annexure 1" of the Written Statement?

5. Whether the plaintiff is entitled to any relief against the 2nd defendant in view of the agreements entered into between the 2nd defendant and the various producers of the movies mentioned in Annexure 1" of the Written

Statement?

6. Whether the 2nd defendant is entitled to exploit the rights over the "sound recordings" with regard to songs/music of the movies mentioned in "Annexure 1" of the Written Statement?

7. Whether the Suit is liable for misjoinder of parties and whether the plaint discloses any nexus between the defendants?

8. Whether the agreement between the plaintiff and his wife and consequently the agreement between the plaintiff's wife and the 4th defendant is valid in the eye of law?

9. Has the Plaintiff assigned his copyright in relation to the songs which are the subject matter of this suit to his wife vide Assignment Agreement dated 24.11.2007 and if so, what is the period of assignment?

10. Did the Plaintiff's wife (as an assignee of the Plaintiff) and the 4th Defendant enter into a Sound Recording Licensing Agreement ("SRLA") dated 24.11.2007 and if so what was the period of such Agreement?

11. Does Section 19(5) of the Copyrights Act apply to the present facts?

12. Has the Plaintiff breached the terms of the Assignment Agreement dated 24.11.07 and/or SRLA?

13. Has the 4th Defendant infringed the copyright of the Plaintiff?

14. To what other reliefs, the parties are entitled to?

Affidavit along with typed set of documents shall be filed within two weeks from today and thereafter, the affidavit of admissions and denial shall be filed within two weeks thereafter and inspection of documents within one week thereafter. Proof affidavit of PW1 within one week thereafter. The trial shall commence on 06.01.2016. Both parties are directed to extend their maximum cooperation so as to enable the learned Local Commissioner to complete the recording of evidence. The Registry, after completion of oral evidence, shall list the case before the Court at the earliest.

27.11.2015

Jvm

Note:Issue Order on 02.12.2015

To

Mr.B.Gokuldass (Retired Judicial Officer)

No.11, Kuppusamy Pillai Street,

Jesupadam Nagar,

Guduvancherry-603 202.

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