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

+ **CS(COMM) 861/2018**

ZEE ENTERTAINMENT ENTERPRISES LTD. Plaintiff

Through: Mr. Sudhir Mishra, Ms. Petal
Chandhok, Ms. Ritwika Nanda & Mr.
Amal, Advs.

Versus

MUSICAL.IY, INC. & ORS Defendants

Through: Mr. Saikrishna Rajagopalan & Mr.
Himanshu Bagai, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% 14.05.2018

IA No.6551/2018 (for exemption)

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

IA No.6550/2018 (u/O XI of the Commercial Courts, Commercial Division and Commercial Appellate division of High Courts Act, 2015)

3. For the reasons stated, the plaintiff is permitted to file the additional documents within thirty days of filing of the suit.
4. The application is disposed of.

CS(COMM) No.861/2018 & IA No.6549/2018 (under Order XXXIX R-1&2 CPC)

5. The plaintiff has sued for permanent injunction restraining the defendants no.1 and 2 from infringing the copyright of the plaintiff, in the repertoire of the plaintiff as on the date of filing of the suit or which may, in future, be included in the repertoire of the plaintiff, by communicating to the

public in any manner whatsoever through the mobile application of the defendants no.1 and 2 on the platform of defendant no.4.

6. It is *inter alia* the case of the plaintiff that the defendants no.1 and 2, in response to the legal notice preceding the suit, stated that they had removed the works in which the plaintiff claims copyright but in fact have not done so, even inspite of rejoinder sent by the plaintiff enclosing therewith the entire repertoire of the plaintiff.

7. The counsel for the defendant no.1 appears on seeing the matter in the cause list and under instructions from the defendants, without prejudice to the rights and contentions of the defendants and without any admission on jurisdiction, states that the defendant no.1 has already removed and / or muted the video content in which the plaintiff claims copyright and that the defendant shall continue to remove any other content as may be informed by the plaintiff, within 36 hours of intimation by e-mail at copyright@musical.ly of the defendant.

8. The counsel for the plaintiff states that the defendant, inspite of earlier communication, has not done so.

9. The counsel for the defendant no.1 states that all works in pursuance to the rejoinder have been removed and whatever else may have remained, would be an unintentional aberration.

10. Issue summons / notice.

11. Summons / notice are accepted on behalf of defendant no.1.

12. The counsel for the defendant no.1, upon being informed of the identity of the defendant no.2, accepts notice on behalf of defendant no.2 as well.

13. Copy of paper book be handed over to the counsel for the defendants no.1 and 2 during the course of the day.
14. The plaintiff to serve the defendants no.3 and 4 by all modes including electronic, returnable on 26th September, 2018.
15. Written statements be filed within the prescribed time.
16. Replications within four weeks thereafter.
17. The parties to file affidavits of admission / denial of each others' documents before the next date of hearing.
18. List for framing of issues, if any and for consideration of the application for interim relief on 26th September, 2018.
19. Till further orders, the defendants no.1 and 2 are bound by their statement and the plaintiff may from time to time intimate, on the aforesaid e-mail address of the defendants no.1 and 2, all the further works in which the plaintiff claims copyright and which the defendants no.1 and 2, in accordance with their statement aforesaid, shall remove from their mobile application.

Dasti under signature of Court Master.

RAJIV SAHAI ENDLAW, J

MAY 14, 2018

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