

# **Indian Copyright Orders and Judgments 2020- Part III**

January 27, 2021

## **Star India Pvt. Ltd. vs. moviestrunk.com and Ors., Delhi High Court, MANU/DE/0585/2020**

This suit dealt with the issue of copyright infringement by various streaming websites that continue to provide access to illegal content. In this present matter, the Plaintiff, which was in the business of producing and distributing films, filed a copyright infringement suit against multiple defendants, who ran different streaming websites, for illegally streaming the plaintiff's film 'Mission Mangal'. The Plaintiff also included as defendants in the suit, those departments of the Government of India, which issue notifications with regard to blocking of the impugned websites. Prior to the release of the Plaintiff's film 'Mission Mangal', the Plaintiff had conducted a private investigation into the Defendants' websites and submitted the findings of these investigations as evidence before the court. The Plaintiff had confiscated infringing materials, including content which was made available on the Defendants' websites to download and view, without the required authorization from the plaintiff, thereby making such content infringing.

The evidence presented to the court contained screenshots of all the Defendants' websites that showed the Plaintiff's film being made available on the defendants' websites for downloading and streaming, prior to the official release date of the film. The Plaintiff also identified those internet service providers (ISPs), who were providing services to the Defendants' websites, following which the Delhi High Court ordered these ISPs to block access to the Defendants' websites

and also ordered the suspension of the Defendants' domain names by the corresponding authority. Further, the court directed the Department of Telecommunications (DoT) and the Ministry of Electronics and Information Technology (MeitY) to issue a notification to any website that the Plaintiff notified to be illegally transmitting or broadcasting the cinematograph film 'Mission Mangal' in any manner.

Since the court did not receive any response from majority of the Defendants to its notices, the order was decided in favour of the Plaintiff, granting the injunction along with damages deemed appropriate by the court.

**Shivani Tibrewala vs. Rajat Mukherjee and  
Ors. (15.01.2020 – BOMHC):  
MANU/MH/0060/2020**

This case referred to the alleged infringement of the Plaintiff's film script by the Defendant. The Plaintiff had originally produced a play titled 'The Laboratory', following which the Plaintiff decided to adapt the play into a film and accordingly wrote a new script for the film. Shortly after this, the Defendant had released a film, titled 'Umeed', which also dealt with the issue of clinical trials, similar to the Plaintiff's play. Based on this similarity, the Plaintiff filed a copyright infringement suit against the Defendant. After carefully examining the scripts of both, the Plaintiff's the adaptation of the play 'The Laboratory' and the defendant's film 'Umeed', and subsequently watching the Defendant's film, the Bombay High Court decided in favour of the Defendant. According to the court, while the underlying idea behind both the scripts was the same, in that they both dealt with clinical trials, the stories were however, narrated through completely different scenarios. The court has also noted that, the Plaintiff has agreed to the differences in the script of the play and that of the Plaintiff's own film, which was inspired by the play. This indicated that there were

several different ways to express an idea.

In conclusion, the court held that, there could be no monopoly of copyright in the idea or subject of a film based on the theme /subject of clinical trial which was a part of the public domain, and dismissed the plaintiff's case.

A copy of the order is available [here](#).

## **Giant Rocket Media And Entertainment Pvt. Ltd. vs Ms. Priyanka Ghatak And Ors., Delhi HC, CS(COMM) 736/2019**

This case involved three defendants, wherein, Defendant no.1 was a scriptwriter, Defendant no.2 was a production house and Defendant no.3, was a retired Joint Commissioner, Central Bureau of Investigation (CBI) and the author of the book "CBI Insider Speaks: Birlas to Sheila Dikshit", from which, chapter no.7 was to be adapted by the Plaintiff into a web-series. The Plaintiff claimed that Defendant no.2 along with help of Defendants no. 1 and 3, had infringed upon the Plaintiff's idea to adapt the aforementioned chapter no.7 of, into a web-series, for which the Plaintiff had previously sought the rights, from Defendant no.3. Chapter no.7 from the book, was based on the true story of the murder of Syed Modi, who was an eight-time national badminton champion. The court stated that the primary issue in this case was whether the chapter itself, as written by Defendant no.3, fulfilled the originality of expression requirement of the Copyright Act. In the court's opinion, since the story covered in chapter no.7 was a true story, it was already a part of the public domain, due to which it may not have qualified as copyrightable work.

Based on this observation, the Delhi High Court held that, since the story mentioned in chapter no.7 was not a fictional story, and was merely the narration of the crime and its prosecution, the Plaintiff did not have sufficient grounds to

claim exclusive rights over the contents of chapter no.7, of the book, written by Defendant no.3. Each of the scripts belonging to the Plaintiff and Defendant no.2 respectively, narrated their own versions of this true crime story. In light of the aforementioned facts, the court concluded that, while the Plaintiff did not have a prima facie case for interim relief, Defendants no. 1 and 2 also did not act in a fair manner. In addition to this, the evidence provided was insufficient to show that the balance of convenience lay with the Plaintiff. As a result of this, the court dismissed the Plaintiff's appeal for an injunction against the web-series released by Defendant no.2, and vacated the ex-parte ad-interim order.

Link to the order: <https://indiankanoon.org/doc/62980045/>

Part I of the Indian Copyright Orders and Judgments 2020 can be accessed [here](#).

Part II of the Indian Copyright Orders and Judgments 2020 can be accessed [here](#).

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