

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CS.No.545 of 2019
& OA.No.852 of 2019

M/s. Sun TV Network Limited,
rep. by its Authorised Signatory,
Mr.M.Jyothibasu,
Murasoli Maran Towers,
No.73, MRC Nagar Main Road,
MRC Nagar, Chennai-600 028

.. Plaintiff

Versus

1.Amazon.com,
by its Authorised Officer,
Head Office:
Brigade Gateway, 8th Floor,
26/1, Dr.Rajkumar Road,
Malleswaram(W),
Bangalore-560 055

Branch Office:

40, 3rd Floor, SP Infocity,
MGR Salai, Perungudi,
Chennai-600 096

2.M/s.Karmaayug Films Private Limited,
rep. by its Director Mr.Arunkumar Aravindakshan,
Officer at TC 7/98, Rohini, Kanjirampara P.O,
Maruthankuzhy,
Trivandram-695 030

3.M/s.Magic Frames,
 rep. by its Proprietor Listin Stephen,
 Office at Door No.2704, Ward-39,
 Kolaparambil Building,
 South Janatha Road,
 Pallarivattom, Cochin-682 025

.. Defendants

Plaint filed U/O IV Rule 1, O.S. Rules r/w Sec2(1)(c)XVII r/w 1st Proviso of Section 7 of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015(Act 4 of 2016 r/w Sec.55 & 62 of the Copy Rights Act & Order VII Rule 1 of CPC., seeking (a) permanent injunction restraining the first defendant, their men, representatives, agents and anybody on behalf of the first defendant from in any manner infringing, exhibiting or exploiting the Schedule Malayalam movie "KAATTU" starring Asif Ali, Murali Gopy, Varalaxmi Sarathkumar, Manasa & Others or any part thereof through satellite Television Broadcast Direct to Home Broadcast, direct satellite service, internet video streaming through all forms, I.P. TV, Broadband, telephone, telephony, cell phone radio(all dimensions) VCD, DVD, Video on demand, movie on demand, video, High definition(HD), Laser disc, blue ray, U-matic, inflight, airborne, railborne, terrestrial television broadcast(all dimensions) through cable/via cable TV, local delivery system, MMDS, paper view, seaborne, all modes of public/private transportation, public service broadcasting, private

communication/broadcast, wire, wireless, 2D & 3D formats/dimensions of the film or any other formats/dimensions which may be in existence now or invented in future or through any other forms, means and modes and any forms of communication like signs, signals, writing, pictures, images and sounds of all kinds of transmission of electro magnetic waves through space or through cables intended to be received by the general public either directly or indirectly through the medium of relay stations and all its grammatical variations and cognate expressions shall be construct accordingly or any other systems without restriction of geographical area more particularly in its prime video online video streaming in the internet platform.

(b)direct the first defendant to render true and proper accounts of profit in respect of its infringing, telecasting and exploiting of the said schedule "A" movies since June, 2019,

(c)to pay damages of a sum of Rs.30,00,000/- for exploiting the schedule "A" movies thereby causing loss to the plaintiff.

(d)to pay cost to the plaintiff.

For Plaintiff : M/s.M.Sneha
For D1 : Mr.K.Premchandar

JUDGMENT

The learned counsel for the first defendant would submit that he had filed an affidavit to the effect that the Movies have already been removed from the Internet platform and as and when the plaintiff notices the future uploading of the movies and intimate the same to the first defendant, the movies would be removed immediately on the same day from the other Internet platforms. Such undertaking is recorded.

2. Accordingly, the suit is disposed of, with a direction to the first defendant to remove movies from their Internet platform whenever it is brought to the notice of the first defendant by the plaintiff. No costs. Consequently, connected O.A.No.852 of 2019 is closed.

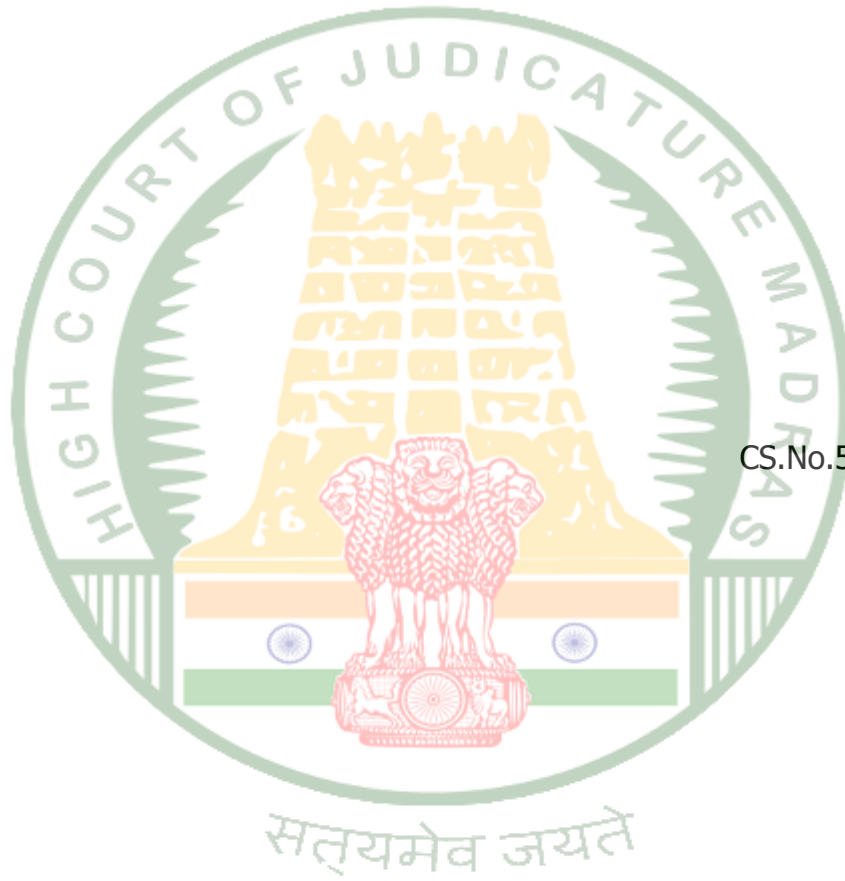
23.10.2019

Index : No
Internet : Yes

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