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

+ **CS(COMM) 297/2026 & I.A. 7673/2026**

TARUN CHAUDHARY & ANR.Plaintiffs

Through: Mr. Prince Bansal and Mr. Hemdeep
Moran, Advocates.

versus

KULDEEP MEENA & ORS.Defendants

Through: Mr. Ashish Kumar Pandey, Mr.
Apoorv Bansal, Mr. Aman Naqvi, Mr.
Suyash Rawat and Mr. Vedant Sharma,
Advocates for D-1.

Ms. Mamta Rani Jha, Ms. Shruttima
Ehersa and Ms. Aiswarya
Debadarshini, Advocates for
Google/D-7.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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25.03.2026

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1. The present suit seeks the following prayers:

"A. Restrain the Defendant no.1, Defendant no.2, Defendant no.3, Defendant no.4, Defendant no.5, Defendant no.6, permanently to further infringe the song.

B. Direct the Defendant no.1, Defendant no.2, Defendant no.3, Defendant no.4, Defendant no.5, Defendant no.6, to provide statements of revenue generated by the song, from Defendant no.7 and all other streaming platforms.

C. Pass an order directing the Defendant no.4, Defendant no.5, Defendant no.7, to not release revenue generated from the infringing song, until the present suit is not settled.

D. Direct the Defendant no.1, Defendant no.2, Defendant no.3, Defendant no.4, Defendant no.5, Defendant no.6, to release all the money in favour of plaintiff no.1, from all the sources of revenue, generated by the song.

E. Direct the Defendant no.7, to provide a list of all the YouTube

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channels who have uploaded the song, and to provide a statement of revenue generated from the song.

F. Direct the Defendant no.1, Defendant no.2, Defendant no.3, Defendant no.4, Defendant no.5, Defendant no.6, to immediately remove the song from all the platforms wherever the song is uploaded.

G. Direct the Defendant no.1, Defendant no.2, Defendant no.3, Defendant no.4, Defendant no.5, Defendant no.6, to pay collectively Rs.2,50,00,000/- (Two Crore-Fifty Lakhs), as damages, along with Interest @24% p.a. w.e.f. 26.01.2026 to till actual realization of the damages.

H. Pass an order by appointing a local court receiver, if prayer (b),(c),(d)(e)(f) is not obliged.

I. Pass an order directing the defendants to pay litigation cost of the suit be also awarded in favour of the plaintiffs.”

2. In pursuance of the order dated 24.03.2026, this Court has heard arguments of the parties.

3. Mr. Ashish Kumar Pandey, learned counsel has entered appearance on behalf of defendant no.1. Ms. Shruttima Ehersa, learned counsel has entered appearance on behalf of Google/defendant no.7, who had raised the objection as to the maintainability of the present suit on the ground of an admission made by the plaintiffs in para 10 of the plaint, wherein it has been candidly acknowledged that the song which is the subject of the suit, was conceived, channelized and generated through the AI tool known as SUNO AI except for the lyrics and the plaintiffs claim to be the owner of the same. Paras 9 and 10 of the plaint are extracted hereunder:

“9. On dated 16.01.2026, Plaintiff no.1, purchased a song named “Teri Yaadon Ki Chadar Odhe” (Hereinafter referred as Song), from Mr. Dinesh Kumar S/o Sh. Bhagirath. The song purchase agreement, along with English translation copy attached as Document 2.

10. The proof that Mr. Dinesh Kumar S/o Sh. Bhagirath, was initially the owner of the song, is by referring to the account owned by SUNO AI, from which the song was generated. Mr. Dinesh Kumar S/o Sh. Bhagirath, was holding commercial license at that time. A screenshot of song generation date at SUNO AI and payment for Commercial license attached as Document 3.”



4. Apart from the aforesaid paragraphs, there is no other para where the plaintiff has clarified the issue as to what is the nature of copyright that the plaintiff has, as an owner, except to state that the plaintiff is the owner of the song named “Teri Yaadon Ki Chadar Odhe”. The said ownership is asserted on the basis of a purchase agreement which is placed on record as Document 2. According to the said agreement, the original author of the lyrics has given his rights over the lyrics to the plaintiff and has also made it clear that the music of the song was composed by using the tool SUNO AI on 11.11.2025 at 7:06 a.m. from the YouTube channel ‘**Swar Wawe**’ of the original author.

5. Mr. Ashish Kumar Pandey, learned counsel appearing for the defendant no.1 has relied upon the terms of service the AI tool ‘SUNO AI’ ordinarily executes with the party who uses its services, to point out that on account of the nature of machine learning, the said AI tool does not make any representation or give a warranty that any copyright subsists in any output generated through it. This, according to him, would further confer no copyright at all to the present plaintiff. The contention of the defendant is that if the original owner itself did not have any copyright, the subsequent purchaser, i.e. the plaintiff in the present suit, cannot assert any right whatsoever.

6. Ms. Shruttima Ehersa, learned counsel has entered appearance on behalf of Google/defendant no.7 also relies upon the judgment of United States Court of Appeals dated 18.03.2025 titled ***Stephen Thaler, an individual appellant vs. Shira Perlmutter, in her official capacity as Register of Copyrights and Director of the United States Copyright Office and U.S. Copyright Office, Appellees***, and points out to the paragraphs which are reproduced hereunder:

“...All of these statutory provisions collectively identify an "author" as a human being. Machines do not have property, traditional human



lifespans, family members, domiciles, nationalities, mentes reae, or signatures. By contrast, reading the Copyright Act to require human authorship comports with the statute's text, structure, and design because humans have all the attributes the Copyright Act treats authors as possessing. The human-authorship requirement, in short, eliminates the need to pound a square peg into a textual round hole by attributing unprecedented and mismatched meanings to common words in the Copyright Act. See Food & Drug Admin. v. Brown & Williamson Tobacco Corp., 529 U.S. 120, 133 (2000) ("It is a 'fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.") (quoting Davis v. Michigan Dept. of Treasury, 489 U.S. 803, 809 (1989).

To be clear, we do not hold that any one of those statutory provisions states a necessary condition for someone to be the author of a copyrightable work. An author need not have children, nor a domicile, nor a conventional signature. Even the ability to own property has not always been required for copyright authorship. Married women in the nineteenth century authored work that was eligible for copyright protection even though coverture laws forbade them from owning copyrights. See Melissa Homestead, AMERICAN WOMEN AUTHORS AND LITERARY PROPERTY, 1822-1869, at 21-62 (2005); Belford, Clarke & Co. v. Scribner, 144 U.S. 488, 504 (1892) (recognizing Mrs. Terhune's authorship when her book's copyright was infringed, even though, as a married woman, she could not own property).

The point, instead, is that the current Copyright Act's text, taken as a whole, is best read as making humanity a necessary condition for authorship under the Copyright Act. That is the reading to which "the provisions of the whole law" point. John Hancock Mut. Life Ins. Co. v. Harris Tr. & Sav. Bank, 510 U.S. 86, 94 (1993) (quoting Pilot Life Ins. Co. v. Dedeaux, 481 U.S. 41, 51 (1987))."

7. She states that though the ratio of the aforesaid judgment is in respect of an issue where the entire output is purely based on AI tools without any human input/intervention, however, it may have some bearing or impact on



the present suit.

8. It may be appropriate to appreciate the relevant provisions of the Copyright Act, 1957 (hereinafter referred to as “*the Act*”). Section 13 of the Act provides categories/classes of works which are copyrighted i.e. (a) original literary, dramatic, musical and artistic works; (b) cinematograph films and (c) sound recordings. Section 14 of the said Act defines the meaning of “copyright” as the exclusive right, subject to the provisions of the Act, to do or authorize the doing of any of the following acts in respect of a work or any substantial part thereof. In the case of a literary, dramatic, or musical work, not being a computer programme, as specified in sub section (a) of section 14, includes the following:

“(i) to reproduce the work in any material form including the storing of it in any medium by electronic means;

(ii) to issue copies of the work to the public not being copies already in circulation;

(iii) to perform the work in public, or communicate it to the public;

(iv) to make any cinematograph film or sound recording in respect of the work;

(v) to make any translation of the work;

(vi) to make any adaptation of the work;

(vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi);”

9. Section 2(d) of the Act defines the term “author”. In the present case, it appears that Clause (vi) of sub-Section (d) of Section 2 of the Act would be applicable, which states that in relation to any literary, dramatic, musical or artistic work which is computer generated, the person who causes the work to be created would be the author. However, what is to be seen and considered is whether the plaintiff who claims to be the owner of the subject song, and is also the owner of the copyright in the lyrics, can assert his rights over the “song” per se, when the entire song was admittedly musically composed by



using AI tool, except for the lyrics. The plaintiff has not sought in the suit any violation of the rights, if any, over the lyrics, but the whole ‘song’ as such.

10. During the course of the hearing today, learned counsel for the plaintiff has handed over the Bench, the Registration Certificate issued by the Copyright Office in favour of the plaintiff no.1 for the song named “Teri Yaadon Ki Chadar Odhe”.

11. A piquant situation has arisen as to whether the plaintiff can assert any copyright as an owner over the song which was admittedly created by using an AI tool and whether such a work is capable of attracting copyright protection under the existing statutory framework.

12. Having regard to the above, at this stage, it is not clear as to whether the plaintiff can assert copyright on the song admittedly created by the AI tool. It would be in the interest of justice, at this stage, to implead the Registrar of Copyright as a party-defendant.

13. Accordingly, the Registrar of Copyright is impleaded as defendant no.8. The plaintiff shall file an amended memo of parties within one week.

14. In the above circumstances, let the plaint be registered as a suit.

15. Issue summons.

16. Summons accepted by Mr. Ashish Kumar Pandey, learned counsel for defendant no.1 and Ms. Shruttima Ehersa, learned counsel for Google/defendant no.7.

17. The Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file an affidavit of Admission/Denial of the documents of the plaintiffs, without which the Written Statement shall not be taken on record.

18. Liberty is granted to the plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication



filed by the plaintiffs, an affidavit of Admission/Denial of the documents of the defendant be filed by the plaintiffs, without which the Replication shall not be taken on record.

19. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

20. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

I.A. 7673/2026 (Stay)

21. This is an application filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of CPC seeking *ad-interim* injunction against the defendants.

22. Issue notice to the defendants through all permissible modes.

23. Notice accepted by Mr. Ashish Kumar Pandey, learned counsel for defendant no.1 and Ms. Shruttima Ehersa, learned counsel for Google/defendant no.7.

24. In view of the quandary noted in the aforesaid paragraphs, the passing of directions for an *ex-parte ad-interim* injunction at this stage, without first being, *prima facie*, convinced of the plaintiff's copyrights over the song i.e., the subject matter of the suit, may not be appropriate.

25. Let the reply to this application be filed by the defendants within ten days from service and rejoinder, thereto, if any, be filed within three days thereafter.

26. List before the Joint Registrar on 07.07.2026.

27. List before the Court on 16.04.2026.

TUSHAR RAO GEDELA, J

MARCH 25, 2026/kct/rl

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