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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS (COMM) 317/2022 & I.A. 7535/2022**

MR. SURENDER Plaintiff

Through: Mr. Lakshay Kumar, Ms. Shruti Bhalotia and Mr. Simran Kumar, Advocates. (M:9560395392)

versus

SONOTEK CASSETTES COMPANY & ORS. Defendants

Through: Mr. Sidhanth Chopra and Mr. Vivek Ayyagari, Advocates for HT Media Ltd./D2 (M:8017571175)
Mr. Neel Mason, Mr. Vihaan Dang, Mr. K.Y. Siddharth Vardhman and Ms. Varsha Jhavar, Advocates. (M:9810588978)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **24.05.2022**

1. This hearing has been done through hybrid mode.

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2. Let the plaint be registered as a suit.

3. Issue summons to the Defendants including through email and mobile number provided in the memo of parties.

4. The summons to the Defendants shall indicate that a written statement to the plaint shall be positively filed within 30 days from date of receipt of summons. Along with the written statement, the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.

5. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the

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Defendants, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

6. List before Court on 2nd June, 2022.

I.A. 7535/2022 (u/O XXXIX R 1 & 2 CPC)

7. The present suit for permanent and mandatory injunction restraining infringement of copyright has been filed by the Plaintiff- Mr. Surrender against Defendant No.1- M/s Sonotek Cassettes Company. The Plaintiff claims to be the proprietor of one M/s. Jackpot Music. The suit has been filed by the Plaintiff on the ground that he owns the copyright including negative rights, digital rights etc. in respect of albums, serials, films, songs, movies, of a catalogue which is set out in the agreement dated 11th May, 2012.

8. The case of the Plaintiff is that Defendant No.1 started using the aforementioned works by illegally uploading and streaming the same on various online platforms including YouTube and apps such as Hungama Music. The YouTube channel run by Defendant No.1 is called 'Jagdish Video'.

9. A legal notice was given by the Plaintiff on 23rd July, 2021 asking the Defendants to cease and desist from using the works of the Plaintiff on YouTube and other online platforms. In its reply dated 28th August, 2021, Defendant No.1 claimed that it had obtained rights in the said works vide agreement dated 30th June, 2012. When the Plaintiff sought the copy of the said agreement by further communications, Defendant No.1 did not respond.

10. Other Defendants arrayed in the suit are HT Media Ltd.- Defendant No.2, YouTube LLC- Defendant No.3 and Hungama Digital Media



Entertainment Pvt. Ltd. - Defendant No. 4.

11. Issue notice.

12. Mr. Sidharth Chopra, Id. Counsel accepts notice for the Defendant No.2.

13. Mr. Neel Mason, Id. Counsel accepts notice for Defendant No.3 and submits that the YouTube platform is controlled by Google LLC.

14. Accordingly, Defendant No.3 shall be read as Google LLC with the following details.

***GOOGLE LLC,
1600, Amphi Theatre Parkway Mountain View,
California – 94043, USA.***

15. The Plaintiff shall file the amended memo of parties within 3 days.

16. Let notice be issued to Defendant No.1 - M/s. Sonotek Cassettes Company at the email address kamsabherwal@gmail.com and Mobile No. 9899429419.

17. Notices shall also be issued to Hungama Digital Media Entertainment Pvt. Ltd. at the email address support@hungama.com.

18. If Defendant No.1 claims any right in the works over which copyright has been claimed by the Plaintiff in the present suit, Defendant No.1 shall place on record all the relevant agreements on which it seeks to place reliance upon.

19. On the next date of hearing, the prayer for interim relief shall be considered by the Court.

20. List on 2nd June, 2022.

PRATHIBA M. SINGH, J.

MAY 24, 2022/dk/sk

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