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

+ CS(COMM) 443/2024 with I.A. 30477/2024, I.A. 32525/2024, I.A. 43453/2024, I.A. 48724/2024, I.A. 48726/2024 and I.A. 48827/2024

UNISYS INFOSOLUTIONS PVT LTD & ANR.Plaintiffs
Through: Ms. Swathi Sukumar, Senior Advocate with Mr. Nikhil Chawla and Ms. Riya Gupta, Advocates.

versus

TRANSSNET MUSIC LIMITED & ORS.Defendants
Through: Mr. Naveen Chaklan, Ms. Raman Lall, Advocates for D-1 with Ms. Mingyue (Loral) Luo.
Mr. Aditya Gupta and Mr. Sauhard Alung, Advocates for D-2.
Ms. Riddima Sharma and Ms. Bhanu, Advocates for D-3.
Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar, Mr. Abhinav Bhardwaj, Advocates for D-4 and D-5.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
23.12.2024

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1. Pursuant to the order dated 18th December 2024, Ms. Mingyue (Loral) Luo, officer on behalf of defendant no.1 is present in Court through video conferencing.
2. I have heard the counsel for the parties for some time.
- 2.1 I have also interacted with Ms. Mingyue (Loral) Luo.



3. After hearing the counsel, it appears that the case involves complex factual as well as legal issues that need to be examined.

4. I am of the view that in the present case, an *Amicus Curiae* should be appointed to assist the court.

5. Accordingly, Mr. Ashutosh Kumar, Advocate is appointed as the *Amicus Curiae* to assist the Court.

5.1 The following directions are passed in this regard:

- A. The *Amicus Curiae* would examine the working of the defendant no.1's application 'BOOMPLAY'/ 'BOOMPLAY LITE' (*hereinafter said application*). In this regard, the counsel for the defendant no.1 shall ensure that the defendant no.1 provides full access to the said application to the *Amicus Curiae*.
- B. The *Amicus Curiae* would examine whether the said application allows upload of third party user-generated content.
- C. The *Amicus Curiae* would examine whether the plaintiffs' content is available on the said application. In this regard, the counsel for plaintiffs shall provide details of their content which is allegedly available on the said application to the defendant no.1.
- D. The *Amicus Curiae* would examine whether the said application qualifies as an intermediary under the provisions of the Information Technology Act, 2000.
- E. The *Amicus Curiae* would examine the legal aspects, in case the defendant is held to be an intermediary or otherwise.

6. Counsel for the plaintiffs shall supply a complete case file to the *Amicus Curiae* within three (3) days.



7. The defendant no.1 shall place on record the licenses it has for the content on its application in respect in which for which the plaintiff claims copyright.
8. List on 21st January, 2025.

AMIT BANSAL, J

DECEMBER 23, 2024

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