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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 and
I.A. 43453/2024**

UNISYS INFOSOLUTIONS PVT LTD & ANR.Plaintiffs

**Through: Mr Nikhil Chawla and Mr Om Ram,
Advocates.**

versus

TRANSSNET MUSIC LIMITED & ORS.Defendants

**Through: Mr Naveen, Mr Akhil Jindal and
Mr Raman Lall, Advocates for D-1.
Mr Aditya Gupta, Advocate for D-2.**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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25.10.2024

**I.A. 42988/2024 (filed by defendant No. 1 seeking condonation of delay of
44 days in filing the written statement)**

1. This application has been filed on behalf of the Defendant no.1 seeking condonation of delay of 44 days in filing written statement.
2. Counsel for the Plaintiff does not oppose the present application.
3. Accordingly, the application is allowed and the delay in filing the written statement is condoned.
4. Written statement of Defendant No. 1 be taken on record.
5. Accordingly, the Application stands disposed of.

I.A. 32525/2024 (filed by the plaintiffs under Order XXXIX Rule 2A CPC)

6. This application has been filed on behalf of the Plaintiff seeking registration of contempt proceedings against the alleged contemnors for



wilful violation of order dated 22nd March, 2024 along with damages to the tune of USD 112,000/- and other punitive damages.

7. Notice in the present application was issued by the Predecessor Bench *vide* order dated 8th July 2024.

8. Counsel appearing on behalf of the Defendant No.1 submits that reply has been filed on behalf of Defendant No.1 yesterday. However, the same is not on record.

8.1 Counsel for the Defendant No.1 shall take steps to have the same placed on record.

9. Counsel appearing on behalf of the Plaintiff submits that songs from the repertoire of the Plaintiff in which copyright vests exclusively with the plaintiff continue to exist on the platform of the Defendant No.1. This includes content directly uploaded by Defendant No.1 as well as third-party content.

10. Counsel for the Plaintiff further submits that insofar as the Plaintiffs' copyrighted songs are concerned, a comprehensive list has been filed in these proceedings and a copy has been given to the counsel for the Defendants.

11. Counsel appearing on behalf of the Defendant No.1 assures the Court that all the content that infringes the copyright of the Plaintiff will be taken down within a period of two (2) weeks from today.

11.1 A compliance affidavit shall be filed in this regard within three (3) weeks, with a copy being supplied to the Plaintiff.

12. Counsel for the Defendant No.1 assures the Court that no infringing content of the plaintiffs shall be uploaded by the Defendant No.1 on its platform.



13. Insofar as content uploaded by the third-party users *i.e.*, user-generated content, the Defendant No. 1 shall file an affidavit with regard to the setting up of a filter mechanism, so as to prevent uploading of any user-generated content that infringes the copyright of the third parties including the Plaintiff.

14. In the interregnum, upon a takedown notice being issued by the plaintiff to the Defendant No. 1 in relation to Plaintiff's copyrighted works, the Defendant No.1 shall forthwith take down the said content within a period of 72-hours.

15. A responsible officer of the Defendant No. 1 company, who is well versed with the technical aspects of the platform of Defendant No. 1 as well as the commercial aspects shall be present in Court on the next date of hearing.

16. It is made clear that the present application will be heard on merit, regardless of reply being on record on the next date of hearing.

17. List on 18th December, 2024.

I.A. 43453/2024 (filed by the plaintiffs under Order XXXIX Rule 2A CPC)

18. This application has been filed on behalf of the plaintiff seeking registration of contempt proceedings against the alleged contemnors for wilful violation of order dated 27th May, 2024 and 8th July 2024 along with damages to the tune of USD 135,000/- (*i.e.*, Rs.1,13,33,250/-) and other punitive damages.

19. Counsel for the plaintiff submits that on account of infringing activities of the Defendant No. 1, a recurring loss has been caused to the Plaintiff and he prays that the Defendant no.1 be directed to pay damages on a *pro-tem* basis.



19.1 As per the estimate provided by the Plaintiff company, the yearly loss of revenue being caused to the Plaintiff company is to the tune of USD 54,000 and based on the above, the plaintiff claims a sum of USD 1,35,000 from 1st April, 2022 to 31st September, 2024.

20. Issue Notice to the alleged Contemnor No.1 to 8.

21. Notice is accepted by the counsel appearing on behalf of the Contemnor No.1/Defendant No.1.

22. Notice be issued to remaining contemnors *via* email only.

23. Let a physical copy of the application be supplied to the counsel for the Defendants during the course of the day.

24. Defendant No.1 is directed to file an affidavit giving details of the revenue generated from the infringing content of the Plaintiff from 1st April 2022 to 30th September 2024.

24.1 This affidavit shall be filed within four (4) weeks.

25. Reply be filed within four (4) weeks.

26. Rejoinder thereto, if any, be filed before the next date of hearing.

27. List on 18th December, 2024.

AMIT BANSAL, J

OCTOBER 25, 2024

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