

IN THE COURT OF THE LEARNED DISTRICT JUDGE,
CHANDIGARH

Civil Suit No. _____ of 2015

The Indian Performing Rights Society Limited, a Company incorporated under the Companies Act, 1956 having its Registered Office at 208, Golden Chambers, New Andheri Link Road, Andheri (West) Oshiwara Mumbai -400050 and having its Liaison Office at H. No. 427, Sector-60, Mohali through its authorized representative-cum-Licensing Executive Sh. Arvind Sharma. ...Plaintiff

Versus

- 1) Durga Das Foundation, Nehru Bhavan, Sector 24-B, Chandigarh – 160023 through its Trustee/authorized representative
 - 2) Tagore Theatre, Sector 13, Chandigarh through its Manager
- ...Defendant

Suit under the Copyright Act, 1957 (as amended) for Permanent Injunction for restraining the Defendants from using the musical and literary works of the Plaintiff for communication to the public in the premises of the Defendant No. 2 without paying the requisite license fee and obtaining the mandatory public performance license from the Plaintiff.

Respectfully Showeth:-

1. That the Plaintiff is a company incorporated under the provisions of the Companies Act, 1956, having its office at 208, Golden

(R)
Dkm
28/7/15

In the Court of Shalini Singh Nagpal, Additional
District Judge, Chandigarh.

Civil Suit No.:02/26.2.2015.

Date of Order: 26.2.2015.

The Indian Performing Rights Society Ltd

Vs.

1 Durga Das Foundation, Sector 24B, Chandigarh.

2 Tagore Theatre, Sector 18, Chandigarh.

SUIT UNDER THE COPYRIGHT ACT, 1957
FOR PERMANENT INJUNCTION.

Present: Sh.Gaurav Chopra, counsel for plaintiff.

Suit received by assignment. It be checked
and registered.

1 Learned counsel for the plaintiff is pressing
for an ad-interim injunction to restrain defendants
from playing or communicating any of the musical or
literary works of the plaintiff to the public in the
premises of defendant no.2 by playing the Cassettes or
Compact Discs or through live performance or in any
other form or means of diffusion so as to infringe
plaintiff's copyright without obtaining the mandatory
public performance license to play the said musical
works in the premises of defendant no.2 during the
programme scheduled to be held today & tomorrow.

3 Heard. Record perused. It has been argued
that owners of copyright in the musical works had
assigned their copyrights in musical works in favour of



Attested

[Handwritten signature]

26/2/2015

the plaintiff by virtue of various assignment deeds and as per section 18(2) of the Copyright Act, plaintiff was to be treated as owner of the copyright in the musical works. As per section 31 of the Act, plaintiff was entitled to issue license for public performance of its musical works. Defendants were required to obtain a valid license before playing the musical works of the plaintiff, but did not obtain any license for the event to be held on 16.2.2015 and 27.2.2015 nor paid any fees, so, they were liable to be restrained from violating the statutory provisions of the Copyright Act, 1957.

4 Issue notice of the suit along with injunction application to the defendants for 5.3.2015. In the meanwhile, defendants, their servants and agents are restrained from playing/communicating any of the musical/literary works of the plaintiff to the public in the premises of defendant no.2 by playing the Cassettes/Compact Discs or through live performance or in any other form or means of diffusion so as to infringe plaintiff's copyright without obtaining mandatory license to play the said musical works in the premises of defendant no.2.

Pronounced:

26.2.2015



Shalini Singh Nagpal

Additional District Judge, Chd

Attested
[Signature]