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O.A.No.459 of 2024
in
C.S. (Comm.Div.) No.118 of 2024

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P.VELMURUGAN, J

Original Application in O.A.No.459 of 2024 has been filed to grant an order of ad-interim injunction restraining respondents 1 and 2/defendants 1 and 2, their men, agents, servants or persons acting on their behalf, from in any manner exhibiting and exploiting the copyrights of the film GUNA starring Kamal Hassan and others, music by Ilaiyaraja and directed by Santhana Bharathi, pending disposal of the suit.

2. The case of the applicant/plaintiff is that he is carrying on business of financing, production and aggregation of copyrights in cinematographic films. In the course of business, he acquired the entire Negative Rights in ten Tamil cinematographic films from one N.Rathnam by an agreement dated 04.07.2008. One among the ten films is a popular and critically acclaimed Tamil Cinematographic film by name 'GUNA' [hereinafter referred to as 'the suit film' for the sake of brevity]. The said



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N.Rathnam, had in turn, acquired the World negative copyright for the suit film, vide agreement dated 10.04.2008. The most relevant clause is Clause 2 of the said agreement dated 10.04.2008 and the same reads as follows:

"2. The Assignor declares World negative copyright for the said films; complete all rights except Indian Satellite Rights and World Video Format Rights and subject to all previous commitments by the producer/negative rights holder before 11th April 2008 to the Assignee. Here, complete rights means all the sole and exclusive rights with commercial and non commercial, theatrical and non theatrical copyrights of distribution, exhibition and exploitation of the said pictures in all gauges, 35 mm, 8mm, 70mm, cinema scope and all other size and in all dimensions and in all media".

3. The first defendant/Company had obtained the World negative rights in the suit film from its producer by an Agreement dated 12.12.1995. The said N.Rathnam, obtained confirmation from the third respondent/third defendant laboratory for the suit film by a lab letter



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dated 26.04.2008. Thereafter, the said N.Rathnam, assigned the rights in favour of the applicant/plaintiff and the plaintiff has also obtained laboratory confirmation for the suit film from the third defendant by letter dated 06.05.2009. Both the lab letters contain the list of prior assignments/commitments with respect to the suit film. Therefore, the plaintiff has been exploiting his copyright for the suit film despite various objections for his exploitation from defendants 1 and 2.

4. While that being so, in June 2024, it came to knowledge of the applicant/plaintiff that defendants 1 and 2 are attempting to re-release the digital prints of the suit film in the Cinema theatres of Tamil Nadu. Hence, the applicant/plaintiff approached the Film Distributors Association, requesting them to intervene in the matter and resolve the issues. Pending resolution of the matter, the second defendant, by producing false and concocted agreement between the first defendant and the second defendant in respect of copyright of the suit film, has caused the theatrical re-release of the digital prints of the suit film on 05.07.2024 throughout the State of Tamil Nadu. The respondents 1 and 2/ defendants



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1 and 2 are un-authorisedly infringing the copyright of the applicant and hence, the applicant has filed the present application seeking ad-interim injunction. If the order of interim injunction is not granted, the applicant will be put to irreparable loss and hardship.

5. Heard Mr.K.Harishankar, the learned counsel for the applicant/plaintiff and perused the materials available on record.

6. Having regard to the nature of allegations in the affidavit along with this application, this Court finds that the applicant/plaintiff has made out a *prima-facie* case for grant of ad-interim injunction as prayed for in this application. The balance of convenience and irreparable hardship, have also been established by the applicant/plaintiff.

7. Accordingly, there shall be an order of ad-interim injunction, as prayed for in this application till 22.07.2024. The applicant/plaintiff shall comply with Order XXXIX Rule 3(a) C.P.C. forthwith.



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8. Issue notice to the respondents returnable by 22.07.2024. Private notice through Registered Post with Acknowledgment Due is also permitted. Affidavit of Service has to be filed by then.

List the application on **22.07.2024**.

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10.07.2024



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10.07.2024