

\$~OS-23

\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 207/2019

SAREGAMA INDIA LIMITED

..... Plaintiff

Through Mr.P.Chidambaram, Sr.Adv. with  
Mr.C.M.Lall, Mr.Ankur Sangal, Ms.Sucheta Roy,  
Ms.Pragya Mishra and Mr.Shiva tokas, Adv.

versus

SPOTIFY INDIA PRIVATE LIMITED & ORS..... Defendant

Through Mr.Sajan Poovayya, Sr.Adv. with  
Ms.Bitika Sharma, Ms.Ruchika Wadhwa and  
Mr.P.S.Kharola, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

%

**23.04.2019**

**IA No.5796/2019 (exemption) and IA No.5797/2019 (seeking permission to file CD and Pen Drives)**

Allowed subject to all just exceptions.

Application stands disposed of.

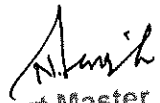
**IA No.5798/2019**

This application is filed under Order 11 Rule 1(4) CPC seeking leave to file additional documents. Needful be done within thirty days from today.

Application stands disposed of.

**IA No.5799/2019**

Time for filing the Court Fee is extended by five days. Application stands disposed of.

for   
Court Master  
High Court of Delhi  
New Delhi

**CS(COMM.)207/2019**

Let the plaint be registered as suit. Learned counsel for the defendant on seeing the matter in the list has entered appearance. Written Statement be filed within the statutory period. Copy of the paperbook be supplied to learned counsel for the defendant.

List on 7.5.2019.

**IA No.5795/2019**

This is an application under Order 39 Rule 1 and 2 CPC seeking ex parte injunction to restrain the defendants, Directors, proprietors etc. from doing any act including exploitation/use of the plaintiff's works as filed in the digital form at page No.8 i.e. sound recordings/songs, including the underlying literary and musical works contained therein which are in infringement of the plaintiff's works. Other connected reliefs are also sought.

The case of the plaintiff in the accompanying plaint is that the plaintiff is engaged in the business of acquisition of copyrights in the songs/sound recording and in the underlying literary, musical and dramatic contained therein. It is stated that the plaintiff has a long history in the field of recorded music in India.

The defendants in February 2018 approached the plaintiff to take a license for streaming the plaintiff's work on the defendant's platform. In the negotiation talks between the parties the terms of license were discussed. It is pleaded by the plaintiff that on the request of the defendant the plaintiff provided the defendants copyright of the plaintiff's works a month prior to launch of the defendant's platform in India to enable the defendants to upload the same on the defendant's platform at the time of their launch in

for *A. Singh*  
Court Master  
High Court of Delhi  
New Delhi

India. However, the license agreement could not be finalised and the plaintiff has thereafter requested the defendants to take down/block the plaintiff's works on the defendant's platform. Reliance is placed on email exchanged including email from 27.2.2019 to 3.3.2019.

Learned senior counsel appearing for the defendant on instructions states that the defendant do not consider this litigation as an adversarial litigation. He submits that whatever work infringed the copyrights of the plaintiff would be taken off/deleted by the defendant from its platform within 10 days from today. The defendant shall remain bound by the above submission made in court.

List on 7.5.2019.

A copy of this order be given Dasti under the signatures of the Court Maser.

**JAYANT NATH, J**

**APRIL 23, 2019**

n

for *A. Singh* *Team*  
Court Master  
High Court of Delhi 23/4/2019  
New Delhi