

MANU/DE/2942/2005

Equivalent Citation: 127(2006)DLT48, 2006(32)PTC84(Del)

IN THE HIGH COURT OF DELHI

CS(OS) 777/2005

Decided On: 12.12.2005

Appellants: **Eastern Book Company and Ors.**
Vs.

Respondent: **Mr. Deepak Kapoor and Anr.**

Hon'ble Judges/Coram:

Badar Durrez Ahmed, J.

Counsel:

For Appellant/Petitioner/plaintiff: Sai Krishna,Rajgopal an Sidharth Chopra, Advs

For Respondents/Defendant: Gaurav Liberhan, Adv. for the Defendant No. 1 and Vinay Bhasin, Sr. Adv., Pratibha M. Singh and Meera Chatare, Advs. for the Defendant No. 2

Subject: Intellectual Property Rights

Case Note:

Intellectual Property Rights - Infringement of copyright - Suit filed claiming Copyright of the Plaintiffs in the head notes, short notes, editorial notes and the copy-edited text of the judgments of the Supreme Court as published in their 'Supreme Court Cases' (SCC) Journal had been infringed by Defendants - Held, it was undertaken by all parties that present order would not be publicized by any of them in any other form and the same should be without any distortion - Plaintiffs to enable monitor compliance by Defendants - Defendants would, for a period of one year commencing on June 1, 2006, supply to Plaintiffs a copy of the CD-ROM/publications containing all further updates, relating to judgments of the Supreme Court and also provide access for the said period to the Supreme Court section of their website as was provided to their regular subscribers with unlimited access facility - Suit disposed of.

JUDGMENT

Badar Durrez Ahmed, J.

1. Mr Surinder Malik (plaintiff No. 3 and on behalf of the plaintiff Nos. 1 & 2) and Ms Priyanka (Director of the defendant No. 2 as also on behalf of the defendant No. 1) are present in court and they state that the parties have arrived at an amicable settlement. They have also stated that the amicable settlement has been reported to the court by the counsel for the parties and the same is being made part of this order. They stated that they have fully understood the contents of the settlement and are responsible for the settlement. They undertook full responsibility acting on their own behalf as well as on behalf of their respective companies.

2. In the suit, the claim of the plaintiffs is that their Copyright in the head notes, short notes, editorial notes and the copy-edited text of the judgments of the Supreme Court as published in their 'Supreme Court Cases' (SCC) Journal has been infringed by the Defendants.

3. The defendants have stated before this court that for the period prior to 2001 they have relied upon various primary and secondary sources including SCC journal for obtaining the text of Supreme Court judgments. The defendants, do not dispute the Copyright of the plaintiffs in the head notes, short notes, footnotes and editorial notes. The defendants do not admit the plaintiffs' claim to Copyright in the text of the judgments or in the copy edited text of the judgments as published in SCC Journal. However, in order to amicably resolve this matter, the Defendants, without prejudice, undertake the following:

i) Defendants undertake to replace / remove the text of the Supreme Court judgments in instances taken from SCC Journal with their own text of judgments and additions/cross-citations and editorial inputs in their CD Roms, websites or any other medium of publication within a period of six months commencing from the date of this order.

ii) The Defendants further undertake that in future they will not source the text of the judgments from SCC Journal to incorporate the same in their CD Roms, websites or other media.

manupatra 4. It is undertaken by all the parties that the present order will not be publicised by any of them in any other form and the same shall be without any distortion.

5. So as to enable the plaintiffs to monitor compliance by the defendants with this order, the defendants will, for a period of one year commencing on June 1, 2006, supply to the plaintiffs a copy of the CD-ROM/publications containing all further updates, relating to judgments of the Supreme Court and also provide access for the said period to the Supreme Court section of their website as is provided to their regular subscribers with unlimited access facility.

6. The parties state that in view of the aforesaid terms of settlement, the suit itself need not be proceeded with any further. Accordingly, the suit is disposed of in the above terms with the consent of all the parties.

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