

* **HIGH COURT OF DELHI : NEW DELHI**

+ **CS(OS) No.596/2007**

% Judgment decided on : 18.11.2011

Federation of Industries of India & Anr. Plaintiffs
Through: Mr. Jagdish Sagar, Adv.

Versus

Mr. G. Kesavalu Naidu @ Kesavan & Anr. Defendants
Through: Defendants are *ex-parte*.

Coram:

HON'BLE MR. JUSTICE MANMOHAN SINGH

1. Whether the Reporters of local papers may
be allowed to see the judgment?
2. To be referred to Reporter or not? Yes
3. Whether the judgment should be reported
in the Digest? Yes

MANMOHAN SINGH, J.

FACTS OF THE CASE

1. Plaintiff No.1 is Federation of Industries of India, a Registered Society based in Delhi.

2. Plaintiff No.2 is Laxmi Pipes Ltd., a company based in Delhi and member of Plaintiff No. 1.
3. Defendant No.1 is sole proprietor of Defendant No.2. It is also admitted position that the Defendants themselves do not manufacture tubes and have no BIS registration for the purpose.
4. Defendant No.1 had obtained copyright registrations as artistic works for two drawings of steel pipes of diameter of 175 mm and 180 mm., being respectively Copyright Register entries bearing Nos. A-65629/03 and A-65630/03 which are marked as Ex. P-1 and Ex. P-2.
5. The defendants have initiated criminal proceedings against the members of Plaintiff No.1 in regard to copyright as well as against various parties in India.
6. It is also admitted position that the Defendants have filed an application for patents in the same suing the same drawing and the same is exhibited as Ex. P-3. The drawings are identical in all other respects and the artistic works which has been registered.
7. The Plaintiffs' members were being threatened by the Defendants, and admittedly, FIRs were being filed against them in different places. The Defendants have, admittedly, taken money from the Plaintiffs members under the garb of criminal proceedings. The plaintiffs have adduced evidence i.e. telephone calls from Defendant No. 1 were received in the Plaintiffs office, in Delhi, reiterating the Defendants' unlawful claims, and the Plaintiffs Delhi-based members. Therefore, the plaintiffs

have filed the present suit against groundless threat under Section 60 of the Copyright Act, 1957 allegedly given by the defendants.

8. While disposing of IA. No. 3762/07 under Order XXXIX R 1 & 2 CPC vide order dated 13.03.2008 Defendants were refrained from initiating any Civil action against the Plaintiffs or their representatives during subsistence of suit. IA. No. 3763/07 was disposed of by order dated 13.3.2008, permitting plaintiffs to sue on behalf of 67 parties, details of which are mentioned in Plaintiffs' documents.

9. The Defendants' right to file written statement was closed by order dated 17.09.2007. The Defendants again applied under Section 5 of Limitation Act for condonation of delay, which was dismissed by order dated 13.03.2008.

10. The defendants were proceeded *ex parte* as per order dated 10.08.2009.

11. Plaintiff No.1's members including Plaintiff No.2 manufacture steel tubes of various diameters for various purposes. Such manufacture has been going on for many decades even before registration as society of Plaintiff No. I in 1977. Since 1958, members of Plaintiff No. 1 manufacture steel tubes according to different standards of the Bureau of Indian Standards (BIS).

12. Earlier, Karnataka Government created a new specification for steel tubes for bore wells having 175 mm outer diameter, in May 2003. This is admitted in the Defendants' reply to IA. No. 3762/07 in paragraph 16 (b).

13. It appears from the pleadings and documents placed on record that the defendants merely on the basis of copyright registration is trying to take the advantage by initiating criminal proceedings under Section 3 and 4 of the Copyright Act, 1963 and also many time extracting the amount from various parties. Thus, the significance of copyright registration is evidentiary and nothing more. Section 48 of the Act reads as follows:

"48. The Register of Copyrights shall be prima facie evidence of the particulars entered therein and documents purporting to be copies of any entries therein, or extracts therefrom certified by the Registrar of Copyrights and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original"

From the above, such registration confers no right. Copyright registration does not debar any court from determining whether the copyright actually subsists in any registered work in case the work in question is not an original work within the meaning of Section 2(c) of the Copyright Act.

14. It also appears from the record that since the defendants failed to get the patent registration of the process of same very drawings submitted by him in the patent office and later on he got subsequently copyrighted of the same drawings and obtained copyright registrations.

15. **Questions to be determined:**

1. Does copyright subsist in the Defendants' drawings?

2. If so, have the Plaintiffs' infringed the said copyright?

16. The copyright would be infringed u/s 51 (a)(i) r/w Sec. 13 (a) (i) r/w Section 13 (i)(a) of the Copyright Act. In other words, for the Plaintiff to have infringed the Defendants' copyrights, the following requirements have to be met:

- (i) The Defendants' drawings of tubes must be copyrightable *original artistic works* as required by Section 13(i)(a)); and
- (ii) The Defendants should have reproduced the Plaintiffs' artistic work.

17. **Non-subsistence of Copyright**, the plaintiffs in support of their submissions referred paragraphs 12 to 17 of the plaint. The same read as under :

“12. It is submitted that there can be no copyright in any drawing made of a tube as described above. It is the settled law that there is no copyright in a purported artistic or other work consisting of nothing but a mere concept or idea. Copyright subsists only in expression which can be distinguished from facts and ideas. In order to enjoy copyright protection it is necessary that an artistic or other work should contain original expression that is distinguishable from mere facts and ideas, and cannot merely consist of a conceptual idea or factual information; *a fortiori* it cannot do so where the ideas or information in question are well-known. The same principle has also been expressed with reference to the level of abstraction or, conversely, the level of detail: works which do not contain a

modicum of distinctive identity are not protected by copyright. It is therefore also the settled law that it is impossible to enforce copyright in a purported work where doing so would have the effect of creating a monopoly in an idea. The time-honoured principle of copyright law described above, excluding the protection of mere ideas, is now enshrined in Article 9.2 of the Agreement on Trade Related Intellectual Property Rights (commonly known as the TRIPS Agreement) which lays down that "Copyright protection shall extend to expression and not to ideas, procedures, methods of operation or mathematical concepts as such." It is further submitted that it is also now the settled law that international conventions to which India is a party may be referred to as an aid to the interpretation of Indian statutes.

13. It is very relevant in this connection that Defendant No. 1 also filed a patent application No. 411/MAS/1999, which has not been granted, which is known to the Plaintiffs and has been filed in the present proceedings, and which pertains to the same tubes which have also been entered as "artistic works" in the Register of Copyrights under No. A 65629/2003 and No. A 65630/2003 and have been referred to hereinabove. The claim is for the following: "A system for digging bore wells comprises an unique drill bit bore having specific outer diminution [*sic*] of Steel tube casing and lower variable size inner dimensions additional socket coupler that defines the joining aspects of the tubes. The features of the alleged invention for which patents were sought by this application are highly significant in the context of the said alleged "artistic works":

- The inventions for which patent is sought in the said patent application are depicted as, firstly, a "STEEL TUBE 175 MM OUTER DIA (onward up to 193.6) with includes

176MM, 177MM, 179MM OD. It also includes the Adding Socket (coupler defines the jointing factor for new invented tubes..." and is "For IMPROVEMENT RELATING TO BOREWELLS". Secondly, there is a similar tube, which is identical in every other way with the first but in which the outer diameter is shown as 180 mm. It is further described in Form 2 of the patent application forms as being a "system for digging bore-wells for industrial and agricultural purpose". The prior art methods are described as a driller using 193.7 mm steel tubes encasing a dig of 165 mm (6.5) inches; another method is stated to have been using 165 mm steel tubes with a dig of 150 mm. The main superiority of the alleged "invention" consists in the different dimensions of the outer sheath and the dig, which are said to be more efficient.

- The illustrations accompanying this patent application are exactly the same as the subsequently registered "artistic works" Nos. A-65629/2003 and A-65630/2003 with exactly the same titles, but with different legends. The numbers alongside the second drawing in each of the registered "artistic works" are now explicable with reference to the patent application, being the key to the legends on the same drawings, referring to different parts of the supposed device. The registered "artistic works" are nothing but the illustrations to the patent application with the explanatory legends merely removed and substituted by different, non-explanatory ones.

14. The Defendants have sought to further extend the scope of the above-described patent application, which has not been successful, by applying it to *any* steel tube with an outer diameter of 175 mm or 180 mm, even where it does not have the other features depicted schematically on the drawing, like a drill bit bore, hammer, drilling bit,

submersible motor etc. and is not encased within a drill shaft. It is thus abundantly clear that the whole purpose of registering the drawings in question with the Copyright Office was merely to claim an illegal monopoly over a certain commonplace technology for which the Defendants have not been able to obtain patents, by misrepresenting the nature and scope of copyright protection to the police and other authorities, taking advantage of the prevailing general ignorance regarding the technical aspects of copyright and other intellectual property laws. The Defendants have, thus, been seeking unjust enrichment by enforcing non-existent monopoly rights by misguiding various local authorities and threatening *bona fide* manufacturers, of steel tubes in order to extract money from them in the **V I** form of licence fees which are not actually payable.

15. It is further submitted, without prejudice to the foregoing submissions, that the members of Plaintiff No. 1 are bound to manufacture their steel tubes directly an accordance either with BIS specifications or otherwise according to the requirements of the market to serve the same purposes. If, by doing so, they create end products resembling any drawing created by any person, it will still not be infringement of any copyright that may subsist in the said drawing, in the absence of any causal relationship between the two.

(a) Thus even if it were to be argued that there was any copyright in a drawing, like the Defendants', of a steel tube that anyone might be manufacturing, the members of Plaintiff No. 1 could not be held to be infringing such copyright merely by manufacturing steel tubes according to any of the BIS standards or following the normal industry practices, since such tubes would not have been created by any process of copying or by reproducing the drawing in question, but would have been created entirely

independently on the basis of the BIS standard or the normal industry practice, and without any reference to the said drawings, or even knowledge of them. Plaintiff No. 1's members have been manufacturing steel tubes according to BIS specifications long before Defendant No. 1 registered his drawings in 2003 and, indeed, long before they had any contact with Defendant No. 1.

(b) Further, even when the Plaintiffs members have manufactured steel tubes in permissible cases without applying the BIS standard, the tubes were manufactured according to the normal requirements of the industry and their shape and appearance was never causally attributable to the drawings registered by Defendant No. 1. The Government of Karnataka had advertised for 175 mm steel tubes several months before Defendant No. 1 obtained copyright registration, as shown in the report appearing in the Bangalore edition of the *Times of India* dated 10th May, 2003, a copy of which is filed in the present proceedings. This shows that the Karnataka Government had independently decided to modify the size of steel tubes for sinking bore wells, similar to those referred to in IS 4270, to 175 mm outer diameter about seven months before the Copyright Register Entries Nos. A-65629/2003 and A-65630/2003 were made on 9th December, 2003. This shows that the Government of Karnataka too had been able to develop the same uncopyrightable idea, in which drawings similar to the said Register Entries are implicit, independently of the Defendants. The Karnataka Government has made no reference to any drawings of the Defendants and if the Plaintiffs, including the members of Plaintiff No. 1, manufacture steel tubes according to the Government of Karnataka's requirement it will not be on the basis of copying from the Defendants' drawings which they may never have heard of.

It is trite law that copyright infringement cannot arise from the wholly independent creation of a work, as contrasted with the reproduction or copying of a work from the original, and that there has to be a causal relationship between the first and the subsequent work for the latter to be considered infringing. The completely independent creation of even an identical work, or of drawings based on or made for an identical work, would not be infringement even assuming, for the purposes of argument, that any copyright subsisted in the Defendants' drawings.

16. It also follows from the above submissions that the Defendants' drawings in question are themselves not original drawings but merely copies of drawings already in existence and in the public domain. It is clear from the circumstances of the case that the Defendants have themselves reproduced drawings that are pre-existing and in the public domain, since the Defendants' patent application No. 411/MAS/99 shows that they had full knowledge of the pipes already being manufactured and their own drawings are substantially similar to the tubes referred to in existing BIS standards, as described hereinabove, and of a kind that has been used by the steel tube industry long before Defendant No. 1's copyright registration, and even the Karnataka Government has also made use of the same idea, which is in the public domain, independently of the copyright registrations.

17. It is respectfully submitted that in the circumstances recounted hereinabove, the members of Plaintiff No. 1 manufacture tubes independently and not by any process of copying or reproduction having any causal relationship with the works registered by Defendant No. 1 as copyrighted works. It is further submitted that in any case, as shown

hereinabove, no copyright subsists in the said drawings which do not contain any significant original expression but which merely contain the only possible form in which the underlying commonplace idea might be expressed, and that the mere fact of copyright registration does not confer any copyright on the Defendants. The Defendants therefore have no copyright or any other rights that they can enforce to interfere with the members of Plaintiff No. 1 in their pursuit of their lawful occupation of manufacturing steel tube tubes and are merely defaming the members of Plaintiff No. 1 and seeking unjust enrichment from non-existent monopoly rights.”

18. It is argued by the plaintiffs’ counsel that the defendants’ artistic works are not original copyrightable works since being merely drawings of common place shapes, viz. tubes or hollow cylinders: there is no way alternative means of expressing the form of a tube in two dimensions except by means of drawings similar to the Defendants’ drawings.

19. It is also argued by the plaintiffs that the defendants are in fact attempting to claim a monopoly over a particular technology which is not patentable simply by registering drawings of the same. Three-dimensional geometrical shapes such as globes, balls, tubes, squares or cubes or cuboids etc. cannot be protected by copyright since that would give the copyright owner a monopoly over a simple, public-domain three-dimensional shape.

20. This principle has been very well settled by the Courts in judgments of the 19th century which have been upheld by subsequent decisions in the 20th and 21st centuries. Some leading cases are as follows:

(i) *In Hollinrake vs. Truswell (1982 K 1487)*, it was observed as under:

“Now, I have to observe, in the first place, that no one could claim a monopoly of the use of such a sentence as "measure round the thick part of the arm," or of a half-inch scale.. And the words and figures found on the "chart" do not in combination convey any intelligible idea, nor could they be of the slightest use to any one, apart from the, cardboard upon which they are printed. The object of the Copyright Act was to prevent any one publishing a copy of the particular form of expression in which an author conveyed ideas or information to the *world*. These may be retained by any one, though the book, map, or chart which embodied them has passed out of his possession.....But this is not the case with the words or figures upon the sleeve chart. They are intended to be used, and can only be of use, in connection with that upon which they are inscribed. They are not merely directions for the use of the cardboard, which is in truth a measuring apparatus, but they are a part of that very apparatus itself, without which it cannot be used, and except in connection with which they are absolutely useless.

I think it is clear, therefore, that what the Plaintiff has sought to protect under the Act for the protection of literary productions is not a literary production, but an apparatus for the use of which certain words and figures must necessarily be inscribed upon it. It is quite true that, notwithstanding the words of the preamble, the protection of copyright may be obtained for works which cannot be said, in the ordinary sense of the term, to have literary merit. Compilations, such as the Post Office Directory, have, no doubt, properly been held to be the subject of copyright; but there is, as I have pointed out, a marked distinction between these and the

claim of protection under the Copyright Act for words and figures inscribed on and necessarily forming part of an apparatus or tool. It is not necessary to determine whether such an apparatus as that now in question could be the subject of letters patent as an invention, though I am far from saying that it could not be so, if novel. One can conceive not a few kinds of apparatus clearly patentable, the use of which necessarily required as part thereof the inscription upon them of words or figures. If a patent were obtained, its duration would be limited to fourteen years; but, if the Plaintiffs contention in the present case were well-founded, the patentee would only have to register these words and figures under the Copyright Act in order to obtain the much longer protection which is accorded to literary works.

These considerations satisfy me that the decision pronounced in favour of the Plaintiff cannot be supported. I think that the judgment should be reversed and the action dismissed, with costs.

It is intended, not for the purpose of giving information or pleasure, but for practical use in the art of dressmaking. It is, in fact, a mechanical contrivance, appliance or tool, for the better enabling a dressmaker to make her measurements for the purpose of cutting out the sleeve of a lady's dress 'and: is intended to be used for that purpose, in my opinion it is no-more entitled' copyright as a literary work than the scale attached to the barometer Davis v. Comitti n(1). The Plaintiff is really . seeking a monopoly of her mode of measuring for sleeves of dresses under the guise of a claim to literary copyright. The fallacy of the learned counsel's argument seems to me to lie in a failure to distinguish between literary copyright and the right to patent an invention. No; doubt one may have copyright in the description of an art; but, having described it, you give it to the public for their use; and there is a clear distinction between the book which describes it,

and the art or mechanical device which is described. I agree with what is said in an American case of *Baker v. Selden* n(2): "Where the art cannot be used without employing the methods, and diagrams used to illustrate the book, or such as are similar to them, such methods and diagrams are to be considered as necessary incidents to the art, and given therewith to the public; not given for the purpose of publication in other works explanatory of the art, but for the purpose of practical application."

(ii) In *Kenrick & Co vs. Lawrence & Co.; (1890) LR 25 Q.B.D. 99*,

it was observed as under:

"In the present instance, what the plaintiffs claim is really a right to prevent any one else from drawing the same subject as that of his drawing. If he has a copyright in the subject there is a colour-able imitation, because the subject is not altered by changing the position of the hand and adding the indications of a shirt sleeve. But it is clear that there is no copyright in the subject As for the manner of treating the subject, there can be no copyright in that, for if the thing to be presented be represented at all, it is impossible to treat it in any other way....

A square can only be drawn as a square, a cross can only be drawing as a cross, and for such purposes as the plaintiffs' drawing was intended to fulfill there are scarcely more ways than one of drawing a pencil or the hand that holds it. If the particular arrangement of square, cross, hand, or pencil be relied upon it is nothing more than a claim of copyright for the subject, which in my opinion cannot possibly be supported."

(iii) In *Baker vs. Selden (101 U.S. 99)*, it was observed as under:

“Now, whilst no one has a right to print or publish his book, or any material part thereof, as a book intended to convey instruction in the art, any person may practice and use the art itself which he has described and illustrated therein. The use of the art is a totally different thing from a publication of the book explaining it. The copyright of a book on book-keeping cannot secure the exclusive 'right to make,' sell, and use account-books prepared upon the plan set forth in such book. Whether the art might or might not have been patented, is a question which is not before us. It was not patented, and is open and free to the use of the public. And, of course, in using the art, the ruled lines and headings of accounts must necessarily, be used as incident to it.”

(iv) In *Frank Morrissey vs. The Procter & Gamble Company* (379

F.2d 675; 154 U.S.P.Q. (BNA) 193), it was observed as under:

“When the uncopyrightable subject matter is very narrow, so that "the topic necessarily requires," if not only one form of expression, at best only a limited number, to permit copyrighting would mean that; a party or parties, by copyrighting a mere handful of forms, could exhaust all possibilities of future use of the substance. In such circumstances it does not seem accurate to say that any particular form of expression comes from the subject matter. However, it is necessary to say that the subject matter would be appropriated by permitting the copyrighting of its expression. We cannot recognize copyright as a game of chess in which the public can be checkmated.”

(v) In *William Darden vs. Marybeth Peters, Registrar of*

Copyrights (No. 061177 [2:04-cv-00030-BO]), it was observed under:

“To be "original" the work in question must have. been "independently created by the author (as opposed to copied from other works)," and it must "possess at least some minimal degree of creativity." The threshold level, of creativity required for copyrightability is low such that the "vast majority, of works make .the grade quite easily, as .they possess some .creative spark." *Id.* Nevertheless,"[there remains a narrow category of works in which the creative spark is utterly lacking or so trivial as to be virtually nonexistent." . the Copyright. Office established a regulation providing examples of the types of works that fall into the category of works that lack a minimum level of creativity and do not qualify for copyright protection, including "words and short phrases such as names, titles, and slogans; familiar, symbols or designs^ mere variations of typographic, ornamentation, lettering. :or coloring;, mere listing of ingredients or contents." 37 C.F.R. 202.1(a).”

21. Further, it is now settled law that unless repugnant to the Indian statute, international agreements to which India is a party should be used in aid of interpreting the Indian statute. With reference to the Copyright Act, this was specifically held in **Gramophone Company of India Ltd vs. Birendra Bahadur Pandey and Ors.** (AIR 1984 Cal 69). Relevant para reads as under :

“5. There can be no question that nations must march with the international community and the Municipal law must respect rules of International law even as nations respect' international opinion. The comity of Nations requires that Rules of International law may be accommodated *in* the Municipal Law. even without express legislative sanction provided they do not run into conflict with Acts of

Parliament. But when they do run into such conflict, the sovereignty and the integrity of the Republic and the supremacy of the constituted legislatures in making the laws may not be Subjected to external rules except to the extent legitimately accepted by the constituted legislatures themselves. The doctrine of incorporation also recognizes the position that the rules of international law are incorporated into national law and considered to be part of the national law, unless they are in conflict with an Act of Parliament. Comity of nations or no. Municipal Law must prevail in case of conflict. National Courts cannot say "yes" if Parliament has said no to a principle of international law. National Courts will endorse international law but not if it conflicts with national law. National courts being organs of the National State and not organs of international law must perforce apply national law if international law conflicts with it. But the Courts are under an obligation within legitimate limits to so interpret the Municipal Statute as to avoid confrontation with the comity of Nations or the well established principles of International law. But if conflict is inevitable, the latter must yield."

22. Article 9.2 of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) to which India is a party reads as follows:

"Copyright shall extend to expressions and not to ideas, procedures, methods of operation or mathematical concepts as such."

23. Independent creation is not infringement. No infringement is committed, even though a closely identical work is produced, if the

defendant uses the same common material and consults the same original sources as did the plaintiff.

24. Therefore, copyright does not subsist in the Defendants' drawings as the same would amount to appropriation from the public domain of a commonplace idea.

25. The defendants' drawings are not original drawings since admittedly the Defendants copyright registrations are subsequent to an advertisement of the Karnataka Government laying down the specifications in question.

26. The Copyright Board by order dated 04.07.2008 has already cancelled the two copyrights of the defendants which are exhibited as Ex. PW-1 and Ex. PW-2. I have been informed by the learned counsel for the plaintiffs that an appeal against the said order is pending before Chennai High Court. However, operation of order of Copyright Board has not been stayed. The relevant extract from the order passed by the Copyright Board reads as under :

“.....We find it clearly in violation of the condition imposed by the Registrar in column 8 of both the certificates. Notwithstanding this violation of the condition imposed by the Registrar, there is a statutory duty cast upon the Registrar under sub-section (2) of section 45 of the Copyright Act, 1958 to proceed with the examination of the application only after the

same has been filed in the manner as prescribed under sub-section (1) of that section. There is mandatory prescription under proviso to that sub-section to make a declaration and to file a certificate from the Registrar of Trade Marks as provided under that proviso in a case where the artistic work is either used or is capable of being used in relation to any goods. Impugned applications were in relation to artistic works and to take the least of the applicability were surely capable of being used in relation to goods, namely, the steel tubes. There was statutory duty cast upon the applicant to make the prescribed statement and submit the requisite certificates from the Registrar of Trade Marks. There was a reciprocal duty cast upon the Registrar of Copyrights to insist for these statutory requirements. Thus we hold that the registrations are in violation of the specific and unambiguous statutory provision under proviso to sub-section (1) of section 45.”

27. The defendants have merely averred that they gave the concept to the Karnataka Government and have not given any proof of this defence. The second aspect of the matter is the question of reproduction. It is obvious that the members of Plaintiff No. 1, including Plaintiff No. 2, have manufactured steel tubes long before the Defendants' drawings could have been made or registered. Thus, the plaintiff is entitled for a decree of permanent injunction and declaration.

28. The plaintiffs are entitled to damages as prayed for in the suit. The defendants have admittedly obtained money by means of licence fees for registration of copyright obtained from the Plaintiffs' members under duress. And later on did not appear and filed the written statement and allowed the suit proceedings further. It is settled law that in such cases punitive damages are required to be imposed.

29. The suit of the plaintiffs is decreed in terms of para 30 (i) to (iii) of the plaint. The same read as under :

- (i) A declaration that copyright does not subsist in the drawings entered in the Registrar of Copyrights under entry numbers A-65629/2003 and 65630/2003, or in any other similar drawings that may be in the possession of the defendants;
- (ii) An order restraining the defendants, together with their employees, agents, servants and all others acting on their behalf, from threatening the plaintiffs including the members of plaintiff No.1 and from interfering with the manufacture of steel tubes by them on the basis of the drawings registered as “artistic works” under Nos.A-65629/2003 and Nos.A-65630/2003 or any other similar drawings in the possession of the defendants or that they may make in future;
- (iii) An order restraining the defendants, together with their employees, agents servants and all others acting on their behalf, from

defaming the plaintiffs including the members of plaintiff No.1, by alleging that their activity of manufacturing steel tubes amounts to any kind of copyright infringement.

30. As far as other reliefs are concerned, the plaintiffs are entitled for punitive damages to the tune of Rs.2 lac against the relief of damages claimed by the plaintiffs who are also entitled for costs. The decree be drawn accordingly. All pending applications stand disposed of.

MANMOHAN SINGH, J

NOVEMBER 18, 2011
sa/jk