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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 623/2018 & I.A.No.15696/2013**

BIRLA PUBLICATIONS PVT LTD Plaintiff

Through Mr.N.K.Anand with Mr.Manish
Biala, Advocates.

versus

R.K. RAJPUT & ANR Defendants

Through Mr.Ankit Jain with Mr.Siddhant Nath,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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10.01.2019

With consent of the parties, the following issues are framed:-

1. Whether the plaintiff holds a proprietary right for the work 'Electrical Engineering' by virtue of Copyright Assignment from the defendant/the author in relation to the work 'Electrical Engineering' vide Assignment Agreement dated 20th May, 1994 with right from the said author to revise from time to time and to keep up-to-date and being authorized to print/publish, to cause it to publish, any other additional work on the same subject, work enlarged, abridged or otherwise any work of the same character?

OPP

2. Whether the plaintiff holds a proprietary right for the work 'Electronics and Communication Engineering' by virtue of Copyright Assignment from the defendant/the author in relation to the work 'Electronics and Communication Engineering' vide

Assignment Agreement dated 15th August, 1994 with right from the said author to revise from time to time and to keep up-to-date and being authorized to print/publish, to cause it to publish, any other additional work on the same subject, work enlarged, abridged or otherwise any work of the same character? **OPP**

3. Whether the plaintiff holds a proprietary right for the work 'Mechanical Engineering' by virtue of Copyright Assignment from the defendant/the author in relation to the work 'Mechanical Engineering' vide Assignment Agreement dated 15th November, 1994 with right from the said author to revise from time to time and to keep up-to-date and being authorized to print/publish, to cause it to publish, any other additional work on the same subject, work enlarged, abridged or otherwise any work of the same character? **OPP**
4. Whether the works authored by defendant no.1 and published by the defendant no.2 "Questions and Answers in Electrical Engineering", "Questions and Answers in Electronics and Communication Engineering" and "Questions and Answers in Mechanical Engineering" infringe the Copyright of the plaintiff in the works "Integrated Course in Electrical Engineering (Objective Type)", "Integrated Course in Electronics and Communication Engineering (Objective Type)", Integrated Course in Mechanical Engineering (Objective Type)" respectively? **OPP**
5. If Issue No.4 is decided in favour of the plaintiff, whether the plaintiff is entitled to get the possession of the stock of the

infringing works? **OPP**

6. Whether the present suit for declaration, permanent injunction and punitive damages is not maintainable as no relief for specific performance has been sought? **OPD**
7. Whether the plaintiff-company has no *locus standi* to file and maintain the present suit inasmuch as the Copyright Assignment Agreements dated 20th May, 1994, 15th August, 1994 and 15th November, 1994 had been executed between defendant no.1 and Tata Publishers? **OPD**
8. Whether the plaintiff is entitled to punitive damages, and if so, to what extent? **OPP**
9. Whether the plaintiff is entitled to costs, and if so, to what extent? **OPP**
10. Relief.

With consent of the parties, Issues nos.6 and 7 are treated as Preliminary Issues.

Both the parties are directed to file their short written submissions not exceeding three pages with regard to the said Preliminary Issues, within a period of four weeks.

List on 12th March, 2019.

I.A.No.15696/2013

Today learned counsel for the defendants states that he has instructions to withdraw the statement made by his earlier counsel on 28th October, 2013.

Keeping in view the fact that the statement/undertaking given by the previous counsel for the defendants has been in force for more

than five years, this Court converts the said undertaking into an order of injunction and directs that the same shall continue till the disposal of the present suit.

Accordingly, the present application stands disposed of.

MANMOHAN, J

JANUARY 10, 2019
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