

O.A.No.934, 935 and 936 of 2019
and
C.S.No.606 of 2019

Dr.G.JAYACHANDRAN, J.

Heard the learned counsels for the applicants/plaintiffs and the respondent/defendant.

2. Original Application Nos.934 o 946 of 2019 are filing for the following relief:-

O.A.No.934 of 2019: Application is filed for seeking an order of ad interim injunction restraining the respondent/defendant by themselves, their men, servant, agents or any one claiming through them from in any manner entering into any agreements/arrangements with any person or entity or concern for grant of satellite rights(by whatever name) for the purposes of showing/exhibiting the infringing film “KOLAIGARAN” on Television or internet pending disposal of the suit.

O.A.No.935 of 2019: Application is filed for seeking an order of ad interim injunction temporarily restraining the respondent/defendant by themselves, their men, servant, agents or any one claiming through them from in any manner entering into any agreements/arrangements with any person or entity or concern create any rights in the infringing film “KOLAIGARAN”, including right to make copy of the film, use the screenplay and script for remake, prequel and /or sequel or dub the infringing film “KOLAIGARAN” in any other language, pending disposal of the suit.

O.A.No.936 of 2019: Application is filed for seeking an order of ad interim injunction restraining the respondent/defendant by themselves, their men, servant, agents or any one claiming through them from in any manner infringing the Applicants' exclusive rights to adapt, develop and produce a live-action, feature-length, theatrical motion picture and live-action web series, in the Indian language, based on the novel titled Yogisha Ekkusu no Kenshin (The Devotion of Suspect X) by copying, recording, reproducing, displaying, showing, uploading, streaming, uploading, downloading, exhibiting, broadcasting or in any manner communicating or allowing others to communicate to public, the infringing film "KOLAIGARAN", on any medium, including but not restricted to, cinema theatres, Television, Internet, making and releasing Cds.DVDs or in any manner whatsoever, pending disposal of the suit.

3. Pending suit, this Court, on 28.01.2020 after hearing the learned counsels, directed the respondent/defendant to furnish the details regarding the copyright assigned to third parties pre and post suit. Accordingly, the respondent/defendant has filed an affidavit furnishing the details regarding the assignment of copyright given by them to the third parties.

4. After perusing the details furnished in the said affidavit, this Court ordered status quo to be maintained by the defendant till 21.02.2020. Today

i.e. 21.02.2020, the learned counsel appearing for the respondent/defendant would submit that pending disposal of the suit, the defendant will not further assign the copyright to any third party and he and his assignee may be permitted to exploit the copyright, which has already been assigned or being under exploitation.

5. In view of the submissions made by the learned counsel for the respondent/defendant, this Court is of the view that, any order, restraining the defendant from exploiting the copyright of the movie, at this juncture, may not be in the interest of both the parties. Instead the respondent may be restrained from further alienating the copyright to any third party. He has to maintain status quo, till the disposal of the suit and should also maintain statement of accounts, for the Court to appreciate, at the time of trial and disposal of the suit, where the plaintiff has sought for rendition of accounts as one of the prayer.

6. Accordingly, O.A.Nos.934 to 936 of 2019 are disposed of.

21.02.2020

Note: Issue order copy on 24.02.2020

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