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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 01ST DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(COMM DIV) No. 50 of 2021

NAKKHEERAN GOPAL @ MR.R.R.GOPAL
S/O S.RAMANATHAN,
PROPRIETOR,
NAKKHEERAN PUBLICATIONS,
D.NO.105, JANI JAHAN KHAN SALAI,
ROYAPETTAH,
CHENNAI - 600 014.

..Plaintiff

-Vs-

1. P.SIVASUBRAMANIAN @ SIVASUBRAMANIAM
S/O PERIYASAMY,
DOOR.NO.489/A,
ANNA NAGAR,
ARTHUR - 636 102.
SALEM DISTRICT.

2. SIVA MEDIA
REPRTESENTED BY ITS OWNER,
MR.SIVASUBRAMANIAM @ SIVASUBRAMANIAN
DOOR.NO.489/A,
ANNA NAGAR, ATHUR - 636 102,
SALEM SIDTRICT.

..Defendants

This civil suit coming on this day before this court for hearing the



The suit is filed for a permanent injunction to restrain the alleged infringement of the copyright of the plaintiff, rendition of accounts, removal of the allegedly infringing material, and damages of Rs.10 lakhs. Upon completion of pleadings, both parties filed draft issues.

2. Based on the pleadings and draft issues, the following issues are framed:

(i) Whether the plaintiff is the owner of the copyright in the photographs set out in Annexure I and II to the plaint?

(ii) Whether the plaintiff is entitled to claim a copyright over photographs, films and videos taken when the plaintiff and first defendant were sent into the forest as emissaries of the State Governments of Tamilnadu and Karnataka?

(iii) Whether the assertion of the defendants that the plaintiff made a promise to the first defendant that the photographs taken by the said defendant would be the intellectual property of the first defendant is correct?



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(iv) Whether the defendants infringed the plaintiff's copyright over the photographs listed in Annexure I and II of the plaint by publishing the said photographs in videos and books?

(v) Whether the plaintiff is entitled to a perpetual injunction restraining the defendants from directly or indirectly exploiting the photographs, visual records, sound records obtained during the course of employment of the first defendant with the plaintiff between 1993 and 2018?

(vi) Whether the plaintiff is entitled to rendition of accounts and a decree in respect of the alleged profits earned by the defendants?

(vii) Whether the plaintiff is entitled to an order for the removal of photographs and other material relating to the life of Veerappan taken during the course of employment of the first defendant between the years 1993 and 2018?



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(viii) Whether the plaintiff is entitled to a sum of Rs.10 lakhs as damages for the alleged loss caused by the defendants?

(ix) Whether the parties are entitled to any other relief?

3. Both parties are directed to agree upon and submit a common case management schedule at the next date of hearing.

List on 08.03.2022.

Sd/.S.K.R.J.
01.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/02.03.2022

COURT OFFICER(O.S.)

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