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C.S.(Comm.Div.) No.76 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2022

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.76 of 2022
and O.A.Nos.215 to 217 of 2022 & A.No.3305 of 2022

Ms.Y.Aafiya Halima

... Plaintiff

vs.

1. Hindustan Institute of Technology and Science
Rep. by its Pro Vice Chancellor
Dr.R.W.Alexander Jesudasan
1, Rajiv Gandhi Salai (OMR), Padur,
(Via) Kelambakkam,
Chennai-603 103.
2. Dr.M.Selvamuthukumaran
Project Guide
Hindustan Institute of Technology and Science (Campus)
1, Rajiv Gandhi Salai (OMR), Padur,
(Via) Kelambakkam,
Chennai-603 103.
3. Dr.P.Sankar Ganesh
Assistant Professor
Hindustan Institute of Technology and Science (Campus)
1, Rajiv Gandhi Salai (OMR), Padur,
(Via) Kelambakkam,
Chennai-603 103.



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4. Dr.A. Surendra Babu,
Assistant Professor
Hindustan Institute of Technology and Science (Campus)
1, Rajiv Gandhi Salai (OMR), Padur,
(Via) Kelambakkam,
Chennai-603 103.

5. KCG College of Technology,
Rep by its Chairperson
Dr. Elizabeth Verghese
KCG Nagar, Old Mahabalipuram Road,
Karapakkam,
Chennai-600 097.

... Defendants

PRAYER: Plaintiff filed under and Order IV Rule 1 of the Original Side Rules and Order VII, Rule 1 of the C.P.C. Read with Sections 54, 55, 57, 58 & 62 of the Copyright Act, 1957 prayed for Judgment and Decree against the Defendant :-

(a) Granting a permanent injunction, restraining the Defendants, by themselves, their servants, agents, distributors, or anyone claiming through them from using the Copyright work of the Plaintiff in “Almond and Coconut Cottage Cheese” or “Preparation of Paneer from Almond and Coconut Milk” or adapting or converting the same in any manner infringing the Plaintiff's Copyright work; (b) Granting a permanent injunction, restraining the Defendants, by themselves, their servants, agents, distributors, or anyone claiming through them from commercially exploiting the Plaintiff's literary work in “Almond and Coconut Cottage Cheese” or “Preparation of Paneer from Almond and Coconut Milk” in pursuance of the



Plaintiff's Copyright work; © Granting a permanent injunction, restraining the Defendants from by themselves, their servants, agents, distributors, or anyone claiming through them from alienating, transferring, licensing or dealing with the patent registration obtained in Patent Application No.2021105504 from IP Australia for the 'Preparation of Paneer from Almond and Coconut Milk” without the plaintiff's knowledge or concurrence; (d) Directing the Defendants to surrender to the Plaintiff all the copies of the copyright work of the Plaintiff and all other materials containing/bearing the Plaintiff's Copyright “Preparation of Paneer from Almond and Coconut Milk” or “Almond and Coconut Cottage Cheese”; (e) For a preliminary decree in favour of the Plaintiff, directing the Defendants to render an account of profits made by them by the use of the Copyright work of the Plaintiff in the “Almond and Coconut Cottage cheese” or “Preparation of Paneer from Almond and Coconut Milk” and for a final decree in favour of the Plaintiff for the amount of the profits found to have been made by the defendants, after the 1st Defendant has rendered accounts; (f) Directing the Defendants to pay the Plaintiff damages to the tune of Rs.20,00,000/- for the infringement of copyright work and further loss and damages caused to the plaintiff and (g) pass such further or other order, as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Plaintiff : M/s.Shabnam Banu

For Defendants : Mr.Surya Senthil for



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4. Upon examining the terms of the memorandum of compromise, there is no legal impediment to the issuance of a decree in terms thereof.

5. Accordingly, C.S. (Comm. Div.) No.76 of 2022 is decreed in terms of the Joint Compromise Memo, which shall form an integral part thereof. In addition, the defendants agree that the patent granted pursuant to patent application No.2021105504 by Australian IP shall be assigned exclusively by the defendants to the plaintiff if the patent is not renewed upon review by the relevant committee. In view of the amicable resolution of the dispute, there will be no order as to costs. Consequently, connected applications are closed.

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Index : Yes / No

Internet : Yes / No

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