



O.S.A.(CAD) No.48 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

O.S.A.(CAD) No.48 of 2023

M.Viyan Aarman

.. Appellant

Vs.

1. Etecetra Entertainment
Rep. by V.Mathiazhagan
No.33, 3rd Street, Austin Nagar
Teynampet, Chennai 600 018.
2. Tamil Film Producer Council
Rep. by its Secretary
Film Chamber Compound
No.606, Anna Salai
Thousand Lights
Chennai 600 006.
3. Film & Television Producers
Guild of South India
Rep. by its Secretary
B-1, "RAMS" Flats
New No.19 (Old No.5), Jagatheeswaran Street
T.Nagar, Chennai 600 017.



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4. Censor Board of Film Certification

Shastri Bhavan
No.37, Haddows Road
Chennai 600 006.

5. M/s. UFO Digital Cinema

No.53, Arunachalam Street
Police Quarters, Triplicane
Chennai 600 004.

6. M/s. PXD

Prasad Extreme Digital Cinema Network Pvt. Ltd.
No.28, Arunachalam Street
Saligramam, Chennai 600 093.

7. M/s. QUBE Cinema Technologies Pvt. Ltd.

No.42, Dr.Ranga Road
Mylapore, Chennai 600 004.

.. Respondents

Prayer: Appeal filed under Section 13(1) of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 read with Order XXXVI, Rules 1 & 9 of Original Side Rules and Clause 15 of Letters Patent, against the order dated 23.02.2023 made in O.A.No.61 of 2023 in C.S.(Com.Div.) No.19 of 2023 on the file of this Court.

For the Appellant : Mr.L.Chandrakumar

For the Respondents : Mr.Vijayan Subramanian
for Respondent-1

Mr.S.Ravi
Advocate Commissioner



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.L.Chandrakumar, learned counsel for the appellant, Mr.Vijayan Subramanian, learned counsel for the respondent and Mr.S.Ravi, learned Advocate Commissioner.

2. The present appellant is the original plaintiff. The appellant has filed a suit for infringement of copyright. Along with the suit, the appellant filed an application for injunction. Pending suit, the said application is rejected.

3. Learned counsel for the appellant submits that the appellant has registered the title of the film "Saamaniyan" on 04.06.2012 and the same is periodically renewed and the said renewal of title is up to the year 2024. Learned counsel submits that the appellant and the first respondent are the Members of the Tamil Film Producer Council. It is the case of breach of trust on the part of the first respondent. The said aspect has not been



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considered by the learned Single Judge. The first respondent attempted to register the title only in the year 2021. It is the case of violation of copyright of the title of the film.

4. Learned counsel for the first respondent submits that the appellant cannot claim copyright over the title as it is not a literary work. The suit filed under Sections 51, 55 and 62 of the Copyright Act, 1957 for the protection of title is not maintainable. Reliance is placed on the decision of the Apex Court in the case of ***Krishika Lulla v. Shyam Vithalrao Devkatta [(2016) 2 SCC 521]***.

5. We have considered the submissions of learned counsel for the parties. We have also gone through the order passed by the learned Single Judge.

6. *Prima facie*, the appellant is not alleging violation of copyright or otherwise in respect of the contents of the film. The appellant only alleges infringement of copyright qua title. At this



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prima facie stage, the first respondent is justified in relying upon the judgment of the Apex Court in **Krishika Lulla** (supra). The learned Single Judge has considered the *prima facie* case and has passed a plausible order.

7. In the light of the above, no interference is called for. The appeal is dismissed. There will be no order as to costs. Consequently, C.M.P.Nos.9680 and 9682 of 2023 are also dismissed.

(S.V.G., CJ.) (D.B.C., J.)
10.10.2023

Index : Yes/No
Neutral Citation : Yes/No

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To

The Sub Assistant Registrar
Commercial Cases
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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