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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO(OS) (COMM) 106/2024 and CM Nos.32781/2024,**
32782/2024 and 32783/2024

T.V. TODAY NETWORK LIMITED & ANR. Appellants
Through: Mr Rajiv Nayyar, Senior Advocate
with Mr Hrishikesh Baruah, Mr
Anurag Mishra and Mr Kumar
Kshitij, Advocates.

versus

BACKGRID USA INC. & ORS. Respondents
Through: Mr Pravin Anand, Ms Vaishali Mittal
and Mr Siddhant Chamola, Advocates
for R-1 to 3.
Mr Tejas Karia, Mr Varun Pathak, Ms
Ameesha Rana, Ms Vibhuti Vasisth and
Mr Tejpal Singh Rarhor, Advocates
for R-4.
Ms Nidhi Raman, CGSC for UOI
with Mr Zubin Singh and Mr
Yashaswi, Advocates.
Mr Naushad Ahmed Khan and Mr
Akshat Tyagi, Advocates for L&B.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER
30.05.2024

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1. The appellants have filed the present appeal impugning an order dated 22.05.2024 passed by the learned Single Judge in IA No.30044/2024 in CS(COMM) 427/2024.
2. The appellants have filed the said application under Order XXXIX



Rules 1 and 2 of the Code of Civil Procedure, 1908 (hereafter *CPC*), *inter alia*, seeking to restrain respondent nos.1 to 3 from making any claims against the appellants for infringement of copyright and directing respondent no.4 (Meta) to restore the appellants' Instagram handle, “@bazaarindia”.

3. Respondent no.4 had disabled the said handle on account of the complaints made by respondent nos.1 to 3 regarding infringement of their copyright. The learned Single Judge has issued notice and listed the matter for hearing on 09.07.2024.

4. It is the appellants' contention that denial of an *ad interim* order in effect would be highly prejudicial to the appellants as apart from the disputed posts, the appellants also have approximately 11000 other posts in regard to which there are no disputes. It is contended that the action of disabling the appellant's handle would effectively dilute the appellants' presence on the social media platform.

5. After some arguments, the learned counsel for the appellants and respondent nos.1 to 3 have arrived at a consensual arrangement.

6. Mr Anand, learned counsel appearing for the said respondent nos.1 to 3 has handed over a note setting out the statement required to be made by the appellants. He states that if the appellants make the said statement, respondent nos.1 to 3 would have no objection if the appellants' Instagram handle is restored. The statement as recorded in the note reads as under:

“Statement to be given by the Plaintiff/Appellant

1. That the Plaintiffs have already removed all the pictures from time to time of which the Plaintiffs acknowledge that the copyright vests with Respondent No.1.



2. That the Plaintiff further undertakes that they would not violate the copyright in any future material belonging to Respondent No.1, without prior approval or authorization.
 3. In case of a future breach, BackGrid reserves its rights to take legal action against India TV/ Living Media either by way of a suit or by way of a counterclaim, or file a complaint before the relevant online intermediary in the US or elsewhere for injunctive relief and/or damages.”
7. Mr Nayyar, learned senior counsel appearing for the appellants states on instructions, that the appellants are agreeable to make the said statement and the duly authorised representative of the appellants shall file an affidavit to this effect within a day with an advance copy to the learned counsel for the respondents (respondent nos.1 to 4).
8. Mr Karia, learned counsel appearing for respondent no.4 submits that since there is a consensus between the appellants and respondent nos.1 to 3, respondent no.4 as an intermediary has a very limited role and does not, in effect, make any value judgment on a dispute between two parties.
9. In view of the above, subject to the appellants furnishing the affidavit setting out the statement as noted above, respondent no.4 shall immediately restore the Instagram handle “@bazaarindia” of the appellants.
10. It is clarified that all rights of the parties are reserved. The present order is an interim order and does not preclude the parties from agitating their rights in the pending proceedings before the learned Single Judge.
11. There is also an issue of maintainability of the present appeal. However, in view of the consensus between the parties, this Court is refraining from examining the same.



12. The appeal is disposed of in the aforesaid terms. All pending applications are also disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

MAY 30, 2024
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