



Kavita S.J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION (L) NO.24906 OF 2024
IN
COMMERCIAL IPR (L) SUIT NO.24856 OF 2024

Phonographic Performance Limited

... Applicant/
Plaintiff

Versus

Eventfaqs Media Private Limited & Ors.,

... Defendants

Mr. Amogh Singh a/w Mr. Asmant Nimbalkar, Mr. Lorkins D'souza, Ms. Mrunmayee Nagur i/b Mr. D.P. Singh for the Applicant/Plaintiff.

CORAM : R.I. CHAGLA, J.

DATED : 12TH AUGUST, 2024.

ORDER :

1. The learned Counsel appearing for the Applicant/Plaintiff has sought urgent ad-interim relief on the ground that the Defendants who are involved in organizing various Award Shows, Musical Shows, Corporate Events etc. across India, including an annual award show by the name "Wow Awards Asia" ("the said award show") is organizing the said award show this year as well on 17th and 18th August, 2024 at Jio

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World Centre, G Block, Bandra Kurla Complex, Bandra East, Mumbai, Maharashtra 400 098. He has submitted that the Defendants on the previous year had organized the said award show which the Plaintiff's representatives had visited and observed that the Defendants were found to be blatantly infringing the Plaintiff's copyright by playing sound recordings at the said award show without obtaining a valid license for the same. He has accordingly sought for ad-interim relief in terms of prayer Clause "a" of the Interim Application.

2. Mr. Singh has also referred to the Screenshot extracted from Website of Defendants <https://asia.wowawards.com/> where the details of the 15th Edition Wow Awards Asia, 2024 have been published and which is annexed at Exhibit-B to the Application. He has submitted that in the event, the Defendants are not restrained by grant of injunction in terms of prayer Clause "a" of the Interim Application, the Defendants will blatantly infringe the Plaintiff's copyright by communicating / playing sound recordings at the said award show without obtaining a valid license for the same.

3. I have considered the submissions of Mr. Singh as well as

noted that the Defendants have been served by Courier on 8th August, 2024. The Plaintiff has made out a strong prima facie case for grant of ad-interim relief. This upon considering that the Defendant in the said award show of the previous year viz. Wow Awards Asia, 2024 - 14th Edition had infringed the Plaintiff's copyright by playing the sound recordings of the Plaintiff without obtaining valid license for the same.

4. I am of the prima facie view that unless the Defendants are restrained from communicating / playing the sound recordings of the Plaintiff without obtaining license from the Plaintiff at the said award show as it had done in the previous year, the Defendants will once again infringe the Plaintiff's copyright in the sound recordings.

5. In view thereof, ad-interim relief in terms of prayer Clause (a) is granted which reads thus:

“(a) That pending the hearing and final disposal of this Suit, this Hon’ble Court be pleased to issue an order of injunction against restraining Defendant, its office bearers, partners, directors, their servants, employees, agents, assignees, licensees, representatives, third party event management companies, or otherwise and / or any person

claiming through them or acting on their behalf, from publicly performing or in any manner communicating the sound recordings of the songs assigned and authorized to the Plaintiff or allowing their premises or any premises under their control to be used for the said purposes, without obtaining non-exclusive public performance rights in sound recordings from the Plaintiff, or otherwise infringing the copyright in any work owned and protected by the Plaintiff.”

6. The Advocate for the Plaintiff shall serve notice of this order on the Defendants and file Affidavit of Service prior to the next date.

7. The Interim Application shall be placed for further consideration on 27th August, 2024.

[R.I. CHAGLA, J.]