



MEDIA & ENTERTAINMENT LAWS

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NATIONAL

BOMBAY HIGH COURT DEFERS HEARING OF PLEA BY CHHOTA RAJAN ALLEGING INFRINGEMENT OF PERSONALITY RIGHTS BY NETFLIX SERIES “SCOOP”

Gangster Chhota Rajan moved the Bombay High Court, alleging the use of his name, image and voice in the Netflix series “Scoop”, filed a suit for defamation and infringement of personality rights.

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CENTRAL GOVERNMENT RESPONDS TO THE BOMBAY HIGH COURT IN A CHALLENGE TO THE IT RULES ACT, 2021

In response to an earlier challenge to Rule 3(i)(II)(C) of the IT Amendment Rules, 2023, by comedian Kunal Kamra (Kunal Kamra v. Union of India), who submitted that any content flagged under the rule would automatically be taken down by the intermediary, the Central Government filed an affidavit through the Ministry of Information Technology. The Government clarified that the impugned rule would not have the effect of automatic blocking, regulation or taking down of content.

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BOMBAY HIGH COURT DENIES INTERIM RELIEF TO SHEMAROO IN A COPYRIGHT SUIT AGAINST T-SERIES DUE TO LACK OF PRIMA FACIE CASE

A single judge bench of the Bombay High Court denied interim relief to Shemaroo Entertainment Ltd. in a copyright infringement suit filed against T-Series due to a lack of prima facie case in their favour. Justice Pitale, while dismissing the suit, stated that, Shemaroo failed to establish or prove “grave and irreparable loss being suffered by them in the absence of temporary injunction and a balance of convenience” in their favour irrespective of assignment deeds presented by them.

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BOMBAY HIGH COURT ALLOWS ROYALTIES TO AUTHORS OF ORIGINAL WORK EVEN AFTER INCORPORATION OF WORK IN SOUND RECORDINGS AND FILMS

In a landmark judgement, recognizing the rights of creative artists, the Bombay High Court held that authors of original works are entitled to royalties under the Copyright Act even after their work has been incorporated in sound recordings or cinematograph films and broadcasted to the public.

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KERALA HIGH COURT STAYS ORDER PASSED BY MAGISTRATE IN “KANTARA” PLAGIARISM ALLEGATION

The Kerala High Court stayed an order passed by the Chief Judicial Magistrate in the “Kantara” plagiarism row, where it was alleged that the song “Varaharoopam” from the said movie was an unauthorised copy of song “Navarasam” performed by the band ‘Thaikkudam Bridge’. The order directed the Investigation Officer to seize all material related to the Kantara song.

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ALLAHABAD HIGH COURT RESTRICTS THE BROADCASTING OF DOCUMENTARY TITLED “INDIA: WHO LIT THE FUSE” BY AL JAZEERA

Responding to a PIL filed by social activist Sudhir Kumar challenging the broadcasting documentary “India: Who Lit the Fuse”, produced by Al Jazeera Media Network Private Limited (“Documentary”), the Allahabad High Court temporarily restricted the telecasting of the aforementioned Documentary, citing potential “evil consequences” of broadcasting the same. The plea alleged that, the Documentary could, in all probability, destroy the secular fabric of the country. It could further create a rift, unrest and disharmony between various religious denominations within the country.

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NO STAY ORDER GRANTED TO LIONS GATE IN COPYRIGHT INFRINGEMENT SUIT AGAINST THE FILM “I LOVE YOU”

The Bombay High Court refused to stay the release of Hindi language feature film “I Love You” in a copyright infringement suit filed by Lions Gate India LLP, against the producers of the film Athena E&M LLP and Viacom 18. The suit alleged that the producers of the film had infringed Lions Gate’s exclusive license to remake the American film titled “P2”, granted to it by the producers of the said film, viz. Summit Entertainment and sought INR 10 Crores in damages.

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KARNATAKA HIGH COURT EXTENDS INTERIM RELIEF GRANTED TO CONGRESS LEADERS IN KGF SONG COPYRIGHT INFRINGEMENT SUIT

The Karnataka High Court extended stay on FIR registered against Congress Leaders Rahul Gandhi, Jairam Ramesh and Supriya Shrinathe in the past by MRT Music (the owner/ right-holder), alleging copyright infringement of a song from the film titled “KGF 2.” The music company has alleged the unauthorised use of the said song by the leaders, in their promotional video “Bharat Jodo Yatra” MRT also filed a suit in the commercial court, in which the court directed to block the social media handles of Congress on the grounds that there indeed has been deliberate infringement of MRT’s copyrights.

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MAKERS OF JASWANT SINGH KHALRA BIOPIC MOVE THE BOMBAY HIGH COURT FOR CENSOR CLEARANCE

The makers of the film viz. RSVP Movies, moved the Bombay High Court for procuring the Censor Certificate, for which they had applied in December 2022. RSVP stated that all necessary paperwork had been furnished. However, no decision from the CBFC has been given till date. The matter will be heard on July 04. 2023

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MADRAS HIGH COURT DISMISSES COPYRIGHT INFRINGEMENT PLEA AGAINST 'ENTHIRAN'

A single judge bench of the Madras High Court, consisting of Justice S Sounthar dismissed a plea alleging and claiming that the film "Enthiran" is infringing the copyright held by "Jugiba", remarking that an idea or concept cannot be copyrighted. The court observed that while both films are based on the same idea of a humanoid robot falling in love with a human scientist, there is no evidence to show that Enthiran is a copy of Jugiba. The plaintiff claimed that the aforesaid story had been written by him for a magazine and the makers of Enthiran had illegally stolen it. The plaintiff also produced letters claiming that the story had been stolen, written to him by readers, as supporting evidence. However, the court noted that the letters seemed to have been sent by the same courier, from the same place sequentially, which was unnatural and thus, ruled in favour of "Enthiran."

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PLEA FILED IN THE MADRAS HIGH COURT SEEKING A STAY ON THE RELEASE OF FILM MAAMANNAN

A plea has been filed in the Madras High Court, before Justice K Kumaresh Babu, seeking a hold/stay on the release of the film titled "Maamannan", starring actor-politician Mr. Udhayanidhi Stalin, produced by Red Giant Movies. The petitioner claimed breach of contract by Stalin since he took up the film before the completion of the shooting and dubbing for another movie "Angel" According to the petition, the completion of the movie "Angel" had been stalled due to the Covid-19 pandemic, as well as Mr. Udhayanidhi's induction into the state Council of Ministers and the petitioner sought Rs. 25 Crores as damages from Mr. Udhayanidhi as the actor-politician failed to adhere to his contractual obligation to complete the shoot for the movie. Mr. Udhayanidhi and Red Giant Movies responded by saying that the shoot had been completed, barring some dubbing and lip-syncing work and further request the court to direct Mr. Stalin to complete his film Angel before Maamannan is released. The Madras High Court ultimately refused interim relief to the petitioner to hold the release of the film Maamannan since the petitioner had failed to implead the parties.

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The “ADIPURUSH” ROW

SUPREME COURT OF INDIA

A PIL has been filed against the film “Adipurush” in the Supreme Court of India, seeking a ban on the film and a revocation of the certificate by CBFC for destroying the fundamental values and characters of Hindu deities and for modifying the basic structure of the epic Ramayana. The petition stated that the language used in the film was akin to the language used by “gully boys.” The petition also emphasized on cultural and traditional values enshrined in the religious texts that had been tampered with inappropriately by the filmmakers, casting a shadow of mockery over the epic written by Valmiki. The petitioner also pointed out how the continuous modifications and alterations made to the movie after it has been released is a grave violation of S.7 of the Cinematograph Act, 1952

DELHI HIGH COURT

The national president of Hindu Sena filed a Writ Petition in the Delhi High Court against the recently released film titled “Adipurush” to restrict the exhibition of the film. The petitioners claimed that the movie is a mockery of the sacred Hindu epic Ramayana and depicts its characters and figures in bad light. The petition also claimed that the movie hurt the sentiments of the Hindu community owing to the inappropriate depiction of their essential religious leaders.

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ALLAHABAD HIGH COURT:

A PIL has been filed in the Allahabad High Court against the dialogues in the film “Adipurush.” It has been contended that the film is an attack on Indian culture and the dialogues destroy the characters of our deities in a cheap and objectionable manner. It was further added that the film is inappropriate, indecent and incorrect in its depiction of the epic Ramayana, which hurts the sentiments and integrity of the Hindu community. The makers of the film have changed certain objectionable dialogues. The plea also criticized the writers of the film for the objectionable and “filthy” dialogues, scenes and portrayals of Hindu Gods, something that is opposed to the “glory of the Ramayan Yug”.

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RAJASTHAN HIGH COURT

In the Rajasthan High Court, a PIL has been filed, seeking ban on the film on grounds that it hurts the religious sentiments of Hindus and creates a mockery out of their gods. It was further contended that the movie used derogatory language against the Hindu gods- Lord Hanuman and Laxman. It was argued that not only is the movie factually incorrect, but it is also sending across the wrong message to the younger generation.

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BOMBAY HIGH COURT

VFX Studio Trishul Media Entertainment was denied urgent relief in a suit filed by it, wherein it claimed due credits for their work done in the film “Adipurush”, that had allegedly been denied to them. The Studio also filed for payment/ depositing of dues to the tune of ₹4,77,31,321 along with a suit for a stay order on the release of the film and the awarding of due credits, against Retrophiles Private Limited, the producer of the film.

Studio also emphasised on the urgency of the plea since they were, in all likelihood, apprehensive of the winding up of the production company immediately after the film was released, rendering it impossible for them to enforce their rights against it. Super Cassettes Pvt Ltd.

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INTERNATIONAL

MARVEL DROPS LAWSUITS AGAINST COMIC BOOK ARTISTS RECLAIMING COPYRIGHTS TO SUPERHEROES LIKE IRONMAN, SPIDER-MAN ETC.

Marvel has agreed to drop lawsuits against comic book artists Larry Lieber and the heirs of artists Don Heck, Gene Colan and Don Rico- the writers and illustrators of Marvel Comics in the 50s and 60s, who attempted to reclaim copyrights to popular superheroes like Thor, Black-Widow, Iron-Man, Spider-Man, Hawk-Eye etc. The artists claimed that according to the Copyright Act, they were well within their rights to terminate copyright assignments after decades have passed, in certain circumstances. Marvel on the other hand, stated that the since the work created by these artists was “work made for hire”, they could not exercise their right to reclaim copyrights. Both parties decided to achieve an “amicable resolution.”

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SINGER DUA LIPA WINS COPYRIGHT INFRINGEMENT SUIT FILED AGAINST POPULAR SONG “LEVITATING”

The Los Angeles federal court dismissed a copyright suit filed against British Singer Dua Lipa and Warner Records, alleging infringement by the singer in her song “Levitating.” A Florida based band Artikal Sound System claimed that the song was similar to the song “Live Your Life”, composed by the band in 2017 and that it was highly unlikely that “Levitating” was composed independently given the similarities between the harmonies, melodies etc., of the two songs. However, the court concluded that mere streaming access and sale of a few hundred CDs of the song by Artikal Sound System was not substantial evidence to suggest that the dissemination of the song was wide enough for Singer Dua Lipa and Warner Records to have access to it and thus, ruled against the band.

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LIONSGATE ENTERTAINMENT CORPORATION SUED FOR ALLEGED COPYRIGHT INFRINGEMENT IN ITS FORTHCOMING FILM “THE BLACKENING”

Lionsgate Entertainment Corporation was sued in alleged copyright infringement suit in its latest horror-comedy “The Blackening”. Zahara Ariel LLC, the Plaintiff, Jaryah Bobo, the creator of a card game “Black Card Revoked” claimed infringement of his creative rights and sought protection for various versions of the game including expansion sets and related screenplays. He alleged the unauthorized use of the game to create the said film by Lionsgate without awarding due credit or compensation.

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TWITTER SUED FOR COPYRIGHT INFRINGEMENT TO THE PREJUDICE OF MUSIC CREATORS

Several music publishers sued Twitter for \$250 million in damages for infringing their copyrights by allowing the creation of a platform where copyrighted songs could be shared without procurement of an appropriate licence from the respective owners/ right-holders, including hit songs like “All I want for Christmas is you”, “Uptown Funk” etc. It has further been alleged that this is in furtherance of Twitter’s financial interest and revenue generation. Such a system of providing free, unlicensed music gives Twitter an unfair advantage over competing platforms like Instagram and TikTok.

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