



MEDIA & ENTERTAINMENT LAWS

NEWSLETTER MAY, 2023

NATIONAL

Issues on film “The Kerala Story”

- The Kerala High Court refused to stay the release on the film “The Kerala Story” observing that the film only says it is “inspired by true events” and has a disclaimer that says it is a fictionalised version of events. The bench also watched and reviewed the trailer and opined that there was nothing offensive against any community and that CBFC has certified the film for public viewing. The statement “32000 women converted” was however agreed to be removed by the producers from the teaser that brought this claim.

[Read more](#)

- A plea challenging the Kerala High Court order refusing to stay the release of the film was filed in the Supreme Court, in the matter of Qurban Ali vs Central Board of Film Certification and Ors. The Supreme Court stayed the decision of West Bengal government to ban screening of the film “The Kerala Story” in the state. The producer challenged the constitutionality of Section 6(1) of the West Bengal Cinemas (Regulation) Act, 1954 under which the state government banned the film. The apex court allowed the screening of the film in West Bengal on 18th May, 2023, stating that the ban was not justified. The court directed the makers of the film to ensure that the film carries a disclaimer, by 5pm on May 20, 2023, stating that the film is a fictionalised version of the events and there is no authentic data to back up the figure of conversion of 32,000 women to Islam.

[Read more](#)

Bombay High Court restrained radio channels from broadcasting songs without equal royalty to the authors

In the matter of Indian Performing Rights Society Limited vs. Pvt. FM Radio Broadcasters, the Bombay High Court held that the Indian Performing Right Society (“IPRS”) is entitled to raise claims for royalties from the companies owning radio channels for the benefit of its members, who are authors of literary and musical works.

[Read more](#)

Bombay High Court grants dynamic injunction against Instagram handles in a suit by the producer of web series “Scam 1992”

In the matter of Applause Entertainment Private Limited vs. Meta Platforms Inc & Ors., the Bombay High Court granted a dynamic injunction against 32 Instagram accounts and other unknown parties (John Doe) in a copyright infringement suit filed by the makers of the web series “Scam 1992: The Harshad Mehta Story”. The Plaintiff approached the court asserting its copyright as owner and proprietor of publicity and character rights in relation to the said web series and the members of the cast.

[Read more](#)

Digital Collectibles platform and five cricket players appealed before Delhi High Court to stop unauthorised use of pictures based on NFTs

IMI represents the interests of more than 200 music labels in India, while ISRA works to protect the rights of more than 750 performer members. The agreement signed between IMI and ISRA will see flow of revenue to ISRA members for their performance. While the details of the deals are yet undisclosed, under the terms of the agreement, 25% of the amount collected domestically by Phonographic Performance Limited (PPL) from licensing the sound recordings of its members will be shared with ISRA.

[Read more](#)

Delhi High Court issued a notice to BBC over its documentary 'India: The Modi Question'

Listed for hearing in September, Justice Sachin Datta, Delhi High Court, on 22nd May, 2023, issued a notice to BBC filed by a Gujarat based NGO called Justice on Trial, seeking to sue BBC over the documentary that allegedly defames the reputation of the country and "makes false and defamatory imputations and insinuations against the Prime Minister of India, the Indian Judiciary and the Indian criminal justice system. The BBC documentary 'India: The Modi Question' aired by BBC in January, 2023, has been already banned by the Central Government. It examines the Prime Minister's then leadership during the Gujarat riots in 2002 that lead to mass violence and killing more than 1000 people, mostly Muslims.

[Read more](#)

The Bombay High Court temporarily prohibited the late actor Dada Kondke's trust from utilising rights to 12 of his films

A suit filed by Everest Entertainment Ltd against the trust Shahir Dada Kondke Pratishthan in the Bombay High Court for securing the film rights. Everest had secured the rights of the films through an assignment deed executed by Manik Padmakar More, the late actor's heir, who had acquired the rights in the film under the late actor's probated will. Temporarily restraining the trust named after the late Marathi actor/filmmaker Dada Kondke from dealing in 12 of his films till further orders, the Bombay High Court also restrained Bombay Film Enterprises Private Limited and the National Film Development Corporation from handing over any material of the 12 films to the Shahir Dada Kondke Pratishthan, its trustees or anyone other than Everest.

[Read more](#)

Delhi High Court in Azmat Ali Khan v. Union of India & Ors. directed to remove news reports on false accusations

In the plea moved by Amat Ali Khan, the Delhi High court directed news channel Sudarshan News, and platforms like YouTube, Google and Twitter to take down and block the link of news reports accusing Khan of forced religious conversion of a Delhi-based woman. The court also directed Khan to delete all his social media posts having the images and comments on the woman within 48-hours of the order.

[Read more](#)

Delhi High Court refused to grant omnibus declaration against Novex & ors. that it is not necessary to obtain license/NOC for playing recordings in the wedding ceremonies

The Delhi Court in the case filed by Ten Events & Entertainment v. Novex Communications and Ors. held that an advance ruling cannot be sought by the Plaintiff declaring the position which already stands declared under S. 52 (1) (za) of the Copyright Act. The Plaintiff sought to obtain an advance ruling to the effect that they be able to organize weddings of whichever nature at all venues, including luxury hotels without obtaining any NOC or license from any of the copyright holders of the recordings, the defendants as stated under S. 52(1)(za). The plaint further did not specify any specific wedding ceremony in any of the impleaded hotels for bringing this suit. The court ruled that the provision in question cannot justify the omnibus nature of the relief sought by the Plaintiff and hence was not granted.

[Read more](#)

Delhi High Court rejects to restrain Santoor handwash advertisement

In a plea to restrain Wipro enterprises from running an advertisement promoting Santoor handwash, the manufacturer of Dettol alleged that the rival company was derogatorily showing a Dettol handwash bottle in the impugned ad. The Delhi High Court however pointed that there is no such reference to any characteristic of Dettol and the ad focussed entirely on Santoor, barely showed an "ordinary handwash" plastic bottle.

[Read more](#)

Twitter to provide details of the accounts leaking the film clips of 'Jawan': Delhi High Court

Red Chillies Entertainment Pvt Ltd. sought to the Delhi High Court claimed that five Twitter accounts had posted infringing materials on the platform leaking clips of the upcoming film 'Jawan'. The Delhi High Court directed Twitter to provide the details of the Twitter handles including the IP addresses, usernames and phone numbers, for the production house to take appropriate action. The court further ordered Twitter, YouTube, and Reddit to promptly prohibit and remove all of the Red Chillies-referred infringing videos and clips.

[Read more](#)

Sachin Tendulkar files a complaint in Mumbai against misleading advertisement using his attributes unauthorizedly

The Mumbai police cyber cell upon a complaint filed by Sachin Tendulkar registered a case against an unidentified person for using the celebrity cricketer's "unauthorized" use of his name, photo, voice and other attributes in 'misleading advertisements'. The complaint alleged that the advertisements being broadcasted on the social media platforms where such advertisements are used to mislead the citizens to buy products and services not associated with him, with an intention to wrongly associate the cricketer to the brands.

[Read more](#)

Satyajit Ray first owner of copyright in the film 'Nayak'

The Delhi High Court on 23rd May, 2023 recognised the copyright held by Satyajit Ray to the screenplay of 'Nayak' written by him. On the basis of a licence given by Satyajit Ray's son Sandip Ray and the Society for Preservation of Satyajit Ray Archives (SPSRA), Justice C Hari Shankar rejected an assertion by the family of the film's producer RD Bansal that the copyright to the film and the screenplay belonged to them. He also said they have no right to enjoin the "novelization of the screenplay" by third parties. The plaintiff family claimed in its lawsuit that RD Bansal hired Satyajit Ray to write the screenplay and direct the movie "Nayak" and that Bhaskar Chattopadhyay's "novelization of the screenplay" and HarperCollins Publishers India's publication of it constituted infringement of its copyright under Section 51 of the Copyright Act. The court ruled that because Ray wrote the script, he was the original owner of the copyright to it as well as the right to novelize it. The court also stated that it was "wholly in order" for his son and SPSRA to later grant the third party this right. The producer "has contributed no part" the court noted, adding there is no debate that Satyajit Ray wrote the whole screenplay for 'Nayak'

[Read more](#)

Rajasthan High Court dismissed Asaram Bapu's plea to stay release of film 'Sirf Ek Banda Kaafi Hai'

In the case of Om Prakash Lakhyani Trustee & Ors. v. UOI, Asaram Bapu, a self-proclaimed godman filed an application in the Rajasthan High Court seeking a ban on the release of "Sirf Ek Banda Kaafi Hai in theatres and on OTT platforms, starring Manoj Bajpayee. According to the complaint, the movie was filmed on Asaram Bapu's life without his consent and that it violates his privacy rights and harms his reputation.

[Read more](#)

Ayush Sharma faces legal notice for alleged plagiarism for his upcoming movie 'Ruslaan'

The actor Ayush Sharma was reportedly sent a legal notice by the Delhi High Court for alleged plagiarism for his upcoming movie 'Ruslaan' along with producer KK Radhamohan and South Indian actor Jagpathi Babu. To stop the release of Aayush Sharma's Ruslaan, social activist Jagdish Sharma and actor Raajveer Sharma filed an injunction lawsuit and claimed that Ruslaan is a copy of their film Ruslaan from 2009. The plea claimed that the dialogue and plot of the original movie were reproduced and copied by the defendants without consent. The defendants were given a week to submit their responses, and the next hearing scheduled for June 9, 2023.

[Read more](#)

Copyright Society filed a petition against the Gujarat Titans for copyright infringement in IPL 2023, over the usage of Gujarati Songs

After the two songs in question of the suit were played by Gujarat Titans during the match at the Narendra Modi cricket stadium in Motera, Recorded Music Performance Limited (RMPL), a copyright corporation registered by the Union government, filed a copyright infringement lawsuit on May 20, 2023.

[Read more](#)

NBCUniversal content will be available on Viacom18's JioCinema

NBCUniversal has partnered with Viacom18's JioCinema, to deliver hundreds of hours of NBCU films and shows to India. Comcast NBCUniversal's production businesses and brands included in this deal the entire catalogue of Universal Television, UCP, Universal International Studios, Universal Television Alternative Studio, Sky Studios, DreamWorks Animation, Universal Pictures, Focus Features, and Bravo for the Indian audience.

[Read more](#)

Ministry of Health and Family Welfare mandates OTT platforms to display health warnings and other disclaimers

The Ministry of Health and Family Welfare released a notification on 31.05.2023 mandating the OTT platforms displaying tobacco products or its use in their content to (a) display anti-tobacco

health spots having duration of minimum 30 seconds each at the beginning and middle of the programme and an audio-visual disclaimer of minimum 20 seconds on the ill- anti-tobacco health warning at the beginning and middle of the programme. The platforms shall also be required to have a prominent static message at the bottom of the screen when the tobacco products or their use are shown during the programme.

[Read more](#)

Delhi High Court restrained more than 100 rogue websites from streaming upcoming animated films of the Spider-Verse

The order passed by the Delhi High Court in the case of Sony Pictures Animation Inc v. FLIXHD.CC & Ors. directing the ISPs to restrain the Defendants 1 to 101 (rogue websites) and all other platforms acting on their behalf, to host, steam, reproduce, distribute or make available to the public, on their websites or through the internet any work/content/ program in which the Plaintiff has copyright including the films "Spider-Man: Across The SpiderVerse" and "Spider-Man: Into the Spider-Verse". Although the film's copyright and broadcasting rights were with Sony, various unauthorized rogue websites started advertising the impending broadcast. Restricting all the defendants, the court passed an interim injunction order to that effect and issued summons in the matter.

[Read more](#)

INTERNATIONAL

Ed Sheeran Wins the Copyright lawsuit over his song "Thinking Out Loud"

The popular pop star accused of copying the Marvin Gaye's 'Let's Get It On' won the copyright infringement suit filed against him for allegedly similarity with the 2014 hit track "Thinking Out Loud". The two songs feature a similar syncopated chord pattern that the family of Gaye's co-writer Ed Townsend, who filed the lawsuit, referred to as the

"heart" of "Let's Get It On." Ed Sheeran never denied that the chords in the two songs are similar, but instead described them as "commonplace musical building blocks" found in various other songs that must be free for all songwriters to create music. It was opined by the judges that the song was independently created by Ed Sheeran and therefore there was no copyright infringement.

[Read more](#)

AUTHORS:

ADARSH HIMATSINGHKA, SENIOR ASSOCIATE
ANWESHA BANERJEE, ASSOCIATE