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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION (L) NO.36063 OF 2024
IN
COM IPR SUIT (L) NO.35708 OF 2024

Phonographic Performance Ltd.

...Applicant /
Plaintiff

Versus

Lulu International Shopping Malls Pvt. Ltd. &
Ors.

...Defendants

Mr. Sharan Jagtiani, Senior Advocate with Mr. Amogh Singh, Ms. Apurva Manwani, Mr. Asmant Nimbalkar, Mr. Anil Kumar Singh, Mr. Neeraj Nawar, Ms. Shivani Rane, Ms. Mrunmayee Nagur, Mr. Lorkin D'Souza and Mr. Josia Manoharan i/b. Mr. D.P. Singh for the Applicant / Plaintiff.

Mr. Sameer Pandit with Ms. Sarrah Khambati and Mr Jay Vora i/b. Wadia Ghandy and Co. for the Defendant No.1.

CORAM : R.I. CHAGLA J.
DATE : 5TH DECEMBER, 2024.

ORDER :

1. The learned Counsel appearing for the Defendant No.1 states on instructions that without prejudice to the Defendant No.1's rights and contentions in the Suit, Defendant No.1 shall in respect of events of any kind (other than those expressly exempted under Section 52 of the Copyright Act) organized by it at its premises, if it

desires to communicate the sound recordings in which the Plaintiff claims copyright, to the public, it shall do so after obtaining a license from the Plaintiff at the tariff published on the Plaintiff's website at: <<https://www.pplindia.org/tariffs>>. Further, in respect of events of any kind (other than those expressly exempted under Section 52 of the Copyright Act) organized by third parties at the premises owned by Defendant No.1, the Defendant No.1 shall permit the sound recordings, for which the Plaintiff claims the copyright in, to be communicated to the public by its customers at the premises of Defendant No.1 only after such customer / third party obtains license from the Plaintiff for playing such sound recordings. The license fees paid by the Defendant No.1 to the Plaintiff in the event they obtain license shall be subject to the final outcome of the Suit. The statement is accepted as an undertaking to this Court.

2. In view of the above statement accepted as undertaking to this Court, the Interim Application (L) No.36063 of 2024 is disposed of.

[R.I. CHAGLA J.]