ORDINARY

IN THE HIGH COURT OF DELHI AT NEW DELHI O-INSTT.
(ORDINARY ORIGINAL CIVIL JURISDICTION)

I.A. NO. 14632/2012 IN CS(OS) No. 2439/2012

THE CHANCELLOR, MASTERS AND SCHOLARS
OF THE UNIVERSITY OF OXFORD & ORS. Plaintiffs

13263
23/8/12

VERSUS

RAMESHWARI PHOTOCOPY SERVICES & ANR. Defendants

To,

DEFENDANT NOS.
1. RAMESHWARI PHOTOCOPY SERVICES,
DELHI SCHOOL OF ECONOMICS, University of Delhi
DELHI-110007

2. THE UNIVERSITY OF DELHI
DELHI-110007

WHEREAS the plaintiff has instituted a suit against you **for permanent injunction, restraining infringement of copyrights, damages, rendition of accounts of profits, delivery up, etc.** You are hereby summoned to appear in this Court in person or by a pleader duly instructed and able to answer all material questions relating to the suit or who shall be accompanied by some person to answer all such questions on **27.08.2012 at 10.30 a.m. before this Court** to answer the claim and further you are hereby directed to file within 30 days from the date of service a written statement in your defence and to produce on the said day all documents in your possession or power upon which you defence or claim for set off or counter claim and where you rely on any other document whether in your defence or claim for set off or counter claim, you shall enter such documents in list to be annexed to the written statement.

Take further notice that the application **(I.A. No. 14632/2012)** (copy enclosed) is also fixed for hearing on **27.08.2012 before this Court**.

Take notice that in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence.

Given under my hand and the seal of this Court this the 18th day of August, 2012.

H.Soni 18/8/12

ADMINISTRATIVE OFFICER JUDL. O-INSTT.
for REGISTRAR GENERAL

DS

THE SEAL OF THE HIGH COURT OF DELHI

(COPY ENCLOED)

Received Notice
with copy
23/8/12

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)p

C.S. (OS) No. 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

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Place: New Delhi
Dated: August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

C.S. (OS) No. 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

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Place: New Delhi
Dated: 13 August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

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IN THE HIGH COURT OF DELHI AT NEW DELHI

To,
The Deputy Registrar
High Court of Delhi
New Delhi.

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

Sir,

The Plaintiffs humbly request you to kindly treat the accompanying Suit as urgent in accordance with the High Court Rules and Orders.

The ground of urgency is:

That an ex parte ad interim injunction is sought against the Defendant No.1.

Yours faithfully,

SAIKRISHNA & ASSOCIATES
Advocates for the Plaintiffs

Place: New Delhi
Dated: August, 2012.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors.** **... Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. **... Defendants**

MEMO OF PARTIES

Between:

The Chancellor, Masters and Scholars of

The University of Oxford

trading as Oxford University Press
1st Floor, YMCA Library,
1 Jai Singh Road,
New Delhi 110001. ... Plaintiff No.1

The Syndicate of the Press of the University of Cambridge on behalf of the Chancellor, Masters and Scholars of the University of Cambridge,
trading as Cambridge University Press,
The Edinburgh Building,
Shaftesbury Road,
Cambridge CB2 8RU,
United Kingdom. ...Plaintiff No. 2

Cambridge University Press India Pvt. Ltd.
Cambridge House,
4381/4, Ansari Road, Daryaganj,
New Delhi 110002. ....Plaintiff No. 3

Informa UK Limited
trading as Taylor & Francis Group

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Mortimer House, 37-41 Mortimer Street,
London W1T 3JH
United Kingdom. ...Plaintiff No. 4

Versus

Rameshwari Photocopy Service,
Delhi School of Economics,
University of Delhi,
Delhi - 110007. ... Defendant No.1

The University of Delhi
Delhi- 110 007 ... Defendant No. 2

Place: New Delhi.
Dated: August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

C.S. (O.S.) No. of 2012

Between:

The Chancellor, Masters and Scholars of

The University of Oxford

trading as Oxford University Press
1st Floor, YMCA Library,
1 Jai Singh Road,
New Delhi 110001. ... Plaintiff No.1

The Syndicate of the Press of the University of Cambridge on behalf of the Chancellor, Masters and Scholars of the University of Cambridge,

trading as Cambridge University Press,

The Edinburgh Building,
Shaftesbury Road,
Cambridge CB2 8RU,
United Kingdom. ...Plaintiff No. 2

Cambridge University Press India Pvt. Ltd.
Cambridge House,
4381/4, Ansari Road, Daryaganj,
New Delhi 110002. ....Plaintiff No. 3

Informa UK Limited
trading as Taylor & Francis Group
Mortimer House, 37-41 Mortimer Street,

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London W1T 3JH
United Kingdom. ...Plaintiff No. 4

Taylor & Francis Books India Pvt. Ltd.
912-915, Tolstoy House, 9th Floor,
15-17 Tolstoy Marg,
New Delhi- 110024. ...Plaintiff No. 5

Versus

Rameshwari Photocopy Service,
Delhi School of Economics,
University of Delhi,
Delhi - 110007. ... Defendant No.1

The University of Delhi
Delhi- 110 007 ... Defendant No. 2

SUIT FOR PERMANENT INJUNCTION, RESTRAINING INFRINGEMENT OF COPYRIGHTS, DAMAGES, RENDITION OF ACCOUNTS OF PROFITS, DELIVERY UP, ETC.

The Plaintiffs named above respectfully submit as under:

THE PLAINTIFFS AND THEIR ACTIVITIES:

1. The Plaintiff No.1 is trading as Oxford University Press, which was established in the 16th Century by the University of Oxford and is the world's largest university press, publishing more than 4,500 new books a year. Oxford has become a household name through a diverse publishing programme that includes scholarly works in all academic disciplines. It has a presence in more than fifty countries and has innumerable publications with worldwide circulation. In India, Oxford's publishing operations currently fall into three distinct

areas: academic, general and reference, higher education and school education. Mr. Vishal Ahuja is the Constituted Attorney of the Plaintiff No. 1 and is duly authorized to sign, verify and institute the present proceeding.

2. The Plaintiff No.2 is trading as Cambridge University Press, which is the printing and publishing house integrated with the University of Cambridge. It is one of the oldest printing and publishing houses of the world (having been granted Letters Patent in 1534 by King Henry VIII) and is the second largest university press in the world with over 35,000 books in print. Cambridge's publications include professional books, textbooks, monographs, reference works, academic journals, bibles and prayer books. The Plaintiff No. 3 is the exclusive licensee of the Plaintiff No. 2 in India and hence, the Plaintiff No.3 is an interested and affected party, whenever the Plaintiff No.2's rights are infringed/ violated in India. Mr. Vishal Ahuja is the Constituted Attorney of the Plaintiff No. 2 and the Plaintiff No. 3, and is duly authorized to sign, verify and institute the present proceeding.

3. The Plaintiff No. 4 is trading as Taylor & Francis Group, which is a leading international academic publisher with over two centuries of experience. The main subject areas covered by the Plaintiff No.4's publications are humanities, behavioral & social sciences and science & technology. These publications cater to a wide ranging audience including researchers, students, academics and professionals. The Taylor & Francis Group includes the publishing imprints of Routledge, CRC Press, Taylor & Francis, Garland Science and Psychology Press, all of which have strong reputations for providing high quality, authoritative and insightful knowledge. Operating from a network of 20 global offices, including New York, Philadelphia, Oxford, Melbourne, Stockholm, Beijing, New Delhi, Johannesburg, Singapore and Tokyo, the Taylor & Francis Group publishes more than 1,500 journals and around 3500 new books each year, with a books backlist in excess of 55,000 specialist titles. The Plaintiff No. 5

is a wholly owned subsidiary of the Plaintiff No. 4 in India, and therefore, infringement of Plaintiff No. 4's rights in India severely affects the business interests of the Plaintiff No. 5. Mr. Vishal Ahuja is the Constituted Attorney of the Plaintiff No. 4 and the Plaintiff No. 5 and is duly authorized to sign, verify and institute the present proceeding. The Plaintiff Nos. 1, 2, 3, 4 and 5 are hereinafter collectively referred to as 'the Plaintiffs', unless specifically referred to otherwise.

4. The present suit is primarily to address unauthorized reproduction and issuance of copies of the academic publications of the Plaintiffs. The academic publications of the Plaintiffs cover a wide range of disciplines such as History, Politics, Economics and Business, Sociology and Anthropology, Law, Philosophy and Religion, Literature and Language. A list containing a few publications of the Plaintiffs, prescribed by popular colleges and universities in India (including the Defendant No. 2 herein), is filed in the present proceedings as **Annexure I** (*hereinafter referred to as* **"the Plaintiffs' publications"**). The Plaintiffs ensure through their distribution networks that the aforesaid publications are available for sale in sufficient quantities so that the student community has easy access to genuine content prescribed by the Colleges and Universities.

5. The Plaintiffs submit that the publications mentioned in **Annexure I** constitute "literary works" as defined in Section 2(o) of the Copyright Act, 1957. It is submitted that the Plaintiffs' publications have either been first published in India or in a country included in Part I of the Schedule to the International Copyright Order, 1999. Therefore, by virtue of Section 13 read with Sections 40 and 41 of the Copyright Act, 1957, copyright in these works subsists in India. It is submitted that the Plaintiff No.1, the Plaintiff No.2 and the Plaintiff No.4 are the owners of copyright in their respective publications, and have protectable interests in the copyright subsisting in the same.

6. The Plaintiffs respectfully submit that since the copyright in the Plaintiffs' publications vests with the Plaintiffs, they are vested with certain exclusive rights as envisaged by the Copyright Act, 1957, with regard to these publications. Specifically, Section 14(a)(i) & (ii) of the Copyright Act states that the Plaintiffs have the exclusive right to do or authorize a person to do the acts below with respect to their publications or any substantial portion thereof:

   (i) to reproduce the work in any material form including the storing of it in any medium by electronic means;

   (ii) to issue copies of the work to the public not being copies already in circulation.

   Therefore, any third party that reproduces these works and/or issues copies of these works, or any substantial portion thereof, without authorization from the Plaintiffs, infringes the Plaintiffs' rights under the Copyright Act, 1957.

7. It is submitted that each legitimate copy of the Plaintiffs' publications bear relevant and appropriate copyright declarations [©] with respect to the work. Further, the copyright notice page which appears at the beginning of every legitimate copy of such publications published by the Plaintiff No. 1, contains a notification stating: "*No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, or under terms agreed with the appropriate reprographics rights organization*". A similar notification is present on the copyright notice page of every legitimate copy of any publication by the Plaintiff No. 2 and the Plaintiff No. 4 as well. As a result of these declarations, every person who purchases any of the Plaintiffs' publications is necessarily and immediately constructively notified and/or is deemed notified of the Plaintiffs' exclusive legal rights residing therein.

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THE DEFENDANTS AND THEIR INFRINGING ACTIVITIES.

8. It is submitted, that in April 2012, the Plaintiffs became aware that the Defendant No. 1 herein is engaged in the unauthorized photocopying, reproduction and distribution of copies of the Plaintiffs' publications. In order to verify the aforesaid information, the Plaintiffs deputed Mr. Rajesh Mishra to visit the premises of the Defendant No. 1 and purchase samples of the infringing copies of the Plaintiffs' publications. On 5th April, 2012, Mr. Rajesh Mishra visited the Defendant No. 1's premises inside the Delhi School of Economics, University of Delhi, the Defendant No.2 herein, and reported that the Defendant No. 1 is photocopying/reproducing/issuing copies of the Plaintiffs' publications on a large scale and selling/circulating the same. Mr. Rajesh Mishra further purchased samples of such infringing copies which revealed that the Defendant No. 1 is not only engaged in 'cover-to-cover' reproduction of the Plaintiffs' publications, but is also selling unauthorized compilations of substantial extracts from the Plaintiffs' publications by compiling them into 'course packs'/anthologies for sale. Mr. Mishra reported that the Defendant No.1 has reproduced the Plaintiffs' publications and stocked large quantities of these 'course packs' for immediate sale to its customers. A few instances of the stated reproduction and compilation found by Mr. Rajesh Mishra during the said visit are as under:

S. No	Plaintiffs' publications (Name of the Book)	Chapter/Relevant pages	Name of the Publisher	Number of Pages Copied
COURSE PACK I				

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1.	Transforming India: Social and political dynamics of Democracy (456 Paper)	1. Negotiating Differences: Federal Coalitions and National Cohesion (pp. 176-206)	Oxford University Press	35 pages 11- 29.
		2. Understanding the Second Democratic Upsurge: Trends of Bahujan Political Participation in Electoral Politics in the 1990's (pp. 120-145)		31 pages ~~30-~~ ~~54~~ 177- 191.
2.	THE BJP and the Compulsions of Politics in India (402 Paper)	The Sangh Parivar Between Sankritization and Social Engineering (pp 22-71)	Oxford University Press	51 pages 30-54
3.	Parties and Party Politics in India (584 Paper).	The Congress 'System' in India (pp 39-55)	Oxford University Press	19 pages 55-64
		Social Cleavages, Elections, and the Indian Party System (pp. 56-75)		24 pages 136-146

4.	Ethno-nationalism in India: A reader (576 pages.)	1. Integration through Internal Reorganization: Containing Ethnic Conflict in India (pp.379-402)	Oxford University Press	32 pages 212-226
		2. Federalism, Multinational Societies, and Negotiating a Democratic 'State Nation': A Theoratical Framework, The Indian Model and a Tamil Case Study (pp. 347-378)		38 pages 266-284
5.	Nehru and the Language Politics of India (280 pgs)	Linguistics States and the National Language (pp. 52-96)	Oxford University Press	51 pages 227-252
6.	The Political Economy of Federalism in India 432 (pages)	A Historical Review of Indian Federalism (pp. 41-61)	Oxford University Press	24 pages 253-265
7.	Politics in India	Two Concepts of Secularism (pp. 349-361)	Oxford University Press	21 pages 285-295
		Communalism as False		6 pages

		Consciousness (pp. 299-304)		316-321
8.	The Production of Hindu-Muslim Violence in Contemporary India (500 pages)	Introduction: Explaining Communal Violence (pp. 5-39)	Oxford University Press	39 pages 296-315
9.	The New Cambridge History of India IV-1 The Politics of India since independence (428 pages)	Crisis of National Unity: Punjab, The Northeast and Kashmir (pp. 192-227)	Cambridge University Press	40 pages 192-211
COURSE PACK II			(By 822.)	
10.	The New Cambridge History of India III.4: Ideologies of the Raj (256 pages)	1. Liberalism and Empire (pp.28-65)	Cambridge University Press	40 pages 372-391
		2. The Ordering of Difference : Shaping Communities (pp. 132-149)		20 pages 629-688.
11.	Capitalism: A Very Short Introduction (160 pages)	1. What is Capitalism? 2. Where did Capitalism Come from? (pp. 1-37)	Oxford University Press	45 pages 825-871

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12.	Post-colonialism: An Historical Introduction	Chapter 2- Colonialism Chapter 3- Imperialism Chapter 4- Neocolonialism Chapter 5 Post-colonialism (pp.15-69)	Oxford university Press (Blackwell Publishers)	57 pages
13.	A Concise History of India 372 (1 page)	The East India Company Raj, 1772 - 1850 (pp 55-81)	CAMBRIDGE UNIVERSITY PRESS.	29 pages 471 - 485
14.	Oxford Journals The Past and Present Society	State Forestry and Social Conflict in British India (pp. 141-177)	Oxford University Press	38 pages 526 - 563
15.	An Anthropologist among the Historians and other Essays (682 pages)	The Census and Objectification in South Asia (pp. 224-254)	Oxford University Press	33 pages 612 - 628
COURSE PACK III			By 691	
16.	Issues in Political Theory 416 Pages.	Liberty	Oxford University Press	17 pages 694 - 712

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		Equality (pp.149-165)	852 – 870	16 pages
		Social justice (pp. 172-187)	898 – 915	16 pages
		Global Justice (pp. 289-312)	1003 – 1026	24 pages
		Political Authority and Obligation (pp. 9-26)	1158 – 1175	17 pages
		Human Rights (pp. 195-210)	1189 – 1205	16 pages
		Multiculturalism (pp. 219- 233)	1206 – 1224	14 pages
17.	Practical Ethics (352 pages)	Capital Punishment (pp. 705-733)	Oxford University Press	29 pages 1027 – 1057.
18.	Political Philosophy	Liberty (pp. 69-132)	Routledge/ Taylor & Francis Group	65 pages 713 – 777

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		Distributive Justice (pp.177-238)	Routledge/ Taylor & Francis Group	62 pages 959 – 1000.
COURSE PACK IV				By 1287.
19.	Hindu Nationalism and Indian Politics: An Omnibus	Introduction to the Omnibus (pp. vii-xxiii)	Oxford University Press	14 pages 1237-1250
20.	Politics in India	A Critique of Modernist Secularism (pp. 329-341)	Oxford University Press	13 pages 1264 – 1276
		Communalism as Construction		13 pages 1275 – 1283
21.	Transforming India: Social and Political Dynamics of Democracy (456 pages)	Representation and Redistribution: The New Lower Caste Politics of North India (pp. 146-175)	Oxford University Press	30 pages 1311 – 1326
22.	India's Political Economy (1947-2004): The Gradual Revolution (840 pages)	Crisis of National Economic Planning (pp. 293-340)	Oxford University Press	48 pages 1389 – 1418

		Crisis of Political Stability (pp. 341-387)	1416 - 1441	47 pages
		Impasse (pp. 491-547)	1442 - 1472	57 pages
		Emergency and Beyond (pp. 548-579)	1473 - 1490.	32 pages
23.	Politics and Ethics of the Indian Constitution 1418 pages).	The Indian State: Constitution and Beyond (pp. 143-163)	Oxford University Press 1530 -	21 pages 1542.

The Order of Things: Michel Foucault. 891558 — 178

A detailed affidavit of Mr. Rajesh Mishra deposing to the information obtained by him during the said visit to the premises of the Defendant No. 1 is filed in the present suit proceedings. Samples of the infringing copies as purchased by Mr. Rajesh Mishra during the said visit, along with the bill of purchase, are also filed herewith.

9. It is submitted that the 'course packs' reproduced and issued by the Defendant No. 1 are based on the syllabi issued by the University of Delhi for its students. The Plaintiffs' publications and the exact page numbers reproduced in these 'course packs' are suggested by the Defendant No. 2 through the syllabi published in its website. For instance, a 'course pack' purchased by Mr. Mishra , which contains the publications of the Plaintiff No. 1, listed from Serial No. 1 to Serial No. 8 in the table above are based on the syllabus for Paper VII- Political Processes in India, B.A. (Hons.) Political Science Course. A copy of the said syllabus as published by the Defendant No. 2 on the link http://www.du.ac.in/fileadmin/DU/students/Pdf/admissions/2011/sem

sys_2011-12/14711_BA_H_PoliticalSc.pdf, is filed in the present proceedings. Moreover, the Faculty teaching at the University of Delhi is directly encouraging students to purchase these 'course packs' instead of legitimate copies of the Plaintiffs' publications.

10. Further, on closer inspection of the samples purchased by Mr. Mishra, the Plaintiffs became aware that some of the copyrighted works reproduced by the Defendant No. 1 are issued by the Ratan Tata Library, at the Delhi School of Economics, University of Delhi, the Defendant No. 2 herein. In order to ascertain the association between the Defendant No. 1 and the Defendant No. 2, the Plaintiffs addressed an application to the Central Public Information Officer of the Defendant No. 2, under the Right to Information Act, 2005["the RTI Act"] on 24th April, 2012. A reply dated 4th May, 2012, was received from the Central Public Information Officer, University of Delhi, which stated that the Defendant No. 1 was allocated space inside the Delhi School of Economics campus through an open tender, and that a committee consisting of the three heads of the Departments, the Deputy Librarian (Ratan Tata Library), and the President, DSE Student's Union took the decision. Further, the reply also revealed that in 2007, the Defendant No. 1 was given an extension and it was decided that the Defendant No.1 would photocopy 3000 pages free of cost for the Ratan Tata Library of the Defendant No. 2, in lieu of the license fee. A copy of the application filed under the RTI Act and the reply received is filed in the present proceedings.

11. It is submitted that the Faculty teaching at the University of Delhi is recommending 'course packs' for reproduction by the Defendant No. 1. Further, the Ratan Tata Library, which is operated by the Defendant No. 2, is issuing books to the Defendant No. 1 for such reproduction. The Defendant No. 1 in return, is providing free copies of the Plaintiffs' publications to the Defendant No. 2, as license fee in lieu of the aforementioned arrangement and the allocation of space inside the Delhi School of Economics. Therefore, the act of allocating

space and allowing such reproduction spells direct monetary gain for the Defendant No. 2, the Defendant No. 2 stands to illegally profit from such unauthorized reproduction of the Plaintiffs' publications.

12. It is submitted that a perusal of the samples purchased by Mr. Mishra reveals that the Defendant No. 1 is substantially copying the Plaintiffs' publications both quantitatively and qualitatively. As visible in the table above, the Defendant No. 1 is reproducing complete chapters from Plaintiffs' publications and selling them as part of 'course packs'. Further, on closer inspection of the syllabi published by the Defendant No.2, the Plaintiffs became aware that extracts from a single publication form part of different 'course packs'. For instance, extracts from the book *'Transforming India: Social and Political Dynamics of Democracy'* are reproduced and arranged in Compilation I, as elaborated at Serial No. 1 in table above. Different extracts of the same book, i.e. page numbers 146 to 175, also form part of Compilation III, as visible at Serial No. 21 in the table above. It is submitted that the Defendant No.1 is reproducing the Plaintiffs publication into different 'course packs' of which Mr. Mishra could only procure some and hence, the reproduction of the Plaintiffs' publications is much more than as visible in the table above.

13. It is submitted that the Defendant No. 1 is copying the Plaintiffs' publications along with their covers, which includes the copyright declarations of the respective Plaintiffs. It is submitted that the very presence of the Plaintiffs copyright declarations is *prima facie* proof of the Plaintiffs' exclusive rights in their publications and serve as *in rem* notifications of the exclusive legal rights vested in the Plaintiffs. It is further submitted that the large scale commercial copying of the Plaintiffs' publications whether individually or in compilations for sale clearly indicates that the Defendants have been regularly and knowingly infringing the Plaintiffs' rights and the present act of infringement is not a stray incident of such reproduction and distribution. The conduct of the Defendants is therefore neither *bona*

fide nor coincidental. Therefore, the Defendants have no possible valid justification under law, for such reproduction and illegal distribution of the Plaintiffs' publications.

14. It is submitted that the Defendant No. 1 is reproducing and issuing unauthorized copies of Plaintiffs' publications for a commercial purpose. The copyrighted works of the Plaintiffs which are in print through authorized channels of the Plaintiffs are being reproduced and illegally distributed by the Defendant No. 1 solely for monetary gain. A bare perusal of the samples purchased by Mr. Mishra reveals that the Defendant No. 1 is substantially copying the copyrighted works both quantitatively and qualitatively. Further, the protected creative expressions of the Plaintiffs' publications are copied by the Defendant No. 1 and are compiled into anthologies. It is submitted that the cumulative financial loss caused to the Plaintiffs, due to such unauthorized reproduction of the Plaintiffs' publications as anthologies or otherwise is insurmountable and incalculable. Furthermore, the Plaintiffs have existing licensing arrangements with entities in India which provide legally published copies of such publications to students in India. Such un-checked unauthorized reproduction and infringement of the Plaintiffs' valuable rights, discourages entities from paying monetary consideration in exchange for permits/licenses from the Plaintiffs, causing significant commercial loss to the Plaintiffs. Therefore, the illegal reproduction and sale of infringing copies by the Defendants is unfair and cannot be permitted under the Copyright Act, 1957.

15. It is respectfully submitted that the actions of the Defendant Nos. 1 & 2 detailed hereinbefore, would not constitute fair dealing in the Plaintiffs' publications. It is respectfully submitted that the Defendant No. 2 has identified relevant portions of the syllabus in the publications of the Plaintiffs, and given on rental its premises for the business of photocopying, which the Defendant no. 1 is engaged in. The Defendant No.2 is actively encouraging its students to purchase 'course packs' directly from the Defendant No. 1. On account of the

actions of the Defendant Nos. 1 and 2, there would be no need for the students to purchase legitimate copies of the Plaintiffs' publications, thereby completely destroying the market for the legitimate publications of the Plaintiffs. It is respectfully submitted that this is not a case of a teacher or student making photocopies of a work in the course of instruction or a fair dealing in the course of private study. It is respectfully submitted that this is a clear case of profiteering by the Defendant No. 2, by being engaged in the business of unauthorized photocopying for profit, by being aided and supported by the Defendant No. 1.

16. It is respectfully submitted that the business the Defendant No. 2 is engaged in, is licensed the world over by Reprographic Rights Organizations which license the photocopying/reproduction of content in educational establishments on payment of a nominal license fee. In this regard, in India, the Indian Reprographic Rights Organization ["*the IRRO*"], a registered Collecting Society under Section 33 of the Copyright Act 1957, is responsible for the issuance of licenses to educational institutions such as the Defendant No. 2 so that the student community is in a position to reproduce/photocopy reasonable and relevant portions of the syllabi for purposes of study. The Plaintiff Nos. 1, 2 and 4 are members of the IRRO and have therefore authorized the said Society to collect license fees on their behalf. Unless the activities of the Defendants are restrained by an order of injunction passed by this Hon'ble Court, the Plaintiffs would be deprived of a legitimate revenue stream which they would have otherwise been entitled to.

17. In addition to causing financial loss to the Plaintiffs, such infringing activities also cause loss of royalty revenues to the authors of these publications, as author royalties are a percentage of publisher revenues from the sale of books, and, hence, disincentivises authors

from authoring and thus facilitating the provision of valued books to students. Hence, as the interests of students is, ultimately, albeit indirectly, hindered, there is an urgent need for a permanent injunction restraining the Defendants from continuing their illegal and *mala fide* activities.

18. The Plaintiffs have been joined in the present suit as Co-Plaintiffs, since their respective rights to relief arise out of the same act or transaction or series of acts or transactions of the Defendants arrayed in the present suit. Further, if separate suits had been instituted by the aforesaid Co-Plaintiffs, common questions of law or fact would arise. Rights to relief of the respective Plaintiffs in the present proceedings arise on account of the unauthorized reproduction, and the illegal distribution of the Plaintiffs' publications which affects all of the Plaintiffs.

19. The cause of action in the present suit first arose in the month of April 2012, when the Plaintiffs were informed that the Defendant No. 1 herein is engaged in unauthorized reproduction and distribution of copies of the Plaintiffs' publications. The cause of action arose again upon purchase of the infringing copies by the Plaintiffs' investigator on 5th April, 2012. The cause of action is a continuing one and shall continue until the Defendants are restrained by an order of injunction of this Hon'ble Court.

20. This Hon'ble Court has jurisdiction by virtue of Section 20 of the Code of Civil Procedure, 1908, since the Defendants are carrying on their business within the territorial jurisdiction of this Hon'ble Court. Also, the cause of action has arisen within the jurisdiction of this Hon'ble Court. Section 62(2) of the Copyright Act, 1957, also confers jurisdiction on this Hon'ble Court since the Plaintiff No., the Plaintiff No. 3 and the Plaintiff No. 5 are carrying on their business within the territorial jurisdiction of this Hon'ble Court.

21. The suit is valued for the purposes of court fees and jurisdiction in the following manner:

(a) For an order of permanent injunction restraining the infringement of copyright, this relief is valued for purposes of court fees and jurisdiction at Rs. 200/-, and court fee of Rs. 20/- is affixed hereon;

(b) For an order of delivery up, this relief is valued for the purposes of court fees and jurisdiction at Rs. 200, and court fee of Rs. 20 is affixed hereon;

(c) For an order of damages, the relief is valued for the purposes of court fees and jurisdiction at Rs. 60,00,600, and court fee of Rs. 65,739 is affixed hereon;

(d) For an order for rendition of accounts of profits illegally earned by the Defendants, the suit for purposes of court fees and jurisdiction is valued at Rs. 200, and court fee of Rs. 20 is affixed thereon. The Plaintiffs undertake to pay the applicable court fees as and when the accounts of profits are determined precisely and accurately.

Thus, the suit is valued for the purposes of court fees and jurisdiction at Rs. 60,01,200/-, and court fees of Rs. 66,000/- is paid hereon.

22. It is, therefore, humbly prayed that this Hon'ble Court be pleased to grant the following reliefs to the Plaintiffs:

(a) An order for permanent injunction restraining the Defendants, their partners, proprietors, their officers, servants, agents and all persons, firms, corporations and associations in active concert or participation with the Defendants from photocopying/reproducing and issuing illegal/unauthorised

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copies of the Plaintiffs' publications or substantial portion thereof, including but not limited to the books included in **Annexure I**, in any manner whatsoever, without the requisite consent of the Plaintiff No. 1, the Plaintiff No. 2 and the Plaintiff No.4 and/or from doing any other act amounting to infringement of the Plaintiffs' copyright.

(b) An order for rendition of accounts of profits, directly or indirectly earned by the Defendants from their infringing activities and wrongful conduct, and a decree for the amount so found due to be passed in favour of the Plaintiff No. 1, 2 & 4;

(c) An order for delivery up by the Defendant No. 1 of all illegitimate copies of the Plaintiffs' publications and anthologies or any other material infringing the trade marks/copyrights of the Plaintiffs, lying in the possession of the Defendants and their propreitors, partners, employees, agents, servants etc.;

(d) A decree of damages Rs. 60,00,600/- in favor of the Plaintiff No. 1, 2 & 4 and against the Defendants, for loss of sales, reputation and goodwill of the Plaintiffs caused by the illegal activities of the Defendants;

(e) An order as to the costs of the proceedings in favor of the Plaintiffs;

Any further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

PLAINTIFF NO.1

Through,

Attorney

PLAINTIFF NO.2

Through,

Attorney

PLAINTIFF NO.3

Through,

Attorney

PLAINTIFF NO.4

Through,

Attorney

PLAINTIFF NO.5

Through,

Attorney

Through,

Saikrishna & Associates

Advocates for the Plaintiffs

Delhi

Dated: August, 2012.

VERIFICATION:

I, VISHAL AHUJA, do hereby verify that the contents of paragraphs 1 to 7 are based on information received and believed to be true. The contents of paragraphs 8 to 21 are based on legal advice received which i

believe to be correct. Paragraph 22 is the prayer before this Hon'ble Court.

Verified at New Delhi on this 13th day of August, 2012.

Plaintiff No. 1 Plaintiff No. 2& 3 Plaintiff No. 4&5

ANNEXURE I

S.No.	Name of the Book	Name of the author/editor
Publications of Cambridge University Press, the Plaintiff No. 2		
1.	*Ideologies of the Raj.*	Metcalf, Thomas.
2.	*A Concise History of India.*	Metcalf and Metcalf.
3.	*Global Anti-Terrorism Law and Policy. 2nd Edn*	V.V. Hor, M.R.K. and Williams, W.
4.	*The Politics of India Since Independence.*	Brass, P.R.
5.	*Language, Religion and Politics in North India*	Brass, P.R.
6.	*The Success of India's Democracy*	Kohli, A.
7.	*Comparative Politics: Interests, Identities, and Institutions in a Changing Global Order.*	Kopstein, J. and Lichbach, M.
8.	*Comparative Politics: Rationality, Culture, and Structure.*	Lichback, M. I. and Zuckerman, A. S.
9.	*Foundations of Comparative Politics: Democracies of the Modern World*	Newton, K. and Deth, Jan W. V
10.	*Varieties of Federal Governance: Major Contemporary Models*	Saxena, R.
11.	*Bringing the State Back In*	Evans, P.
12.	*Contesting Global Governance*	O'Brien, R. Goetz, A.M. Scholte, J.C. and Williams, M.
13.	*Women in Modern India*	Forbes, Geraldine
14.	*Politics of Collective Violence*	Tilly, Ch.
15.	*Humanitarian Intervention:*	Holzgrefe, J. L. and

	Ethical, Legal and Political Dilemmas.	Keohane, R. O.
16.	*The Third Way: The Renewal of Social Democracy*	Giddens, A.
17.	*Religion, Class Coalition and Welfare State*	Kersbergen, K.V. and Manow, P.
18.	*The Global Transformations Reader.*	Held, D. and Mcrew, A.
Publications of Oxford University Press, the Plaintiff No. 1		
19.	*An intellectual History for India*	Kapila, Shruti
20.	*India in the World Order*	Nayar, B.R and Paul, T.V.
21.	*The Political Philosophy of Cosmopolitanism.*	Brock, G. and Brighouse, H. (eds.)
22.	*A Very Short Introduction*	Fulcher, J.
23.	Postcolonialism : A Very short introduction	Young, R.
24.	*Postcolonialism: An Historical Introduction*	Young, R.
25.	*Despotism of Law*	Singha, R.
26.	*Recasting Woman: Essays in Colonial History.*	Sangari, Kand Vaid, S
27.	*Subject Lessons : The Western Education of Colonial India*	Seth, S.
28.	*An Anthropologist Among Historians and Other Essays*	Cohn, B.
29.	*The Nature of Political Theory*	Vincent, A.
30.	*The Indian Constitution:*	Austin, G

	Cornerstone of a Nation	
31.	*Politics and Ethics of the Indian Constitution.*	Bhargava, R.
32.	*Working a Democratic Constitution.*	Austin, G
33.	*Public Institutions in India: Performance and Design.*	Kapur, D. and Mehta P.B
34.	*The Indian Parliament: A Democracy at Work*	Shankar, B.L. and Rodrigues, V.
35.	*Durable Disorder: Understanding the Politics of Northeast India.*	Baruah, S
36.	*Public Institutions in India: Performance and Design.*	Manor, J.
37.	*Explaining Indian Democracy: A Fifty Year Perspective, 1956-2006*	Rudolph, L.I. and Rudolph, S. H.
38.	*Local Governance in India: Decentralization and Beyond.*	Jayal, N.G. Prakash, A. and Sharma, P.
39.	*Supreme But Not Infallible: Essays in Honour of the Supreme Court of India*	Desai, A., Subramanium, G., Dhavan, R., and Ramchandran, R.
40.	*The Oxford Companion to Politics in India.*	Jayal, N.G. and Mehta, P.B.
41.	*Development of Modern Indian Thought and the Social Sciences*	Bhattacharya, Sabyasachi

42.	*Modern South Asia: History, Culture, and Political Economy.*	Jalal, A. and Bose, S.
43.	*Issues in Political Theory*	McKinnon, Catriona
44.	*Recasting Woman: Essays in Colonial History*	Sangari, Kand Vaid, S.
45.	*The Oxford Handbook of Practical Ethics*	LaFollette, Hugh
46.	*Transforming India: Social and Political Dynamics of Democracy*	Frankel, F. Hasan, Z. Bhargava, R. and Arora, B.
47.	*The BJP and the Compulsions of Politics in India.*	Hansen, T.B. and Jaffrelot, C.
48.	*Parties and Party Politics in India*	Hasan, Z.
49.	*Ethnonationalism in India: A Reader*	Baruah, S.
50.	*Nehru and the Language Politics of India*	King, R.D.
51.	*The Political Economy of Federalism in India*	Rao, M.G. and Singh, N.
52.	*Politics in India*	Kaviraj, S.
53.	*The Production of Hindu-Muslim Violence in Contemporary India*	Brass, P.R.
54.	*Hindu Nationalism and Indian*	Zavos, J. Hansen, T.B.

	Politics: An Omnibus.	and Jaffrelot, C
55.	*India's Political Economy (1947-2004): The Gradual Revolution.*	Frankel, F.
56.	*State and Politics in India*	Chatterjee, P.
57.	*Competing Equalities: Law and the Backward Classes in India*	Galanter, M.
58.	*Politics in the Developing World*	Burnell, P.
59.	*Comparative Politics*	Caramani, D.
60.	*Comparison in the study of Public Administration*	Heady, F.
61.	*Comparative Public Administration: The Essential Readings*	Otenyo, E.and Lind, N.
62.	*Max Weber: Essays in Sociology*	Mills, C.W and Gerth, H.H.
63.	*The Governance Discourse*	B.and Bhattacharya, M
64.	*The Globalization of World Politics. An Introduction to International Relations*	Baylis, J. and Smith, S.
65.	*Handbook of Comparative Politics*	Boix, Ch. and Stokes, S.
66.	*Nationalism*	Hutchinson, J. and Smith, A

67.	*The Third World Politics*	Haynes, J.
68.	*The Politics of Electoral System*	Gallagher, M. and Mitchell, P.
69.	*Public Policy Making Reexamined*	Dror, Y.
70.	*Decentralization: Institutions and Politics in Rural India*	Singh, S. and Sharma, P.
71.	*Local Governance in India: Decentralisation and Beyond*	Jayal, N.G.; Prakash, A. and Sharma, P.
72.	*The Globalization of World Politics*	Baylis, J. and Smith, S.
73.	*Global Political Economy*	Ravenhill, J.
74.	*The World Trade Organisation: A Very Short Introduction.*	Narlikar, A
75.	*Explaining International Relations since 1945*	Woods, N.
76.	*The Rise of the Network Society*	Castells, M.
77.	*Manu's Code of Law: A Critical Edition and Translation of the Manava – Dharmasastra*	Olivelle, P.
78.	*The Bijak of Kabir*	Hess, Linda and Singh, Sukhdeo
79.	*Political Thinkers: From Socrates to the*	Boucher, D. and Kelly, P.

	Present	
80.	*A Guide to the Political Classics: Plato to Rousseau*	Forsyth, M and Keens-Soper, M.
81.	*Political Thinkers: From Socrates to the Present*	Boucher, D. and Kelly, P.
82.	*The Government and Politics of South Asia*	Baxter, C.
83.	*Inequality, Growth, and Poverty in an Era of Liberalization and Globalization*	Cornia, Giovanni A.
84.	*The Creation of Patriarchy*	Lerner, Gerda
85.	*Inequality Reexamined*	Sen, A.
86.	*Development as Freedom*	Sen, A.
87.	*Power*	Lukes, S.
88.	*Policy Analysis for the Real World*	Hogwood, B. & Gunn, L
89.	*Swami Vivekananda and the Modernisation of Hinduism*	Radice, William
90.	*Debates in Indian Philosophy: Classical, Colonial, and Contemporary*	Raghuramaraju
91.	*Illegitimacy of Nationalism.*	Nandy, Ashis
92.	*Domestic Roots of Foreign Policy*	Appadorai, A

93.	*India in World Affairs*	Karunakaran, K.P.
94.	*The Politics and Economics of India's Foreign Policy*	Thakur, R
95.	*United Nations, Divided World.*	Roberts, A. and Kingsbury, B
96.	*The India-China Relationship: Rivalry and Engagement*	Frankel, F.R. and Harding, H.
97.	*Human rights: an overview*	
98.	*Capitalism: A Very Short Introduction*	Fulcher, J.
99.	*The New Handbook of Political Science*	Goodin, R. E. and Klingemann, H. D.
100.	*Comparative Politics.*	Andersen, J. G.
101.	*The Oxford India Companion to Sociology and Social Anthropology*	Das, Veena.
102.	*The Globalization Reader*	Lechner, F. J and Boli, J
103.	*Taming the Waters: The Political Economy of Large Dams in India*	Singh, S.
104.	*Dominating Knowledge: Development, Culture and Resistance.*	Marglin, S. and Marglin, F. A.
Publications of the Taylor & Francis Group(Routledge), the Plaintiff No. 4		

105.	*Conflict, Power and the Landscape of Constitutionalism.*	Tarabout, G. and Samadar, R.
106.	*Routledge Handbook of South Asian Politics.*	Brass, P.B.
107.	*Political Philosophy.*	Knowles, Dudley
108.	*Studies in the Development of Capitalism*	Dobb, M.
109.	*Decolonization: Perspectives From Now and Then*	Duara, P.
110.	*The Routledge Companion to Decolonization*	Rothermund, D.
111.	*Dictionary of the Politics of the People's Republic of China.*	Mackerra, C.
112.	*Perspectives on World Politics*	Michael Smith, R. Little
113.	*Empire and Neo Liberalism in Asia*	Hadiz, V.R.
114.	*Politics*	Axford, Barrie.
115.	*Issues and Methods of Comparative Methods: An Introduction*	Landman, T.
116.	*Comparative Federalism: Theory and Practice*	Burgess, M
117.	*Understanding Comparative Politics: A Frame Work of Analysis.*	Kamrava, M.

118.	*Comparative Politics: Critical Concepts in Political Science.*	Wiarda, H. J
119.	*Public Administration and Public Management: The Principal Agent Perspective.*	Erik-Lane, J.
120.	*Human Security*	Shahrbanou, T. and Chenoy, A
121.	*Spirals of Contention*	Saberwal Satish
122.	*Women in Movements*	Rowbotham, Shiela
123.	*Gender, Politics and Post-Communism*	Funk, Nanette & Mueller, Magda
124.	*Violence and Politics: Globalization's Paradox*	Ungar, M., Bermanzohn, S. A. and Worcester, K.
125.	*Third World Political Ecology: An Introduction*	Bryant, R. L. & Bailey, S.
126.	*Theories of the State*	Dunleavy, P. and O'Leary, B.
127.	*Nehru*	Zachariah, Benjamin
128.	*A History of Western Political Thought*	McClelland, J. S.
129.	*Engaging India: US- Strategic Relations with the World's Largest Democracy*	Bertsch, G.K. and Gahlaut, S.
130.	*India-Pakistan in War and Peace*	Dixit, J.N.

131.	*India's foreign policy in a Unipolar World*	Pant, H.V.
132.	*India's Energy Security*	Noronha, L. and Sudershan, A
133.	*A Globalizing World? Culture, Economics and Politics*	Held, D.
134.	*Globalization: North-South Perspectives*	Glen, J.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors.** ... **Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... **Defendants**

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA - 201301, PRESENTLY AT NEW DELHI.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.

2. That I have read the contents of the accompanying Plaint and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.

3. I say that I adopt the contents of the accompanying Plaint as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity. All the documents are true copies of their respective originals.

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

DEPONENT

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

LIST OF RELIANCE

1. Records relating to ownership of copyright of the Plaintiff No. 1,2 & 4 in their publications.

2. Any other relevant document pertaining to the determination of dispute between the parties.

Place: New Delhi
Dated: August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

C.S. (OS) No. 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

INDEX: FOLDER II

Place: New Delhi
Dated: August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

2

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

APPLICATION UNDER ORDER 39 RULES 1 & 2 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908.

The Plaintiffs abovenamed, respectfully submits as under:

1. The Plaintiffs have filed the abovesaid suit for Permanent Injunction restraining infringement of copyright, delivery up, damages, etc. The same is pending consideration of the Hon'ble Court. The plaint may please be referred to.

2. The contents of the aforesaid Plaint are being relied upon herein and may be read as part and parcel of the present application, the same not being repeated for the sake of brevity.

3. The Plaintiffs are leading global publishers of academic books which cover a wide range of disciplines such as History, Politics, Economics and Business, Sociology and Anthropology, Law, Philosophy, Religion, Literature and Language. A list containing a few publications of the Plaintiffs, prescribed by popular colleges and universities in India (including the Defendant No. 2 herein), is filed in the present proceedings as **Annexure A** (*hereinafter referred to as* **"the Plaintiffs' publications"**). The Plaintiffs ensure through their distribution networks that the aforesaid publications are available for sale in sufficient quantities so that the student community has easy access to genuine content prescribed by the Colleges and Universities.

4. The Plaintiffs submit that their publications constitute "literary works" as defined in Section 2(o) of the Copyright Act, 1957. It is submitted that the Plaintiffs' publications have either been first published in India or in a

country included in Part I of the Schedule to the International Copyright Order, 1999. Therefore, by virtue of Section 13 read with Sections 40 and 41 of the Copyright Act, 1957, copyright in these works subsists in India. It is submitted that the Plaintiff No.1, the Plaintiff No.2 and the Plaintiff No.4 are the owners of copyright in their respective publications, and have protectable interests in the copyright subsisting in the same.

5. The Plaintiffs respectfully submit that since the copyright in the Plaintiffs' publications vests with the Plaintiffs, they are vested with certain exclusive rights as envisaged by the Copyright Act, 1957, with regard to these publications. Specifically, Section 14(a)(i) & (ii) of the Copyright Act states that the Plaintiffs have the exclusive right to do or authorize a person to do the acts below with respect to their publications or any substantial portion thereof:

   (i) to reproduce the work in any material form including the storing of it in any medium by electronic means;

   (ii) to issue copies of the work to the public not being copies already in circulation.

   Therefore, any third party that reproduces these works and/or issues copies of these works, or any substantial portion thereof, without authorization from the Plaintiffs, infringes the Plaintiffs' rights under the Copyright Act, 1957.

6. It is submitted that each legitimate copy of the Plaintiffs' publications bear relevant and appropriate copyright declarations [©] with respect to the work. Further, the copyright notice page which appears at the beginning of every legitimate copy of such publications published by the Plaintiff No. 1, contains a notification stating: "*No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, without the prior permission in writing of Oxford University Press, or as expressly permitted by law, or under terms agreed with the appropriate reprographics rights organization*". A similar notification is present on the copyright notice page of every legitimate copy of any publication by the Plaintiff No. 2 and the Plaintiff No. 4 as well. As a result of these declarations, every person who purchases any of the Plaintiffs' publications is necessarily and immediately constructively notified and/or is deemed notified of the Plaintiffs' exclusive legal rights residing therein.

7. It is submitted, that in April 2012, the Plaintiffs became aware that the Defendant No. 1 herein is engaged in the unauthorized photocopying, reproduction and distribution of copies of the Plaintiffs' publications. In order to verify the aforesaid information, the Plaintiffs deputed Mr. Rajesh Mishra to visit the premises of the Defendant No. 1 and purchase samples of the infringing copies of the Plaintiffs' publications. On 5th April, 2012, Mr. Rajesh Mishra visited the Defendant No. 1's premises inside the Delhi School of Economics, University of Delhi, the Defendant No.2 herein, and reported that the Defendant No. 1 is photocopying/reproducing/issuing copies of the Plaintiffs' publications on a large scale and selling/circulating the same. Mr. Rajesh Mishra further purchased samples of such infringing copies which revealed that the Defendant No. 1 is not only engaged in 'cover-to-cover' reproduction of the Plaintiffs' publications, but is also selling unauthorized compilations of substantial extracts from the Plaintiffs' publications by compiling them into 'course packs'/anthologies for sale. Mr. Mishra reported that the Defendant No.1 has reproduced the Plaintiffs' publications and stocked large quantities of these 'course packs' for immediate sale to its customers. A few instances of the stated reproduction and compilation found by Mr. Rajesh Mishra during the said visit are provided in the Plaint, the same not being repeated herein for the sake of brevity.

8. It is submitted that the 'course packs' reproduced and issued by the Defendant No. 1 are based on the syllabi issued by the University of Delhi for its students. The Plaintiffs' publications and the exact page numbers reproduced in these 'course packs' are suggested by the Defendant No. 2 through the syllabi published in its website. Further, the Faculty teaching at the University of Delhi is directly encouraging students to purchase these 'course packs' instead of legitimate copies of the Plaintiffs' publications.

9. Moreover, on closer inspection of the samples purchased by Mr. Mishra, the Plaintiffs became aware that some of the copyrighted works reproduced by the Defendant No. 1 are issued by the Ratan Tata Library, at the Delhi School of Economics, University of Delhi, the Defendant No. 2 herein. In order to ascertain the association between the Defendant No. 1 and the Defendant No. 2, the Plaintiffs addressed an application to the Central Public Information Officer of the Defendant No. 2, under the Right to Information Act, 2005["the RTI Act"] on 24th April, 2012. A reply dated 4th May, 2012, was received from the Central Public Information Officer, University of Delhi which revealed that in 2007, the Defendant No. 1 was given an extension and

it was decided that the Defendant No.1 would photocopy 3000 pages free of cost for the Ratan Tata Library of the Defendant No. 2, in lieu of the license fee.

10. As stated hereinabove, the Faculty teaching at the University of Delhi is recommending 'course packs' for reproduction by the Defendant No. 1 and encouraging students to purchase these 'course packs' instead of legitimate copies of the Plaintiffs' publications. Further, the Ratan Tata Library, which is operated by the Defendant No. 2, is issuing books to the Defendant No. 1 for such reproduction. In addition, the Defendant No. 1 is providing free copies of the Plaintiffs' publications to the Defendant No. 2, as license fee in lieu of the aforementioned arrangement of the allocation of space inside the Delhi School of Economics. Therefore, even though the act of allocating space and abetting such reproduction may not spell direct monetary gain for the Defendant No. 2, the Defendant No. 2 nevertheless stands to illegally profit from such unauthorized reproduction of the Plaintiffs' publications.

11. It is submitted that a perusal of the samples purchased by Mr. Mishra reveals that the Defendant No. 1 is substantially copying the Plaintiffs' publications both quantitatively and qualitatively. As visible in the table above, the Defendant No. 1 is reproducing complete chapters from Plaintiffs' publications and selling them as part of 'course packs'. Further, on closer inspection of the syllabi published by the Defendant No.2, the Plaintiffs became aware that extracts from a single publication form part of different 'course packs'. The Defendant No.1 is reproducing the Plaintiffs publication into different 'course packs', of which Mr. Mishra could only procure some and hence, the reproduction of the Plaintiffs' publications is much more than as visible in the samples purchased.

12. It is submitted that the Defendant No. 1 is copying the Plaintiffs' publications along with their covers, which includes the copyright declarations of the respective Plaintiffs. It is submitted that the very presence of the Plaintiffs copyright declarations is *prima facie* proof of the Plaintiffs' exclusive rights in their publications and serve as *in rem* notifications of the exclusive legal rights vested in the Plaintiffs. It is further submitted that the large scale commercial copying of the Plaintiffs' publications whether individually or in compilations for sale clearly indicates that the Defendants have been regularly and knowingly infringing the Plaintiffs' rights and the present act of infringement is not a stray incident of such reproduction and distribution. The conduct of the Defendants is therefore neither *bona fide* nor coincidental.

Therefore, the Defendants have no possible valid justification under law, for such reproduction and illegal distribution of the Plaintiffs' publications.

13. It is submitted that the Defendant No. 1 is reproducing and issuing unauthorized copies of Plaintiffs' publications for a commercial purpose. The copyrighted works of the Plaintiffs which are in print through authorized channels of the Plaintiffs are being reproduced and illegally distributed by the Defendant No. 1 solely for monetary gain. A bare perusal of the samples purchased by Mr. Mishra reveals that the Defendant No. 1 is substantially copying the copyrighted works both quantitatively and qualitatively. Further, the protected creative expressions of the Plaintiffs' publications are copied by the Defendant No. 1 and are compiled into anthologies. It is submitted that the cumulative financial loss caused to the Plaintiffs, due to such unauthorized reproduction of the Plaintiffs' publications as anthologies or otherwise is insurmountable and incalculable. Furthermore, the Plaintiffs have existing licensing arrangements with entities in India which provide legally published copies of such publications to students in India. Such un-checked unauthorized reproduction and infringement of the Plaintiffs' valuable rights, discourages entities from paying monetary consideration in exchange for permits/licenses from the Plaintiffs, causing significant commercial loss to the Plaintiffs. Therefore, the illegal reproduction and sale of infringing copies by the Defendants is unfair and cannot be permitted under the Copyright Act, 1957.

14. It is respectfully submitted that the actions of the Defendant Nos. 1 & 2 detailed hereinbefore, would not constitute fair dealing in the Plaintiffs' publications. It is respectfully submitted that the Defendant No. 2 has identified relevant portions of the syllabus in the publications of the Plaintiffs, and given on rental its premises for the business of photocopying, which the Defendant no. 1 is engaged in. The Defendant No.2 is actively encouraging its students to purchase 'course packs' directly from the Defendant No. 1. On account of the actions of the Defendant Nos. 1 and 2, there would be no need for the students to purchase legitimate copies of the Plaintiffs' publications, thereby completely destroying the market for the legitimate publications of the Plaintiffs. It is respectfully submitted that this is not a case of a teacher or student making photocopies of a work in the course of instruction or a fair dealing in the course of private study. It is respectfully submitted that this is a clear case of profiteering by the Defendant No. 2, by being engaged in the business of unauthorized

photocopying for profit, by being aided and supported by the Defendant No. 1.

15. It is respectfully submitted that the business the Defendant No. 2 is engaged in, is licensed the world over by Reprographic Rights Organizations which license the photocopying/reproduction of content in educational establishments on payment of a nominal license fee. In this regard, in India, the Indian Reprographic Rights Organization ["*the IRRO*"], a registered Collecting Society under Section 33 of the Copyright Act 1957, is responsible for the issuance of licenses to educational institutions such as the Defendant No. 2 so that the student community is in a position to reproduce/photocopy reasonable and relevant portions of the syllabi for purposes of study. The Plaintiff Nos. 1, 2 and 4 are members of the IRRO and have therefore authorized the said Society to collect license fees on their behalf. Unless the activities of the Defendants are restrained by an order of injunction passed by this Hon'ble Court, the Plaintiffs would be deprived of a legitimate revenue stream which they would have otherwise been entitled to.

16. In addition to causing financial loss to the Plaintiffs, such infringing activities also cause loss of royalty revenues to the authors of these publications, as author royalties are a percentage of publisher revenues from the sale of books, and, hence, disincentivises authors from authoring and thus facilitating the provision of valued books to students. Hence, as the interests of students is, ultimately, albeit indirectly, hindered, there is an urgent need for an injunction restraining the Defendants from continuing their illegal and *mala fide* activities.

17. The Plaintiffs have made out a strong prima facie case in their favor and the balance of convenience is also entirely and overwhelmingly in favour of the Plaintiffs and against the Defendants. As detailed above, the Defendants illegal activities are and will continue to cause irreparable loss, damage and injury to the Plaintiffs' business interests, unless Defendants are restrained by this Hon'ble Court from continuing with their unlawful conduct.

It is therefore, respectfully prayed that:

A. An *ad interim injunction* order be passed restraining the Defendants, their officers, employees, partners, proprietors, servants, distributors, agents and all persons/entities in active concert or participation with the Defendants from photocopying/reproducing and issuing illegal/unauthorised copies of the Plaintiffs' publications or substantial portion thereof, including but not

limited to the books included in **Annexure A**, in any manner whatsoever, without the requisite consent of the Plaintiff No. 1, the Plaintiff No. 2 and the Plaintiff No.4 and/or from doing any other act amounting to infringement of the Plaintiffs' copyright;

B. An *ex parte* injunction be passed against the Defendant No. 1, in terms of prayer made hereinabove.

C. Any other and further orders as deemed fit in the facts and circumstances of the present case as well as in the interest of justice be passed.

It is prayed accordingly.

Saikrishna & Associates
Advocates for the Plaintiffs

Place: Delhi
Date: August, 2012

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors.** ... **Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... **Defendants**

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA – 201301, PRESENTLY AT NEW DELHI.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.

2. That I have read the contents of the accompanying Application under Order 39 Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908 and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.

3. I say that I adopt the contents of the accompanying Application as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity.

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

DEPONENT

/0

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

APPLICATION UNDER ORDER 26 RULE 9 READ WITH ORDER 39 RULE 7 AND SECTION 151 OF THE CODE OF CIVIL PROCEDURE 1908

The Plaintiffs above-named respectfully submit as under:

1. The Plaintiffs have filed the above Suit against the arrayed Defendants for Permanent Injunction for, *inter alia,* restraining Infringement of Copyright, Damages, Rendition of Accounts, Delivery Up etc. and the same is pending before this Hon'ble Court. The Plaintiffs seek to rely on the pleadings and averments contained in the Plaint and application for *ad interim* injunction, in furtherance of its claims contained in the present Application, the same not being repeated herein for the sake of brevity.

2. Considering the facts and circumstances of the present case and particularly because the Defendants herein may deny any involvement or connection with the acts of unauthorized and illegal photocopying/reproduction and issuance of illegal/unauthorised copies of the Plaintiffs' publications, it is imperative, in the interests of justice, that this Hon'ble Court appoints a Local Commissioner, so as to seize and preserve illegal/ unauthorized / counterfeit / pirated copies of the Plaintiffs publications in possession of the Defendant No. 1. The appointment of a local commissioner will also ensure that the infringing copies are prevented from entering the commercial mainstream in violation of any order of injunction, that this Hon'ble Court may be inclined to pass.

3. It is respectfully submitted that unless the present Application is allowed and a Local Commissioner appointed by this Hon'ble Court visits the premises of the Defendant No.1 without notice, the very purpose of instituting the present suit would stand frustrated since the Defendant No.1 would remove all infringing copies and the Plaintiffs would not be able to appropriately establish the illegal activities of the Defendants.

4. It is extremely imperative that the infringing/pirated copies, found at the Defendants' premises, be taken into custody by the Local Commissioner. The mere making of an inventory of the infringing/ pirated copies found at the premises of the Defendant No. 1 may not suffice, since the Defendant No.1 could possibly destroy/tamper or move the infringing copies of the Plaintiffs' publications to an alternate location and thereafter challenge the Local Commissioner's report.

5. It is therefore respectfully prayed that this Hon'ble Court may appoint a Local Commissioner and direct him / her to:

(i) Visit the premises of the Defendant No. 1, without prior notice, located at:

No. of LCs	Address of the premises to be visited
One	Rameshwari Photocopy Service, Delhi School of Economics, University of Delhi, Delhi - 110007.

And/or at any other place where the Local Commissioner has reason to believe that infringing/pirated copies of the Plaintiffs' publications are being stored/sold.

(ii) Make an inventory of all the infringing/pirated copies of the Plaintiffs' publications, found at the premises of the Defendant No. 1 and/or upon any other location;

(iii) Take into custody all the infringing/pirated copies of the Plaintiffs' publications, and thereafter seal the same in suitable protective packing material/containers;

(iv) Take the assistance of representatives of the Plaintiffs provided by the Plaintiffs, for purposes of identification of the infringing/pirated copies of the Plaintiffs' publications;

(v) Direct those in charge of its premises of the Defendant No. 1 to open their premises, in case the Defendant No.1 location is locked, in order to enable the Local Commissioner to inspect the premises of the Defendant No.1;

(vi) Hand over the seized infringing/pirated copies of the Plaintiffs' publications on *'superdari'* to a representative of the Defendant No. 1, who may be directed to give an appropriate undertaking that seized copies will be produced before this Hon'ble Court, as and when directed;

(vii) To seek police assistance should the need arise and towards this purpose, this Hon'ble Court may direct the concerned Station House Officer (SHO) to render all assistance required for execution of the Commission;

Any other and further orders that this Hon'ble Court may deem fit in the facts and circumstances of the case may also be passed in favour of the Plaintiffs and against the Defendants.

Place: New Delhi.
Dated: August, 2012.

Saikrishna & Associates
Advocates for the Plaintiffs

13

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors.** ... **Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... **Defendants**

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA - 201301, PRESENTLY AT NEW DELHI.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.

2. That I have read the contents of the accompanying Application under Order 26 Rule 9 read with Order 39 Rule 7 and Section 151 of the Code of Civil Procedure, 1908 and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.

3. I say that I adopt the contents of the accompanying Application as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity.

13 AUG 2012

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

DEPONENT

14

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (OS) No. of 2012

Between:

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors.** ... **Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... **Defendants**

APPLICATION UNDER ORDER 13 RULE 1 READ WITH SECTION 151 OF CODE OF CIVIL PROCEDURE(CPC), 1908

1. The Plaintiffs have filed the abovesaid suit for Permanent Injunction restraining infringement of copyright, delivery up, damages, etc. The same is pending consideration of this Hon'ble court. The plaint may please be referred to.

2. The Plaintiffs, in the said suit, have filed the following List of Documents:

S.No	Particulars
1.	Samples of 'course packs' containing the Plaintiffs publications as purchased from the Defendant No. 1.
2.	Sale invoice issued by the Defendant No. 1 for purchase of the sample 'course packs'.
3.	Printouts of the syllabi published by the Defendant No. 2 on its website.
4.	E-mail correspondence demonstrating *malafides* of the Defendant No. 2
5.	Notarized Affidavit of Mr. Rajesh Mishra deposing to the information obtained by him during his visit to the premises of the Defendant No. 1.
6.	Copy of the Application filed by the Plaintiffs under the Right to Information Act, 2005, and the reply dated 4th May, 2012,

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	received from the Central Public Information Officer, University of Delhi.
7.	Copy of the Power of Attorney, in favour of Mr. Vishal Ahuja to act the attorney of the Plaintiff No. 1.
8.	Copies of the Power of Attorneys, in favour of Mr. Vishal Ahuja to act as the attorney of the Plaintiff No. 2 and the Plaintiff No. 3.
9.	Copies of the Power of Attorneys, in favour of Mr. Vishal Ahuja to act as the attorney of the Plaintiff No. 4 and the Plaintiff No. 5.

3. It is humbly submitted that the Plaintiffs, in the present suit, at this stage have been unable to produce, before this Hon'ble court, certain documents in originals. The Plaintiffs undertake to produce the originals.

Saikrishna & Associates
Advocates for the Plaintiffs

Place: Delhi
Date: August, 2012

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(*Ordinary Original Civil Jurisdiction*)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors. ... Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA - 201301, PRESENTLY AT NEW DELHI.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That, by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.
2. That I have read the contents of the accompanying Application under Order 13 Rule 1 read with Section 151 of the Code of Civil Procedure, 1908 and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.
3. I say that I adopt the contents of the accompanying Application as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity.

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

DEPONENT

17

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

APPLICATION UNDER SECTION 80 (2) READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE 1908

The Plaintiffs above-named respectfully submit as under:

1. The Plaintiffs have filed the above Suit against the arrayed Defendants for Permanent Injunction for, *inter alia,* restraining Infringement of Copyright, Damages, Rendition of Accounts, Delivery Up etc. and the same is pending before this Hon'ble Court. The Plaintiffs seek to rely on the pleadings and averments contained in the Plaint and the accompanying applications, in furtherance of its claims contained in the present Application, the same not being repeated herein for the sake of brevity.

2. Considering that the Defendants herein may deny any involvement or connection with the acts of unauthorized and illegal photocopying/reproduction of the Plaintiffs' publications, the Plaintiffs have sought appointment of a Local Commissioner to visit the premises of the Defendant No. 1 without notice and seize the illegal/pirated copies of the Plaintiffs publications in possession of the Defendant No. 1. It is submitted that the Defendant No. 1 and the Defendant No. 2 are carrying out the infringing activities in connivance with each other. In event that a notice under Section 80 of the Code of Civil Procedure is served to the Defendant No. 2, the very purpose of instituting the present suit and seeking an appointment of a Local Commissioner would stand frustrated, since the Defendant No.1, on receiving information from the Defendant No. 2, would remove all infringing copies and the Plaintiffs would not be able to appropriately establish the illegal activities of the Defendants.

3. In the light of facts and circumstances stated hereinabove and in the interests of justice, the Plaintiffs crave leave of this Hon'ble Court to institute the present suit without serving any notice to the Defendant No. 2. Pertinently, in the application under Order 39 Rule 1 & 2 of the Code of Civil Procedure, 1908, the Plaintiffs have sought an *ex parte* interim relief against the Defendant No. 1 only and not the Defendant No. 2.

3. It is therefore respectfully prayed that this Hon'ble Court be pleased to grant leave to the Plaintiffs, to institute the present suit without serving a notice to the Defendant No. 2.

Any further orders that this Hon'ble Court may deem fit in the facts and circumstances of the case may also be passed in favour of the Plaintiffs and against the Defendants.

Place: New Delhi.
Dated: August, 2012.

Saikrishna & Associates
Advocates for the Plaintiffs

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors.** ... **Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... **Defendants**

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA – 201301, PRESENTLY AT NEW DELHI.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.

2. That I have read the contents of the accompanying Application under Section 80 (2) read with Section 151 of the Code of Civil Procedure, 1908 and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.

3. I say that I adopt the contents of the accompanying Application as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity.

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

DEPONENT

20

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

CS (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

APPLICATION UNDER SECTION 151 OF THE CODE OF CIVIL PROCEDURE 1908

The Plaintiffs above named respectfully submit as under:

1. The Plaintiffs have filed the abovesaid suit for Permanent Injunction restraining infringement of copyrights, delivery up, damages, etc. The same is pending consideration of the Hon'ble Court. The plaint may please be referred to.

2. The Plaintiffs have filed copied of documents, which may not be clear enough to the satisfaction of this Hon'ble Court. It is, therefore respectfully prayed that this Hon'ble Court may be pleased to, for the time being, exempt the Plaintiff from filing clearer and translated copies of documents, should the Registry of this Court raise any office objections.

Place: Delhi
Dated: August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

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IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press** ... **Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... **Defendants**

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA – 201301, PRESENTLY AT NEW DELHI.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.

2. That I have read the contents of the accompanying Application under Section 151 of the Code of Civil Procedure, 1908 and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.

3. I say that I adopt the contents of the accompanying Application as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity.

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

DEPONENT

Oath Commissioner Delhi

22

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

C.S. (OS) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

AN APPLICATION UNDER SECTION 149 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE (CPC), 1908

1. The Plaintiffs have filed the abovesaid suit for Permanent Injunction restraining infringement of copyright, rendition of accounts of profits, damages etc. The same is pending consideration of this Hon'ble Court. The plaint may please be referred to.

2. It is respectfully submitted that due to urgency in filing the present suit, the Plaintiffs could not procure the requisite court fess. The Plaintiffs undertake to file the appropriate court fees within one week.

3. It is, therefore respectfully prayed that this Hon'ble Court may be pleased to grant one week time to deposit the court fees with the High Court Registry.

It is accordingly prayed.

Delhi
Date: 13th August, 2012

Saikrishna & Associates
Advocates for the Plaintiffs

23

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

I.A. No. of 2012

in

C.S. (O.S.) No. of 2012

The Chancellor, Master & Scholars of The University of Oxford

***trading as* Oxford University Press & Ors. ... Plaintiffs**

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

AFFIDAVIT OF MR.VISHAL AHUJA, S/o SHRI HARISH AHUJA, AGE ABOUT 29 YRS, C/o A2E, CMA TOWER, SECOND FLOOR, SECTOR 24, NOIDA - 201301, PRESENTLY AT NEW DELHI.

The Seal of the Oath Commissioner, Delhi High Court, ALAKA NAYAK, App. By Delhi High Court

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That by way of the Power of Attorney of the Plaintiffs, I am duly authorized and competent to swear the present Affidavit.

2. That I have read the contents of the accompanying Application under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 and I say that the contents therein are true to the best of my knowledge and also based upon information/legal advice received by me and believed to be true and nothing material nor relevant has been concealed therefrom.

I identified the deponent who has signed in my presence

3. I say that I adopt the contents of the accompanying Application as part and parcel of my Affidavit; the same are not being reproduced herein for the sake of brevity.

13 AUG

DEPONENT

VERIFICATION:

Verified at New Delhi on this day of August, 2012, that the contents of the above said Affidavit are true to best of my knowledge, information and belief and nothing material has been concealed therefrom.

13 AUG 2012 (Adv)

Oath Commissioner Delhi

DEPONENT

IN THE HIGH COURT OF DELHI AT NEW DELHI

(Ordinary Original Civil Jurisdiction)

C.S. (OS) No. 2012

The Chancellor, Master & Scholars of The University of Oxford *trading as* Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

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S.No.	Particulars	Court Fees	Page
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Saikrishna & Associates
Advocates for the Plaintiffs

Place: New Delhi
Dated: August, 2012

2

POWER OF ATTORNEY

BEFORE THE HIGH COURT OF DELHI AT NEW DELHI

The Chancellor, Master & Scholars of The University of Oxford

trading as Oxford University Press & Ors. ... Plaintiffs

Versus

Rameshwari Photocopy Service & Anr. ... Defendants

KNOW ALL to whom these presents shall come that I, Vishal Ahuja, Constituted Attorney of the Plaintiffs in the present suit, do hereby appoint Saikrishna Rajagopal, Bharatvir Singh, Pushpam Jha, Rabi Shankar Dash, Amod Singh, Sidharth Chopra, Surya Patnaik, Ms. Aarshia Behl, Ms. Safia Said, Saurabh Srivastava, Nitin Sharma, J. Sai Deepak, Nandita Saikia, Bharat S. Kumar, Sahil Sethi, Sneha Jain, Arvind Thampy, Kanishk Kumar, Ms. Shilpa Gupta, Maanav Kumar, Aditya Kutty of **Saikrishna & Associates**, Advocates, A2E, CMA Tower, Second Floor, Sector – 24, NOIDA – 201301, hereinafter called the Advocates, to be my/our Advocates in the above noted case and authorize them: -

To act, appear and plead in the above noted case in this Court, or in any other Court in which the same may be tried or heard and also the appellate Courts including the High Court.

To sign, file verify and present pleadings, replications, appeals, cross-objections, or petitions for executions, review, revision, restoration, withdrawal, compromise, or other petitions, complaints, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents.

To withdraw, or compromise the said case or submit to arbitration any difference or disputes that may arise touching or in any manner relating to the said case.

To take our execution proceedings.

To deposit, draw and receive moneys, cheques and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the advocate whenever he may think fit to do so and to sign the Power of Attorney on my/our behalf.

And I/we, the undersigned do hereby agree to ratify and confirm acts done by the Advocates or their substitute in the matter as my/our own acts, as if done by me /us to all intents or purposes.

And I/we undertake that I/we or my/our duly authorized agent would appear in Court on all hearings and will inform the Advocates for appearance when the case is called.

And I/we, undersigned, do hereby agree not to hold the Advocates or his/their substitute responsible for the result of the said case in consequence of his/their absence from the Court when the said case is called up for hearing, or for any negligence of the said Advocates or his/their substitute.

And I/we, the undersigned, do hereby agree that in the event of the whole or any part the fee agreed by me/us to be paid to the Advocates remaining unpaid he/they shall be entitled to withdraw from the prosecution of the said case until the same is paid up. If any costs are allowed for an adjournment, the Advocates would be entitled to the same.

In witness where of, I/we do hereunto set my/our hands to these presents, the contents of which has been understood by me/or us this day of August, 2012.

Accepted

Advocates

Client

CITY

BJP joins fight of Delhi apartment owners

The BJP on Thursday demanded that the Delhi Government immediately implement the provisions of the Delhi Apartment Ownership Act, 1986: Page 4

Rewards, promotions for Haryana Olymp

Athlete Seema Antil and boxer Jai Bhagwan, who t London Olympics, would be promoted as Inspecto Chief Minister Bhupinder Singh Hooda announce

Students left in the lurch as publishers take action against photocopiers

Shops accused of infringing copyright laws by copying textbook material

Vijetha S.N

NEW DELHI: "Can you please give me 'Ethics in public domain'? And make it fast! I am in a hurry," says Bushara, a bushy-haired girl from St. Stephen's College. She is talking to an old man in a tiny photocopying shop in a corner of Delhi School of Economics. There is a long, studied silence that follows her words and then the old man, Sri Shyam Singh – proprietor of Rameshwari Photocopy Service – wheezes: "We don't have it."

It is a breezy Thursday morning and Mr. Singh looks dazed when the girl talks again, this time more loudly: "Tell me when you are going to get it and tell me properly. I can't keep coming here again and again." A long silence again before the reply: "Don't bother coming here, we are no longer allowed to photocopy any readings from your university syllabus."

After the girl leaves, Mr. Singh says she will have a tough time getting whatever she was asking for: "She will have to source many books, and then take a chapter or two from each to read. She will then have to buy all those books and spend a lot of money," he says, adding that this past Saturday morning several men in police uniform came and told them to get out of their shop. "We stood outside and the men searched our shop, and then we were given a legal notice that said we were violating copyright laws by photocopying course material and that we have to go to court some time next month," he said, adding that he still did not understand what the whole issue was about.

Following the "raid", the DSE librarian on Tuesday issued a letter to the photocopiers stating that the summons had been served on them because they had in a "most unauthorised and illegal manner" reproduced and issued "the publications of many reputed publishers, namely Oxford, Cambridge and Taylor & Francis", and they should suspend their photocopying service till the High Court case was disposed of.

Students, however, feel differently. "About 5 per cent of all books in the library are photocopies. In fact, the faculty prepares their reading material by giving a list to the photocopiers which says what to copy from which chapter in which book. The photocopiers have library cards, they go to the library take whatever books that need to be photocopied and return them when they are done," says Subhadeepta, a Ph.D. Sociology student, adding that if he placed an order for a textbook it would take ages to reach the library and that buying the books was not even an option.

"I needed to buy a textbook for my dissertation which cost Rs.6,000. I cannot afford that, especially when my scholarship grant is only Rs.10,000," he adds.

The students also felt that going to the library was not even an option anymore. "There are about 70 students in an M.A. classroom. The library cannot stock 70 copies of the same book," says Apoorva, an M.A. Sociology student. "We have several readings prescribed for each subject. About 50 readings per course, which will usually be some random chapter from different books, are very expensive. We cannot even afford to buy 50 of the cheapest Indian publications that cost about Rs.500 to Rs.1000, then how are we going to buy the expensive foreign publications?" asks another M.A. Sociology student, Leki.

However, the students were most frightened that other photocopying shops in the university would also shut shop after Rameshwari Photocopy Service had been made an example of. "This will have a ripple effect. We have already heard that the nearby photocopiers are also shutting down. Outside the university, the photocopiers would not even know from where to get the material," says Subhadeepta, adding that it was ironical how he had bought several original publications of OUP and Cambridge after reading the photocopies. "Whenever they make copies, they always copy the title and credits of these publications too," he says.

"The issue is that the photocopiers have been made a scapegoat that is all," was the general consensus of students at the college. The students said they were stunned when they heard that publishers like Oxford University Press, Cambridge University Press and Taylor & Francis had instituted legal proceedings against the poor photocopiers in their college.

The librarian, Dr. Lokesh Sharma, said he had heard of the raid from the photocopiers themselves and was just following the court's orders by asking them to shut shop.

Delhi University has also been made a defendant in the case but was not served any summons.

Delhi University, photocopy service in the dock over "piracy"

Staff Reporter

NEW DELHI: Delhi University and Rameshwari Photocopy Service have been accused of infringing copyright laws in a legal suit filed by publishers Oxford University Press, Cambridge University Press and Taylor & Francis. The publishers have told the court that the photocopiers, at the instance of Delhi University, were reproducing their publications and issuing them in the "most unauthorised and illegal manner". They also contended that this compilation that the photocopiers were distributing had to be stopped immediately as the academic year had begun and the distribution of such "pirated" copies would increase, thereby causing them revenue losses.

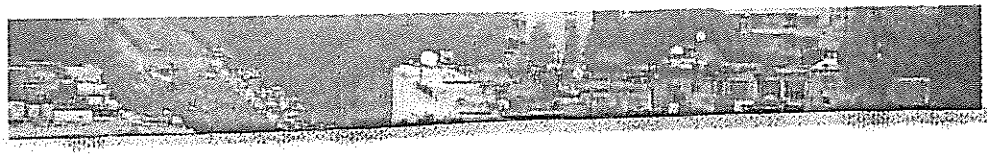
On August 14, the Delhi High Court had issued an order appointing a local commissioner to visit, without any prior notice, the premises of Rameshwari Photocopying Service. An inventory of all the infringing or pirated copies was to be made and to be seized and handed over to the defendants only on the basis of a surety. The Commissioner was allowed to take the assistance of the police. The Commissioner's fee was fixed at Rs.75,000 along with any out-of-pocket expenses to be borne by the plaintiff.

The raids were subsequently conducted this past Saturday.

Delhi schools to get smart

Special Correspondent

Monsoon magic



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...s and
...a hat.

...She regularly visits the wards in her jurisdiction

...ness about vector borne diseases

Unauthorised construction: Our officials are working at it.

CONTROVERSIES

Her first few weeks as mayor provided lots of gossip as her husband was often found in her office, allegedly taking decisions on her behalf. Councillors also complain about how she does not inform them about visiting their wards. She allegedly cancelled a trip to Singapore after she found out that SDMC won't pay for it.

...old-age pensions that were pending for nine months have been paid.

...plant at Narela-Bawana functional

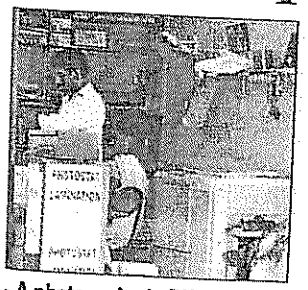
...complicated issue. Most happen in colonies that can't get building plans sanctioned.

CONTROVERSIES

She does not tire from informing the House that she has studied law and can't be fleeced. Often known as 'the lawyer' in the corporation. In 2002, she was denied a ticket by the BJP due to 'corruption charges". Amongst BJP circles, she is known for making her own decisions and not listening to state leadership.

TEXT BY HAMARI JAMATIA

Photocopy ban leaves DU students in quandary



A photocopier in DU: Out of business?

HT Correspondent
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NEW DELHI: A day after a few publishers moved high court to put a stop to photocopied matter of their books being sold in Delhi University's (DU) photocopy shops, teachers and students are up in arms against the move.

Till now, photocopy shops in DU copied and sold collective packs of all prescribed reference books. Teachers say that this move will severely affect students' reference work.

"Even though students should first access the college library, there is usually just one book that 50 students have to share among themselves. Also, at times, it is also difficult for libraries to source some books," said Sanam Khanna, professor of English, Kamla Nehru College.

While a campaign to protest the move has also been launched on Facebook, teachers say that this move can have far reaching ramification, giving rise to cheaper duplicates.

While some students said that readings for some subjects such as economics and math were expensive and in short supply, others said this abrupt move will affect their preparations for the upcoming exams.

"No photocopies are available now for many subjects. With exams in November, we have just two months left to prepare for all these subjects with no books available," said Dhruv Khurana, a student of Sri Venkateswara College.

Said Tanya Jain, a student of Moti Lal Nehru College, "Buying complete readings is not feasible since usually a few sections of the readings need to be referred to."

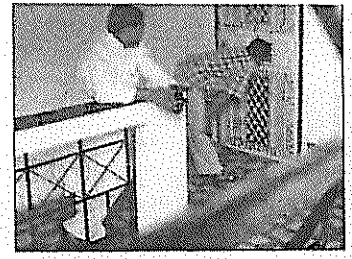
beautician, died on Wednesday after falling off the balcony of her eighth-floor flat in Sector 50, Noida on Tuesday night.

Police on Wednesday claimed that Shweta's 10-year-old daughter saw her being pushed off the balcony.

Shweta lived with daughter Sahiba, niece Deepa and her live-in partner Mukesh Saini (35) at Kailash Dham apartments.

Mukesh has been arrested under Section 306 of the IPC (abetment to suicide) after a complaint by Shweta's brother.

Police officers claimed that Sahiba told them that she saw her mother standing on the balcony at 10 pm on Tuesday after an argument and then she was thrown off. When police later asked her what she saw, she refused to talk.



Shweta fell off her 8th-floor apartment. GAJENDRA YADAV

"Shweta's family members were reluctant to file a complaint. Even when they did, her brother registered a case of abetment to suicide, not murder. Mukesh was held on the basis of the complaint. On Wednesday Sahiba claimed that a man assaulted her mother and threw her off the balcony," Senior SP Praveen Kumar said.

"We now intend to change the Section under which the complaint is filed to 302 (murder). When Mukesh is produced before the magistrate on Thursday, we will convince the child to record a statement under Section 164 of the Criminal Procedure Code," he said.

Shweta, a divorcee, had known Mukesh since her school days. After the divorce, she moved in with Mukesh. Sahiba is home in Kasna, Greater Noida, on Tuesday night. Her family ruled out foul play, saying she slipped from the balcony.

Deputy SP Alok Priyadarshi said Archana Shukla, who was an executive with a top hotel in Noida, had gone to meet Prashant Varma at his home in AWHO Apartments in Kasna around 7 pm.

"A little later, Prashant called her brother and informed him that Archana has slipped from the balcony. Prashant took her to Yatharth Hospital, but she was declared dead on arrival," the officer said.

"Archana's family informed us that it was an accident. But as a precaution, we are investigating all possibilities," Gautam Budh Nagar SSP Praveen Kumar said.

NEW DELHI, AUGUST 22

AUTORICKSHAWS will not be allowed to park their vehicles on the premises of New Delhi railway station. Instead, a dedicated pre-paid service lane will be opened for them to pick up passengers.

These are part of the Delhi Traffic Police's plan to decongest the railway station and prevent people from getting fleeced by unscrupulous autorickshaw drivers.

This comes after the Railways asked the traffic police two months ago to implement the plan at the Ajmeri Gate end of the station.

The new traffic plan states that an autorickshaw driver will either have to drop the passenger and leave the station. If he wishes to queue in the single pre-paid service lane.

"They cannot overtake and leave the station once they enter the pre-paid lane. They also cannot move out without passengers. The auto drivers will not decide the destination. The passengers will," Joint Commissioner of Police (Traffic) Satyendra Garg said.

"At present, the pre-paid booths are far away from the exit gate. The passengers are given a receipt with an auto's registration number on it. This means, they have to wait for the auto with the specified registration number. This makes the process cumbersome," Garg said.

"The first available auto in the queue will have to take the passenger. There will be no scope of argument or negotiation," Garg said.

CITY ANCHOR SHOPS ON DU CAMPUS STOP OFFERING 'COURSE PACKS' AFTER PUBLISHERS MOVE HIGH COURT AGAINST 'ILLEGAL REPRODUCTION'

Delhi University in a bind: No more photocopying books

ADITI VATSA

NEW DELHI, AUGUST 22:

SHOPS on the Delhi University campus have stopped photocopying books after prominent publishers moved the Delhi High Court to stop the practice.

An email circulated by deputy librarian Dr Lokesh Sharma of Ratan Tata Library, located on the premises of Delhi School of Economics, it has been alleged that Rameshwari Photocopy Service had been "reproducing and issuing publications of reputed publishers, namely, Oxford, Cambridge and Taylor & Francis" in an "unauthorised and illegal manner".

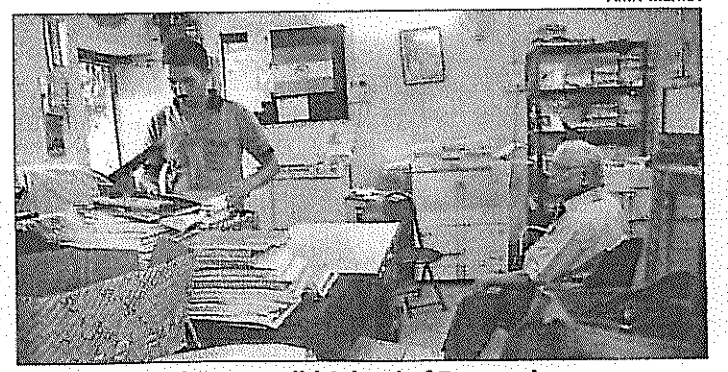
The High Court served a notice, taking cognisance of the publishers' petition, and a raid was conducted on Saturday at Rameshwari Photocopy Service adjacent to Delhi School of Economics.

Following the court order, the library, too, has suspended the photocopying service.

Professor S C Panda, Director of Delhi School of Economics, said: "It has come to our notice that the shop was photocopying books and selling them. Hence, we have temporarily suspended these services."

Rattled by the court order, other shops in North Campus colleges, including Hindu, Ramjas and SRCC, have also stopped photocopying books and study material.

AMIT MEHRA



A photocopy shop at Delhi School of Economics.

This has caught the majority of students off guard. Sanya Syed, a third-year student of Sociology (Honours) in Hindu College, said: "Until recently, I used to buy a course pack (a compilation of all the articles and chapters that were part of the syllabus) from the photocopy shops. The shopkeepers have now stopped selling the pack. Without it, students will find it difficult to finish their assignments."

Mayank Tomar, an MA (Sociology) student, said: "We have always depended on the photocopy shops for our study material. Otherwise, it would take weeks to collect materials from different libraries. With the restrictions in place, our studies are gong to be seriously affected."

Dharmpal Singh from Rameshwari said he was not aware of the laws. "At the beginning of every term, we used to compile articles and parts of books on the basis of the syllabus. We were not aware that this was illegal. The university should have told us about it."

The owner of Pradeep Xerox, a shop near Hindu College, said he stopped selling the course packs from Saturday.

Fear of a crackdown or raid was palpable. A shopkeeper at Patel Chest denied that such study packs were sold. "We don't photocopy whole books. Our work involves photocopying handwritten notes and documents," he said.

To protest against the High Court order, a campaign has been launched on Facebook. Dr Ashley Tellis, assistant professor of English in Miranda House, said: "It needs to be checked whether these course packs violate copyright laws. But I feel that it is unfair that a case has been registered against this small shop."