

**NEERAJ.K.GUPTA**  
Advocate On Record  
SUPREME COURT OF INDIA  
D-169/2005

**Chamber:**  
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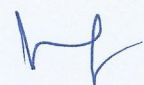
10.03.2015

BY COURIER

1. KINJAL BHATTACHRYA,  
SON OF-KRISHNA KUMAR BHATTACHARYA,  
99/1N, BIDHAN SARANI, MG ROAD,  
NEAR METRO STATION, KOLKATA-700004
2. DJ ANOOP  
G1, TAWAKKAL LEGACY, # 26, 3RD CROSS, RAMAIAH  
L/O, KACHARAKANAHALLY, OFF.KAMMANAHALLI ROAD,  
BANGALORE - 560 084.
3. LLOYDS  
# 127, ASHIRAWADE, KSFC LAYOUT,  
OIL MILL ROAD,  
BANGALORE - 560 084.
4. Mr. Deepak  
V EVENTS & ENTERTAINMENT, # 2C-308, HRBR LAYOUT,  
3RD BLOCK, KALYAN NAGAR, BANGALORE - 560 084
5. Mr. SANDIP GOSWAMI - DJ SANDY  
1/3, 3RD CROSS, 8TH MAIN, MATHIKERE EXTENSION,  
BANGALORE - 560 054
6. KINJAL BHATTACHARYA  
E365 MEDIA SOLUTIONS  
242/1B ARVIND TOWERS, 1ST FLOOR, FLAT NO 4,  
APC ROAD, NEAR KHANNA CINEMA, KOLKATA - 700004

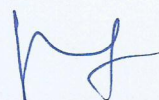
**Sub: Cease and Desist Notice for "Defamation", Defamatory posts on the Social Media websites, incitement to public to commit cognizable offense against my clients Phonographic Performances Limited**

Under instructions of our client Phonographic Performances Limited (PPL), having their Office at D-32 Nizamuddin East, New Delhi, we address to you as under: -





1. That our client, PPL is a limited company registered under the Companies Act, 1956 limited by guarantee and without share capital; being an association of Member Music labels. Various music labels/companies across India, being owners and/or exclusive licensees of copyright in numerous sound recordings, in both film and non-film genres in Tamil, Hindi, Bengali, Kannada, Telugu, English, and other languages are members of my clients. Some of the members of my clients also hold exclusive control in India over foreign Sound Recordings which are published in India by such members.
2. My client's members fall into two classes: the original founding members and such other music companies who voluntarily became members subsequently, from time to time. These members of my client are leading music companies who have earned their reputation in business through relentless efforts. As stated above my client is an Association of these member Music Labels. My client was incorporated as a limited company in the year 1941 and seamlessly continues monetisation of sound recording copyright subsisting in the repertoire of my clients member Music Labels. My clients for a period since 1997 till recently were also registered as a Copyright Society.
3. The member Music Labels being owners/publishers of popular film and non-film sound recordings, have assigned their rights in such sound recordings to my clients by written contracts, or, in a very few exceptional cases, have granted my clients an exclusive license and control in respect of the 'communication to public right' / 'public performance rights' in such sound recordings. A list of my clients member Music Labels is available on my client's website [www.pplindia.org](http://www.pplindia.org) The total number of such recordings of my client is more than 5 lacs Indian recordings and many lacs of International recordings. PPL is therefore the exclusive licensing authority to issue public performance licenses in the Country for all the Sound Recordings belonging to these Music Labels.
4. My clients' members have, over the years, invested crores of rupees in creating, acquiring and promoting the sound recordings. Unique skills and talent, money, labour, risks have been put in by my clients's members. The sound recordings are a valuable property, entitled to protection under copyright law and other applicable statutes.
5. My clients state that after the 2012 amendments in the Copyright Act (w.e.f. 20.6.2012) and the consequent to the new Copyright Rules (w.e.f. 14.3.2013), my client's registration ceased/lapsed recently. My clients had filed an application for registration after the 2012 amendments, its application for renewal of registration was also withdrawn. However, my clients further states that their corporate existence as a company or body/association, comprising its members, has continued undisturbed





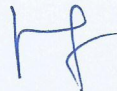
and that they have legitimately continued seamlessly and without break to lawfully carry on its business. The same Member Music labels having given exclusive assignment and/or control to my clients. My clients further state that, my clients have therefore, now stepped into the shoes of its Member Music Labels as exclusive assignee and/or controller of copyright.

6. You are in the business of providing your services to various event organisers and individual clients you use copyrighted sound recordings through mechanical devices such as DJ console, hard disks and mixer which reproduces sounds. For rendering your services and entertaining the guests you collect fee by commercially exploiting the copyrighted sound recordings. You are aware that the sound recordings that you use in your commercial venture cannot be communicated to public by you unless you would an appropriate license in writing from the owner of copyright subsisting in such sound recordings.
7. Recently, it has come to the knowledge of our client, that you the addressee No: 1 and 2, have been conspiring against our client and you have been posting highly defamatory statements, on social media website 'Facebook'. Further, my clients state that you are not only defending my client inciting not to take a license for legitimate use and exploitation of my clients sound recording works. You are aware that use and exploitation of copyrighted sound recording works without a licence amounts to wilful infringement of copyright which is also a criminal offence punishable under the Copyright Act, 1957. Some of the implications published by are as under;
  - i. "I always knew that #PPL India and #IPRS were a con job to begin with!"

My clients are a legitimate body/ Association of its member music labels which is registered as a limited company. My clients are most transparent their members and have never committed any offence as alleged or at all. The imputation that my clients are a "con job" is per se defamatory. The unprovoked and unsubstantiated publication by you is made with an intention to harm the reputation of my client in the business and offal profession which my clients are pursuing.

- ii. "These agencies have looted many and I believe they must be tried by the law and punished accordingly."

The above imputation is also per se defamatory and fostering your knowledge. My clients have not collected any royalty from any person whatsoever by any unlawful means. The imputation that my clients have looted many is completely baseless and false to your knowledge.





8. My clients further states that similar to the above they have come across various posts where you are inciting other DJs not to take a public performance license from my client and thereby inducing them to commit criminal offence of infringement of copyright. My clients further state that to propagate your defamatory publications you are making use of Internet whereby the defamatory imputations are propagated on a large-scale to the general public. You are also liable to be prosecuted under the Information Technology Act, 2000 besides various offences committed by you under the Indian Penal Code, 1860.
  
9. In the circumstances we, on behalf of our clients call upon you to, immediately cease and desist form indulging in acts of wilful defamation and forthwith stop sending offensive messages and communications through Internet or by any other media whatsoever. We on behalf of our clients further call upon you pay my clients the sum of rupees Ten Crores as damages caused to our client because of the defamatory content published by you on the social media websites within 15 days of the receipt of the notice, failing which our clients will be compelled to take legal action/proceedings civil and/or criminal, against you entirely at your risks, costs and consequences thereof.



NEERAJ K GUPTA  
Advocate