

IN THE HIGH COURT OF KELJI

THE ROLLA FILMS

v.

GOVERNMENT LAW UNIVERSITY, KELJI AND FLORENCE PUBLIC SCHOOL

1. Sager is a developing country that is blessed with a healthy demographic dividend of 25 percent population aged between 10 and 22 years. It is considered one of the most youthful countries in the world. Off late however, there have been several researches done by the government and private agencies that reflect increased proliferation of narcotics and drugs among the youth. The Public Health Ministry of Sager released a report that found around 63 percent of the youngsters in the aforementioned age bracket exposed to drug abuse that went from moderate to severe. Specifically in the capital city Kelji, because of lack of strict supervision and detection mechanisms, government school children were found to be most vulnerable. Around 80 percent of them were affected by drugs. Being the capital city, narcotics network is strong in Kelji, and is believed to have a tacit nexus with police officials. Availability of drugs in various forms is as easy as getting any item of the daily chore.
2. There have been several initiatives to tackle the problem from the side of the government and NGOs working in the field. The Government Law University of Kelji (GLU, Kelji) has a Public Health and Law Centre (PHL Centre) that has an ongoing project “*Coming Back to Life*”, which helps government school children in dealing with the drug problem and equips staff with focused training modules and legal awareness. The PHL Centre has faculty coordinators and student volunteers from each batch of the law school.

3. On October, 2017 the PHL Centre of GLU, Kelji screened a movie “Narcoz” for children from the Florence Public School (FPS), one of the worst drug affected schools. It was especially organized for the students from 5th standard till 8th standard. The blockbuster movie graphically depicted harmful effects of drugs on human body, relationships and society as a whole and was declared a must watch by the critics for those struggling with drugs related issues. Although it was released only in English speaking countries including the home country Rangland, it was not available to viewing for the audience in Sager. Producers- The Rolla Films had no plans to release the movie in Sager as the market didn’t seem profitable enough. If at all, any one wished to screen the movie in a non-release country, s/he had to buy screening rights priced expensively at ten lakh Sager rupees per screening.
4. The version that was screened by GLU, Kelji for FPS students was downloaded from the website *www.kit-torrent.com*, which is a peer-to-peer decentralized global file sharing system. After the screening, teachers of FPS also trained bright students to prepare a play based upon the movie Narcoz, which was enacted across government schools in Kelji from January to March 2018.
5. In its Annual Report of 2018, the GLU, Kelji showed Narcoz screening as community outreach activity (COA) of its students. Also, the FPS showed play enactment as an extracurricular activity in its annual school magazine. For both, the COA and extracurricular activity, the institutions charge an annual fee from students that made 5% of the total fee supposed to be paid every year.
6. Sager is a Party to The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and its domestic laws are *pari materia* with laws of India.

Rangland is also a Party to TRIPS and has a robust domestic intellectual property (IP) regime. Being a developed country and a world superpower, Rangland houses most of the multinational corporations thriving on aggressive IP protection domestically and even extraterritorially. It also has a dominant trade relationship with Sager, importing majority of Sager's agricultural products.

7. Rangland has a system of coming up with annual Special 21 Report (the Report), that keeps a track of IP enforcement in all the countries around the world. The authorities empowered to draft the Report also assume the extraterritorial jurisdiction to punish lax enforcers with cross-sector trade sanctions. Sager is constantly featured in the “watch list” of the Report as the worst IP “performers” among the TRIPS signatories. Especially after Narcoz screening incident, the Sager government got under immense diplomatic pressure to overhaul its IP laws in order to ensure strict implementation.
8. In July 2018, therefore, Sager banned the downloading of files from *www.kit-torrent.com*. Whenever, the files were clicked to be downloaded by the user, following message was displayed:

“This URL has been blocked under the instructions of the Competent Government Authority or in compliance with the orders of a Court of competent jurisdiction. Viewing, downloading, exhibiting or duplicating an illicit copy of the contents under this URL is punishable as an offence under the laws of Sager, including but not limited to under Sections of the Copyright Act, 1957 which prescribe imprisonment for 3 years and also fine of upto Rs. 3,00,000/-. Any person aggrieved by any such blocking of this URL may contact at urlblock@sagerweb.com who will, within 48 hours, provide you the details of relevant proceedings under which you can approach the relevant High Court or Authority for redressal of your grievance”

9. In the same month, the country also brought an amendment to its Cinematographic Act, 1952. The amendment equated the downloading of an unauthorized movie with copying

and thus made it a criminal offence. Before this, copying under the Cinematographic Act was considered a civil wrong. The punishment under the new amended law included fine up to 2 lakh rupees and 3 year imprisonment or both.

10. The matter of Narcoz screening garnered significant attention from various IP enthusiasts. Some of the IP based media portals asked representatives from GLU, Kelji and the FPS, whether they could continue with their efforts to fight drug abuse among children by using movies such as Narcoz? They replied that Sager IP laws have enough space to allow such educational and socially beneficial activities despite new bans and amendments that were arbitrary and excessive and came as a result of pressure from Rangland authorities. In a press release on 1 August 2018, they also jointly declared the next screening of movie and enactment of plays in January 2019 and stated that the awareness drive will be taken to whole of the country for the benefit of youth.
11. Following all this, The Rolla Films have approached the Kelji High Court seeking appropriate remedies against the conduct of GLU, Kelji and FPS as per applicable laws. Further, it is claimed by The Rolla Films that new penalties would also be attracted as they preceded the press release.
