

\$~1

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM)No.505/2020, I.A.Nos.10626-27/2020 & 10630/2020**

M/S ALLEN CAREER INSTITUTEPlaintiff

Through : Ms. Archana Pathak Dave, Ms.
Ankita Chaudhary, Mr. Manish
Sharma, Mr. Kumar Prashant and Ms.
Vanya Gupta, Advs.

versus

TELEGRAM FZ-LLC & ORS.Defendants

Through : None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

% **18.11.2020**

[Court hearing convened *via* video-conferencing on account of COVID-19]

I.A.No.10627/2020

1. Allowed, subject to just exceptions.

I.A.No.10630/2020

2. For the reasons given in the application, the plaintiff is granted one week to deposit the deficit court-fee.

2.1 The application is, accordingly, disposed of.

CS(COMM)No.505/2020 & I.A.No.10626/2020

3. The case set up by the plaintiff is that it is in the business of imparting coaching to the students for entrance exams such as IIT-JEE and NEET as also the students who aspire to get admission into AIIMS.

3.1 It is claimed by the plaintiff that it conducts its business under the ALLEN logo which is a registered copyright belonging to the plaintiff. The

said logo set-forth hereafter: The logo for Allen Career Institute is displayed within a rectangular border. On the left side, there is a circular emblem containing a book and a lamp, with the tagline 'path to success' written below it. To the right of the emblem, the word 'ALLEN' is written in a large, bold, blue, sans-serif font. Below 'ALLEN', the words 'CAREER INSTITUTE' are written in a smaller, blue, sans-serif font.

3.2 It is asserted by the plaintiff that it has been running the aforesaid business of coaching students for the past 32 years.

3.3 According to the plaintiff, it is presently aggrieved by the fact that defendant nos. 2 to 5 have been uploading its copyrighted study material/lectures on defendant no. 1's platform.

3.4 The channels/accounts used by defendant nos. 2 to 5 are detailed out on pages 10 and 11 of the plaintiff's document folder.

3.5 Ms. Archana Pathak Dave, who appears on behalf of the plaintiff, has relied upon various documents to demonstrate the violation of the plaintiff's copyright which is embedded in the plaintiff's study material/lectures. In this behalf, my attention has been drawn, in particular, by Ms. Dave, *inter alia*, to pages 48, 50, 67 and 69.

4. I have heard Ms. Dave and perused the documents. I am of the view that, at least at this stage, the plaintiff has established a *prima facie* case.

4.1 The balance of convenience also appears to be in favour of the plaintiff given the fact that it has been in the business of coaching the students for the past 32 years.

4.2 In my view, if the interim relief is not granted, the plaintiff's legal rights and business interests would stand impacted.

5. Accordingly, issue summons in the suit and notice in the captioned application to the defendants *via* all means including e-mail.

5.1 In the meanwhile, defendant nos. 2 to 5, are restrained from uploading the study material/lectures in which the plaintiff has a copyright.

5.2 Besides this, defendant no. 1 is directed to take down/disable the Telegram channels/accounts which are set-forth hereafter:

Telegram Infringement Status as on 26-10-2020		
S.N	Name of Telegram Account	Status on 26-10-2020
1.	https://t.me/neetmaterials_easy_acc	ACTIVE
2.	https://t.me/neet_ug_study_material	ACTIVE
3.	https://t.me/Naveen_chaudhary	ACTIVE
4.	https://t.me/jeelecture	INACTIVE/PRIVATE
5.	https://t.me/kotalecturess	ACTIVE
6.	https://t.me/allenlecturesfree	ACTIVE
7.	https://t.me/only_studyfor_competition	ACTIVE
8.	https://t.me/allen_videos	MADE PRIVATE due to Copyright Notice
9.	ALLEN AND AAKASH MATERIAL™	PRIVATE CHANNEL (ACTIVE)
10.	YAKEEN BATCH PW	PRIVATE CHANNEL (ACTIVE)
11.	STUDY TIME CHANNEL (c)™	PRIVATE CHANNEL (ACTIVE)
12.	www.t.me/StudyTime Official	ACTIVE
13.	Studytime_doubt_bot	ACTIVE
14.	https://t.me/NeetJee_study_material	ACTIVE
15.	https://t.me/jeeandneet_2021	ACTIVE
16.	https://t.me/allenandaakash1	ACTIVE
17.	https://t.me/ACCELERATE_BATCH_PHYSICSWALLAH1	ACTIVE
18.	https://t.me/allenbpmsvideos	ACTIVE
19.	https://t.me/yakeenbatchphysicswalah	ACTIVE

20.	https://t.me/MeritHub	ACTIVE
21.	PREMIUM LECTURES	PRIVATE CHANNEL (ACTIVE)
22.	premium_doubt_bot	ACTIVE
23.	https://t.me/neetjeeprep11	ACTIVE
24.	https://t.me/neetpluschannel	ACTIVE
25.	https://t.me/neetuglibrary	ACTIVE
26.	Luckk17(Lucky Thakur-OWNER OF NEET UG CHANNELS)	PRIVATE USERNAME (ACTIVE)
27.	https://t.me/BookCornerBack	ACTIVE
28.	https://t.me/joinchat/AAAAAFTfaKK5MHYA07LakQ	PRIVATE CHAT (ACTIVE)
29.	https://t.me/joinchat/AAAAAFULM2n-hTa7LLyfNg	PRIVATE CHAT (ACTIVE)
30.	https://t.me/joinchat/AAAAAFBTDBKJsbkt7BT2NA	PRIVATE CHAT (ACTIVE)
31.	https://t.me/joinchat/AAAAAFkAZ16ogir8145hyw	PRIVATE CHAT (ACTIVE)

6. The plaintiff will comply with the provisions of Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 within five days from the date of receipt of a copy of the order.

7. It is noticed that there is a reference to defendant no. 6 in the captioned interlocutory application.

7.1 The memo of parties does not advert to defendant no. 6.

7.2 Ms. Dave says that an application will be moved to carry out the necessary amendment(s) in the application and, if necessary, in the plaint as well.

8. List the matter on 02.02.2021.

RAJIV SHAKDHER, J

NOVEMBER 18, 2020
CS(COMM)No.505/2020

Click here to check corrigendum, if any
page 4 of 4