



3#~\$

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

+ **CS(COMM) 410/2017**

DASSAULT SYSTEMES & ANR.Plaintiffs

Represented by: Mr. Pravin Anand, Mr.
Shantanu Sahay and Mr. Ravin
Galgotia, Advocates.

versus

MR. KAMALDEEP SINGH & ORS. Defendants

Represented by: None.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

% **13.07.2017**

I.A. No. 6886/2017 (Exemption)

Allowed, subject to all just exceptions.

I.A. No. 6887/2017(under Section 149 CPC r/w Section 151 CPC)

The court fee has already been affixed.

The application is disposed of as infructuous.

I.A. No. 6885/2017(under Order 11 Rule 1 (4) CPC)

Learned counsel in the plaintiffs submits that most of the documents have been filed however, if any document is left out to be filed the same will be filed within three weeks.

Application is disposed of permitting the plaintiffs to file further documents within three weeks.

CS(COMM) 410/2017

1. On the last date of hearing this Court had noted that learned counsel

CS(COMM) 410/2017

Page 1 of 3



for the plaintiffs to substantiate his submission seeks to place on record certain documents.

2. Learned counsel for the plaintiffs submits that no further documents to substantiate the claim in the suit for issuance of summons were required to be filed and he relies upon the International Copyright Order, 1999 by virtue of which a copyright in a work granted from a country named in Schedule –I Part-I would also be applicable to India. He draws the attention of this Court to Part-I Schedule-I wherein at Sr. No. 47 France is also mentioned.

3. Plaint be registered as a suit.

4. Issue summons in the suit to the defendants on the plaintiffs taking steps through ordinary and dasti process and all other modes including email returnable on 21st August, 2017 before learned Joint Registrar for completion of pleadings and admission/denial of documents.

I.A. No. 6884/2017 (under Order XXXIX Rule 1 and 2 CPC)

1. Learned counsel for the plaintiffs points out that there is an inbuilt security mechanism in the software programme ‘CATIA’ which if used unauthorisedly and even authorisedly, sends a message to the software owner that the software is being used and on the basis of this unique programme the plaintiffs are able to ascertain the infringement.

2. Plaintiffs have filed an infringement report showing that on 12 computer system the pirated/ unauthorised version of plaintiff No. 1’s software namely ‘CATIA’ is being repeatedly run.

3. In view of the averments in the plaint and the documents filed, the plaintiffs have made out a prima facie case in their favour and in case an ad-

CS(COMM) 410/2017

Page 2 of 3



interim injunction is not granted the plaintiffs will suffer an irreparable loss. The balance of convenience also lies in favour of the plaintiffs.

4. Consequently, till the next date of hearing, the defendants, their agents, franchisees, servants etc. are restrained from directly or indirectly copying, reproducing, storing, installing and/or using pirated/unlicensed software programme 'CATIA' of the plaintiffs.

5. Compliance under Order XXXIX Rule 3 CPC be made within one week.

6. List on 21st September, 2017 before Court.

7. Order dasti.

MUKTA GUPTA, J.

JULY 13, 2017
'vn'

CS(COMM) 410/2017

Page 3 of 3