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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM)No.572/2020 & I.A.Nos.12668-73/2020

ELSEVIER LTD. AND ORS

.....Plaintiffs

Through : Mr. Amit Sibal, Sr. Adv. with Mr. Saikrishna Rajagopal, Ms. Sneha Jain, Mr. Sidharth Chopra, Ms. Savni D. Endlaw, Mr. Sahil Sethi, Ms. Disha Sharma, Ms. Snehima Jauhari, Ms. Surabhi Pande, Mr. Ambar Bhushan and Mr. Saksham Dhingra, Advs.

versus

ALEXANDRA ELBAKYAN AND ORS.

....Defendants

Through : Mr. Nilesch Jain and Ms. Deeksha Dwivedi, Advs. For D-1.
Mr. K.R. Sasiprabhu and Mr. Tushar Bhardwaj, Advs. For D-8.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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24.12.2020

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

I.A. No.12669/2020

1. Allowed. The plaintiffs are permitted to file additional documents.

1.1 The additional documents will be filed within 30 days from today.

I.A.No.12670/2020

2. Allowed, subject to the plaintiffs curing the deficiencies referred to in the captioned application within two weeks from today.

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I.A.No.12673/2020

3. This is an application filed by the plaintiffs under Section 151 of the Code of Civil Procedure, 1908 [CPC] seeking exemption not only from filing original and certified copies of certain documents but also from filing legible copies of the dim annexures.

3.1 The application is allowed, subject to the plaintiffs filing legible copies of the dim annexures within two weeks from today.

3.2 Insofar as the filing of original and certified copies of the documents is concerned, the plaintiffs will place the same on record as and when they are directed to do so by this Court.

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4. Mr. Amit Sibal, learned senior counsel, who appears along with Mr. Saikrishna Rajagopal, Advocate, on behalf of the plaintiffs, says that the plaintiffs, who have copyright in several medical journals, articles, etcetera have been constrained to approach this Court on account of defendant no. 1/Alexandra Elbakyan and defendant no. 2/gen.lib.rus.ec infringing their copyright.

4.1 According to Mr. Sibal, the infringing activity has been on since 2011 in one form or the other.

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

6. Mr. Nilesh Jain accepts service on behalf of defendant no. 1/Alexandra Elbakyan while Mr. K.R. Sasiprabhu accepts service on behalf of defendant no. 8/Reliance Jio Infocomm Limited.



6.1 Mr. Jain says that he has been served with a swathe of documents along with the plaint and therefore, he would require a short accommodation for responding to the assertions made in the instant action.

6.2 However, given the stand taken by Mr. Sibal, Mr. Jain says no new articles or publications, in which the plaintiffs have copyright, will be uploaded or made available, by defendant no. 1/Alexandra Elbakyan, *via* the internet, till the next date of hearing.

6.3 The statement of Mr. Jain is taken on record.

7. List the matter on 06.01.2021.

8. In the meanwhile, defendant no. 1 will have the liberty to file a written statement and reply to the interlocutory application on or before 31.12.2020. Furthermore, Mr. Jain will also disclose, in the pleadings filed by him, the particulars of defendant no. 1/Alexandra Elbakyan i.e. her physical address.

9. Replication and rejoinder, if any, will be filed at least two days before the next date of hearing i.e. by 04.01.2021.

RAJIV SHAKDHER, J

DECEMBER 24, 2020

Click here to check corrigendum, if any

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