



Delhi HC recognises in-built piracy detection in software as primary evidence of infringement

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Delhi High Court for the first time recognises the technical infringement report generated through the in-built security mechanisms of Dassault's software as prima facie proof of infringement by the defendants. Dassault Systemes approached the Delhi High Court after learning of use of unlicensed (pirated) versions of its CATIA software – an industrial tool for 3D computer-aided design (CAD). Dassault's software included an in-built security mechanism which informed it if CATIA was used without authorisation. To pinpoint infringement, the security mechanism would inform the developer of which unique programme was being used illicitly. On the basis of information gathered by the security system, Dassault filed an infringement report showing that 12 computer systems were using pirated versions of the CATIA software before the high court. Relying on the same, the court held that a prima facie case in favour of grant of an ad interim injunction had been made out and the balance of convenience lay in favour of Dassault. The defendants were restrained from copying, reproducing, storing or installing pirated/unlicensed versions of the [software](#). The recognition of this technology evidence by the Delhi High Court marks a huge leap in software piracy jurisprudence as it reduces the need to rely on secondary evidence. Further, such sophisticated security mechanisms being recognized as a prima facie proof of infringement will strengthen the anti-piracy campaign of all software companies in the country and will act as a [deterrent](#) to future software infringers. *Dassault Systemes & Anr vs. Mr. Kamaldeep Singh & Ors; before the Delhi High Court; order dated 13.7.2017*

