Cable TV operator ordered to pay Rs.16 lakhs in compensation to T-Series

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Delhi High Court orders broadcaster to pay Rs.16 lakhs in damages for unauthorised broadcast of T-Series' copyrighted films and music. One of the largest music companies in India, Super Cassettes owns and licences a large repertoire of copyrighted works, including films and music, under the T-Series brand. It issues licenses to broadcasting organisations, television channels and cable TV operators to broadcast content from its repository. The defendant – a ground cable TV operator –had extensive reach throughout the Indian state of Haryana, with 15,000 subscribers. T-Series learnt that the defendant was broadcasting works from its catalogue without obtaining a license or paying royalties. Attempts to communicate with the defendant were met with silence and T-Series was compelled to approach the Delhi High Court, where it was granted an interim injunction. At the post service of summons hearing, the defendant again failed to enter appearance, leading the court to term the defendant's continued absence from proceedings an attempt "to frustrate the plaintiff's claim for damages". The court accepted DVD recordings of infringing broadcasts, cue-sheets containing details such as time of recording, films/albums belonging to T-Series and screenshots showing the T-Series logo, as conclusively proving the defendant's infringing acts and that the defendant was aware that the works belonged to T-Series. The court granted a permanent injunction restraining the defendant from using works from T-Series' repertoire without authorisation. In addition, the court assessed damages at Rs.16,20,000 (approximately US$25,000), and attorney and court fees. The court also discussed and clarified the aspects of punitive damages in view of the case of *Hindustan Unilever Limited Vs. Reckitt Benckiser India Limited* and further discussed conversion damages under S. 58 of the Copyright Act 1957. *Super Cassettes Industries Private Limited v HRCN Cable Network; before the Delhi High Court; order dated 9.10.2017*

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