



Bharat Law House vs. Wadhwa

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Supreme Court vacated Interim Application passed in favor of plaintiff and also allowed the IA in favor of defendants. This case is a hearing of interim application before Supreme Court while main suit was pending for trial.

Case Facts

Well-known authors Ratanlal and Dhirajlal wrote books on IPC, CrPC, Evidence Act, Torts, Law of Crimes and Bombay Criminal Cases. All these six books were assigned to the defendants by Mrs. Mary. Later, assignor and the defendants had a legal dispute which was finally settled by a compromise decree in court. As per decree, defendants were entitled to assignment of 4 books out of 6; they are IPC, Law of Torts, Evidence Act and CrPC. Later, Mrs. Mary assigned Law of Crimes to the plaintiff. Both these assignments transferred all copyrights, without any reservations, in those books.

Plaintiff filed an interim Application praying to impose a restriction on the defendants, their representatives, servants and dealers from publishing, printing, selling, enlarging and abridging of the textbook on IPC, under the pretext that the defendants were misrepresenting book on Law of Crimes, which was assigned to him, by publishing enlarged version of IPC as a commentary for advocates instead of a student edition. The trial Court passed an injunction in favor of the plaintiff.

Issues and Analysis

Issue 1: Does enlargement of a book on subject of law amount to infringement of copyright?

Holding

Enlargement of book on a subject of law by the assignees of a copyright will not amount to infringement by misrepresentation.

Analysis

As per the agreement of assignment between the defendants and Mrs. Mary the assigner had transferred all of the copyrights in said book. Defendant devolves from the agreement

all rights of printing, reprinting, publishing, selling and also abridging, reviewing and enlarging the book. A textbook on subject of law will not have a space in the market unless and until it is reviewed by including amended law and latest case laws. His lordship held that the defendant could review and also enlarge or abridge the book as per the assignment of rights from Mrs. Mary and that it is not infringement of copyright of plaintiff.

Issue 2: Is the injunction granted by the trial court maintainable?

Holding and Analysis

The injunction granted by the trial court is not maintainable because under settled law, to grant injunction, there must be three important requisites; right in prima facie, balance of convenience and irreparable loss. From the aforementioned discussion under Issue 1, it is clear that the plaintiff has no prima facie right in restraining the defendants from publishing the book and as there is no right, the vacation of injunction to plaintiff will not cause any imbalance to convenience of the parties. On the other hand, continuity of injunction in the future will cause irreparable loss to the defendants who invested a lot in publishing the said books.

Supreme Court vacated the injunction passed by the trial court in favor of the plaintiff and allowed the Interim Application filed by the defendants. It allowed them to publish and review the book on IPC in its enlarged version. The court also approved the price enhancement by the defendant by considering the charges of reproduction, such as, cost of papers, printing expenditure etc.