

\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 344/2023 & I.As. 11777/2023, 15925/2023,**
15926/2023

KARTIK SHARMA

..... Plaintiff

Through: Mr. Chandra Prakash, Advocate along
with Plaintiff in person.

versus

SULTAN CHAND AND SONS PVT. LTD. & ORS. Defendants

Through: Mr Mohit Chaudhary, Mr Kunal
Sachdeva and Ms Srishti Bajpai,
Advocates for D-1.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

%

23.08.2023

1. This hearing has been done through hybrid mode.
2. The present suit has been filed seeking a permanent injunction to restrain infringement of Plaintiffs copyright in original literary works. The Plaintiff- Mr. Kartik Sharma, is a well-known educationist, teacher, speaker, and trainer with expertise in Artificial Intelligence ('AI'). It is stated that he conducted thorough research and tailored a framework aligned with the CBSE curriculum to teach this subject to school students. It is averred that the Plaintiff authored the original literary work titled "*Essentials of Artificial Intelligence*" for classes VIII to XII.
3. In February, 2023, the Plaintiff came across the books titled "Essentials of Information Technology" for Classes IX and X, published by

Defendant No. 1, which, according to the Plaintiff, verbatim reproduce certain portions of the Plaintiffs Books for the said classes and brazenly violate Plaintiffs copyright. The authors of the said books have been arrayed as Defendants No. 7, 8 and 9- Preeti Arora, Sachin Gupta and Bhoomi Gupta respectively.

4. Vide order dated 3rd July 2023, this Court directed the Local Commissioner to file the report in the present suit. It was directed that both parties shall produce their respective books, which formed the basis of the order dated 25th May, 2023, and the application filed by the Defendants.

5. The Court has considered the matter. The books have been produced and it is seen that in two books i.e. “*Essentials of Information Technology*” by Defendant No. 7-Preeti Arora, and “*Essential of Artificial Intelligence*” by the Plaintiff-Kartik Sharma, the Chapter called ‘Communication Skills’ is almost word-to-word reproduced. The Plaintiff, present in Court, submits that 77 pages of his book have been reproduced verbatim in the impugned second book.

6. Before going further in this matter, it is deemed appropriate to direct the presence of the three authors of the impugned books against which the infringement is complained of, namely, Defendant No. 8-Mr. Sachin Gupta, Defendant No. 9-Ms. Bhumi Gupta and Defendant No. 7-Ms. Preeti Arora. Let all the three Defendant authors be present in Court on the next date of hearing.

7. The application ***I.A. 11777/2023*** under Order XXXI Rule 4 CPC shall be considered thereafter.

8. If any infringing copies of the Plaintiff’s book “*Essentials of Artificial Intelligence*” are found to be sold on any e-commerce platform, the Plaintiff

is free to approach such platforms to take down the said infringing books from the websites of such e-commerce platforms. Upon receiving such a notice from the Plaintiff, all e-commerce platforms who are intermediaries, shall comply, and take down the Plaintiff's book titled "*Essentials of Artificial Intelligence*" within 72 hours in compliance of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

9. The Plaintiff shall send a copy of the order dated 25th May, 2023, along with the notice that they send to the e-commerce platforms.

10. List on the date fixed i.e. 18th October, 2023.

PRATHIBA M. SINGH, J

AUGUST 23, 2023

Rahul/dn