

ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿ
(ದಂಡಪ್ರಕ್ರಿಯೆ ಸಂಹಿತೆ ಕಲಂ 154 ರ ಕೆಳಗೆ)

ಘನ ನ್ಯಾಯಾಲಯ : 9th Addl.CMM Court,Nrupatunga Road,Bangalore City

1. ಜಿಲ್ಲೆ : Bengaluru City ವೃತ್ತ/ಉಪ ವಿಭಾಗ : Yeshwanthapura Sub-Divi ಪೊಲೀಸ್ ಠಾಣೆ :
ಅಪರಾಧ ಸಂಖ್ಯೆ : 0362/2022 ಪ್ರ.ವ.ವ.ದಿನಾಂಕ : 04/11/2022 Yeshwanthapura PS

2. ಕಾಯ್ದೆ ಮತ್ತು ಕಲಂಗಳು : COPYRIGHT ACT, 1957 (U/s-63); INFORMATION TECHNOLOGY ACT 2008 (U/s-66); IPC 1860 (U/s-34,120B,403,465)

3. (a) ಕೃತ್ಯ ನಡೆದ ದಿನ : Tuesday ದಿನಾಂಕ ದಿಂದ : 11/10/2022 ದಿನಾಂಕ ವರೆಗೆ : 04/11/2022
ವೇಳೆಯಿಂದ : 00:00:00 ವೇಳೆಯವರೆಗೆ : 00:00:00
(b) ಠಾಣೆಯಲ್ಲಿ ವರ್ತಮಾನ ಸ್ವೀಕರಿಸಿದ ದಿನಾಂಕ : 04/11/2022 13:20:00 ಬರವಣಿಗೆಯಲ್ಲಿ / ಹೇಳಿಕೆ : Written

(c) ಪಿಯಾರದುದಾರ / ಬಾತ್ತೀದಾರ ತಡವಾಗಿ ವರದಿ ಮಾಡಿದಕ್ಕೆ ಕಾರಣಗಳು :

(d) ಜನರಲ್ ಡೈರಿ ಉಲ್ಲೇಖ ಸಂಖ್ಯೆ ಮತ್ತು ಸಮಯ : 2 , 13:20:00

4. (a) ಕೃತ್ಯ ನಡೆದ ಸ್ಥಳ :

MRT MUSIC, TTMC BMTc BUILDING, 4TH FLOOR, YESHWANTHPURA
CIRCLE, YESHWANTHPURA, Bengaluru City, Karnataka, 560022

(b) ಪೊಲೀಸ್ ಠಾಣೆ ಯಿಂದ ಇರುವ ದಿಕ್ಕು ಮತ್ತು ದೂರ : TOWARDS NORTH TO PS

(c) ಗ್ರಾಮ : B.H.COLONY ಗಸ್ತಿನ ಹೆಸರು : BEAT 1

(d) ಸ್ಥಳವು ಬೇರೆ ಪೊಲೀಸ್ ಠಾಣೆ ವ್ಯಾಪ್ತಿಗೆ ಬರುವಂತಹದ್ದು ಆದರೆ ಆ ಪೊಲೀಸ್ ಠಾಣೆಯ ಹೆಸರು :
ಜಿಲ್ಲೆ :

5. ಪಿಯಾರದುದಾರ/ಬಾತ್ತೀದಾರ :

(a) ಹೆಸರು : M NAVEEN KUMAR ತಂದೆ / ಗಂಡನ ಹೆಸರು : G. Manoharan Naidu

(b) ವಯಸ್ಸು : 40 (c) ವೃತ್ತಿ : Businessman

(d) ಧರ್ಮ : Hindu (e) ಜಾತಿ : KAMMA

(f) ಫ್ಯಾಕ್ಸ್ : (g) ಇ-ಮೇಲ್ : :

(h) ದೂರವಾಣಿ : 7760331001 (i) ರಾಷ್ಟ್ರೀಯತೆ : India

(j) ಪಾಸ್ ಪೋರ್ಟ್ ಸಂಖ್ಯೆ : ನೀಡಿದ ದಿನಾಂಕ :

(k) ವಿಳಾಸ : MRT MUSIC,
TTMC BMTC
BUILDING,4TH
FLOOR,
YESHWANTHPUR
A CIRCLE,
YESHWANTHPUR
A , Bengaluru City ,
Karnataka-560022

(l) ಲಿಂಗ : Male

(m) ಪಿರ್ಯಾದುದಾರ ಖುದಾಗಿ ನೋಡಿದ್ದರೆ ಅಥವಾ ಕೇಳಿಸಿಕೊಂಡಿದ್ದರೆ

6. ಗೊತ್ತಿರುವ / ಅನುಮಾನಿತ/ಅಪರಿಚಿತ ವ್ಯಕ್ತಿಯ ಪೂರ್ತಿ ವಿವರಗಳು

Sl.No.	ಹೆಸರು / ತಂದೆಯ ಹೆಸರು / ಜಾತಿ / ವಿಳಾಸ	ವಿಧ	ವ್ಯಕ್ತಿಯ ವಿಧ	ಲಿಂಗ	ವಯಸ್ಸು	ವೃತ್ತಿ
1	Jairam Ramesh(A1) ,General Secretary I/C Communication, Publicity, Me,# C-19, Lodhi GardenNew delhi, Delhi	Accused	Politician	Male		
2	Supriya Shrinath(A2) ,Chairperson of Social Media and Digital Platforms ,#24, Akbar Road, New DelhiNew delhi, Delhi-110011	Accused	Politician	Female		
3	Rahul Gandhi(A3) ,Member of Steering Committee, Indian National Cong,#12, TughlakLane,New DelhiNew delhi, Delhi-110011	Accused	Politician	Male		

7. ನೋಂದವರ ವಿವರಗಳು

Sl. No	ಹೆಸರು	ವಿಳಾಸ	ಗಾಯದ ವಿಧ	ಲಿಂಗ	ವಯಸ್ಸು	ವೃತ್ತಿ
1	M NAVEEN KUMAR	MRT MUSIC, TTMC BMTc BUILDING, 4TH FLOOR, YESHWANTHPURA CIRCLE, YESHWANTHPURA Bengaluru City Karnataka		Male	40 years	Businessman

8. ಕಳುವಾಗಿರುವ / ಬಾಗಿರಾಗಿರುವ ಸ್ವತ್ತುಗಳ ವಿವರಗಳು

Sl.No	Property Type	Item description	Estimated Value (in Rs.)
1			

ಕಳುವಾಗಿರುವ / ಬಾಗಿರಾಗಿರುವ ಸ್ವತ್ತುಗಳು ಮೌಲ್ಯ :

9. ಪಂಚನಾಮ ವರದಿ / ಯು.ಡಿ. ಕೇಸ್. ಸಂಖ್ಯೆ :

10. ಪ್ರಥಮ ವರ್ತಮಾನ ವರದಿಯ ವಿವರಗಳು

The Brief Fact of the case is that M/s. MRT Music, are a Partnership Firm duly registered under the provisions of Indian Partnership Act (hereinafter referred to as "the Complainant"). Represented by , Mr. Naveen Kumar M, son of G. Manoharan Naidu, aged about 40 years, am the Partner and Authorised Signatory of the Complainant in the present proceeding has stated as follows

That the Complainant is one of the most popular, well reputed and respected regional music companies in India and operates its business under the trademark "MRT MUSIC", " ". The Complainant is in the business of producing and/or acquiring cinematograph films, songs music albums, music videos etc. and other such content in various languages including but not limited to Kannada, Telugu, Tamil and so on. The repertoire of the Complainant consists of more than 20,000 songs and music videos over which we own and/or control all rights including but not limited to Copyrights. Few of the blockbuster films and sound recordings include popular cinematographic films like KGF – Chapter 2 in various languages including Hindi.

The Complainant also has statutory right to absolutely enjoy its copyrighted content by granting a license in these rights to various entities such as Film Producers, Television and Radio Broadcasters, Internet Websites and Mobile Applications and OTT Providers, etc. in return for a license fee and/or royalty.

- i. Indian National Congress, represented by All India Congress Committee, represented by its General Secretary I/C Communication, Publicity, Media including Social & Digital Media Mr. Jairam Ramesh, having his address at # C-19, Lodhi Garden, New Delhi, Tel: (011) 24638111, 24635888, Mobile – 9868181302, 9899123783, 9013181222. (hereinafter referred to as "Accused no. 1")
- ii. Smt. Supriya Shrinat, Chairperson of Social Media and Digital Platforms of Indian National Congress having her address at #24, Akbar Road, New Delhi 110 011, INDIA (hereinafter referred to as "Accused no. 2")
- iii. Mr. Rahul Gandhi, S/o Late Rajiv Gandhi, Member of Steering Committee, Indian National Congress, having his address at #12, Tughlak Lane, New Delhi - 110011 Tel : (011) 23795161 Fax : (011) 23012410 email address – office@rahulgandhi.in; (hereinafter referred to as "Accused no. 3");

The Complainant states that as per its knowledge all the Accused named above are the active members of a political party called Indian National Congress. The said political party namely Indian National Congress had formed a special committee called as "Steering Committee" to take action regarding the functioning of the political party that is Indian National Congress. The Accused no. 1 to 3 along with various other members of the Steering Committee who was appointed to spear head the entire political rally and with an intention to fortify the propaganda, announced all India political rally called "Bharath Jodo Yatra" in its meeting in the year 2022. The said yatra/ march which they have taken up all across the country is for reaping political benefits by influencing the masses at large through various methods and acts by playing sound recordings close to their tastes, sentiments, feelings, likes, inclinations.

Taking account of the fact that the propagation through social media platforms is a proven effective tool to connect with and influence the masses, the Accused persons and their party have been doing everything possible to get close to the masses. Indian National Congress has its own official handles (web pages, social media accounts) on various popular platforms operated by major companies like Twitter, Google (Youtube), Meta (Facebook, Instagram), Telegram and so on. The Steering Committee has a

dedicated social media handling page regarding the Bharat Jodo Yatra and the following handling pages have been created:

- i. <https://twitter.com/INCIndia>;
- ii. <https://www.youtube.com/c/BharatJodoYatra/featured>;
- iii. <https://www.instagram.com/bharatjodo/>;
- iv. <https://t.me/bharatjodoyatra>;
- v. <https://www.facebook.com/BharatJodo/> and so on.

Under the leadership and guidance of Accused no. 1, the Indian National Congress has its own Social and Media Committee to operate and maintain the aforementioned social media handles. Accused no. 2 is the Chairperson of Social Media and Digital Platforms of Indian National Congress.

Recently, it came to the knowledge of the Complainant that the Accused no. 1 in one of his recent post in "<https://twitter.com/INCIndia>" posted two videos of his rally. The said videos were made for the purpose of mass circulation on the social media platform. The said videos were made using the popular sound recordings owned and held by the Complainant. The said sound recordings are that of the cinematographic film "KGF Chapter 2"(Hindi version) which is popular globally.

On perusal of the said videos it is clear that all the Accused have fraudulently, blatantly and slavishly with an intention of making wrongful gains have unauthorizedly and illegally used the sound recording owned and held by the Complainant. The said videos are posted on the official social media handles and the links are as follows:

- a. 'Falak Tu Garaj Tu' from the movie 'KGF Chapter 2(Hindi)' has been used in the entire video found at https://twitter.com/INCIndia/status/1579838167217188865?s=20&t=TBuelJ_7NrK40kNu4ZzCsA.
- b. 'Sulthan' from the movie KGF Chapter 2 (Hindi)' has been used in the entire video found at https://twitter.com/INCIndia/status/1581604321996611586?t=8dkdS4cPfpvpWf4_mxw9hg&s=08

It is submitted that the Accused No. 3 has been spearheading and organizing the political rally namely "Bharath Jodo Yatra". The entire yatra has been the brainchild of the Accused No. 3 who has conceptualized this idea of propagating himself for securing his status and candidature. In order to gain effective momentum on social media platforms, the Accused No. 3 has resorted to getting videos created showcasing his heroism and to portray to the general public at large that he is a mass leader. For this reason, the Accused No. 3 has portrayed himself in the infringing video particularly considering the fact that the movie and more particularly the songs and the audio visual clippings of the two songs in the movie KGF Chapter 2 (Hindi) has gained a mass appeal and acceptance.

It is submitted that the Accused no. 2 herein who is in charge of social media handles of Accused no. 1 has illegally and unlawfully synchronized the sound recordings and audio video content of the film KGF Chapter 2 which is owned and held by the Complainant. Further, the Accused no. 3 having participated consciously along with accused no.1 and 2 with these unlawful actions has been seen in the infringing video(s) showcasing himself and canvassing his candidature to his benefit. Further the Accused no. 1 to 3 have infringed sound recording and video clipping by showing that it is owned by them and by removing the logo of the Complainant that is, " " and replacing it with the logo " " thereby causing confusion and defrauding the public at large. These videos are made by synchronizing the sound recordings and audio

visual content of the film KGF Chapter 2 which is owned and held by the Complainant.

The Accused no. 1 to 3 after unauthorized and illegal synchronizing of the said sound recordings and audio-visual content have placed the logo “ ” in the said video thereby claiming that they are the owners of the said video including the sound recording therein.

The aforementioned unlawful actions of Accused no. 1 to 3 amounts to an offence under section 63 of the Copyrights Act. It is also a serious offence amounting to making a false electronic record with an intention to project the same as genuine and thereby cheating the public at large. The said copy right material belonging to the complainant was not intended to be used for the purposes which the accused have utilized and thereby it also amounts to dishonest misappropriation of movable property of the complainant. The said copy right protected material belonging to the complainant, which the accused and their persons have stolen and misused, could not have been derived from legal or official source and it has been gained also through illegality and thereafter they have tampered with, distorted and used the same, which is a clearly case of an offence under provisions of Information Technology Act too.

It is submitted that by such unauthorized uploading and downloading and distribution by the Accused, has made the Complainant to suffer huge losses. In fact, the very nature of the illegal activities of the Accused no. 1 to 3 has further diluted the valuable Intellectual Property Rights held and enjoyed by the Complainant. The infringing video is uploaded, hosted and allowed to be downloaded by the public in the aforementioned social media handles. As per the knowledge of the Complainant the following are examples of the infringing video being uploaded in the following links:

c. https://twitter.com/INCIndia/status/1579838167217188865?s=20&t=TBueIJ_7NrK40kNu4ZzCsA.and

d. https://twitter.com/INCIndia/status/1581604321996611586?t=8dkdS4cPfpvpWf4_mxw9hg&s=08

The aforementioned links have to be brought down in accordance with law. It is further submitted that the unauthorised distribution of its copyrighted work by all the Accused no. 1 to 3 and the unauthorised use thereof is prejudicial to the exclusive statutory rights to the Complainant as the owner of the copyrights.

It is further submitted that apart from having infringed the aforementioned copyrights, all the Accused no. 1 to 3 have blatantly and slavishly used the mark “ ” thereby claiming ownership of the video including the sound recording and audio visual content, have committed an act of creating false electronic document and distributing the same as a genuine video. Such unauthorised use of our copyrights as well as falsification of the electronic documents not only amounts to infringement of exclusive Intellectual Property Rights but further indicates that the Accused are in some manner associated with the business of the Complainant. Each of the copyrighted content of the Complainant has been illegally stored, hosted, downloaded, sideloaded and uploaded thereby creating infringing copies of the sound recording and audio visual content as per the Copyright Act, 1957 and the same is liable to be handed over and/or destroyed.

Accordingly, having no other option available, the Complainant is hereby filing the present Complaint and requests you to take appropriate action in accordance with law against the accused persons.

11. (a) ತೆಗೆದುಕೊಂಡ ಕ್ರಮ:

Investigation

(b) ಪ್ರ.ವ.ವರದಿಯನ್ನು ಪಿಯಾರದಿಯವರಿಗೆ ಅವರದೇ ಭಾಷೆಯಲ್ಲಿ ವಿವರಿಸಿ, ಓದಿ ಹೇಳಲಾಗಿದೆ
ಅದರ ಪ್ರತಿಯನ್ನು ಪುಕಟ್ಟಿಯಾಗಿ ಕೊಡಲಾಗಿದೆ? : Yes

(c) ಪೊಲೀಸ್ ಅಧಿಕಾರಿಯು ತನಿಖೆಗೆ ಸ್ಥಳಕ್ಕೆ ಧಾವಿಸದಿದ್ದಲ್ಲಿ ಅಥವಾ ತನಿಖೆ ಮಾಡಲು ನಿರಾಕರಿಸಿದಲ್ಲಿ ಕಲಂ
157 ಸಿ.ಆರ್.ಪಿ.ಸಿ ಯ ಕಲಂ (ಎ)ಅಥವಾ (ಬಿ)ಯಡಿ ಕಾರಣವನ್ನು ದಾಖಲಿಸಬೇಕು.
proceed to the spot for investigation

12. ಪಿಯಾರದಿಯ ಸಹಿ/ ಹೆಬ್ಬರೆಳಿನ ಗುರುತು



13. ನ್ಯಾಯಾಲಯಕ್ಕೆ ಕಳುಹಿಸಿದ ದಿನಾಂಕ ಮತ್ತು ಸಮಯ : 04/11/2022 13:50:00

14. ನ್ಯಾಯಾಲಯಕ್ಕೆ ತೆಗೆದುಕೊಂಡು ಹೋದ ಪಿಸಿ/ ಹೆಚ್.ಸಿ : UMESH YAMANAPPA LOKAPUR , PC 17230

ಓದಿ ಹೇಳಲಾಗಿ ಕೇಳಲಾಗಿ ಸರಿಯಿದೆ

ತಾಣಾಧಿಕಾರಿಯ ಸಹಿ



Police Sub Inspector
ಹೆಸರು: Raju C - PSI
Yeswanthpura Police Station,
Bangalore City.

ಪ್ರತಿಗಳು : Superintendent of Police/Commissioner of Police

