Subject Name: Copyright Act
Topic Name: Civil Remedies

Table of Content:-

Injunction..... 1
Damages..... 2
Account of Profits..... 2
Conversion..... 2
Discovery and Inspection..... 2

Injunction

Injunction stands as the primary remedy against copyright infringement, offering swift protection. High Courts in India frequently grant interlocutory injunctions, including:

Interlocutory Injunction: Temporary relief during litigation.

Mandatory Injunction: Orders to perform specific acts.

Permanent Injunction: Long-term prohibition against infringement.

John Doe Orders: Courts issue these injunctions against unnamed defendants, commonly to prevent hosting pirated content, ensuring website and ISP compliance. Bombay High Court has established strict guidelines to balance rights of copyright holders, internet users, and third-party providers.

Anton Pillar Order: Prevents defendants from dealing in infringing goods, authorises premises search for seizure.

Mareva Injunctions: Temporarily freezes defendant's assets, thwarting disposal to evade judgement.

Norwich Pharmacal Orders: Enforce cooperation from third parties involved in unlawful activities, aiding the plaintiff in identifying wrongdoers.

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Damages

Two types of damages available:

For Infringement: Compensatory damages under section 55.

For Conversion: Compensation for wrongful possession or disposal under section 58.

Both remedies can be claimed cumulatively, but damages are rarely awarded by Indian Courts.

Account of Profits

Defendants must account for profits made from copyright infringement, but plaintiffs can't claim both damages and account of profits.

Conversion

Infringing copies and related materials are deemed property of the copyright owner. Recovery includes unsold copies and compensation for sold ones, barring defendant's proof of innocence or reasonable belief.



Discovery and Inspection

Discovery and Inspection: Governed by Order 11 of the Code of Civil Procedure, applicable to copyright cases.

Disclosure of Defendants' Customers: Courts may order disclosure of customer details.

Discovery of Wrongdoers' Names: Courts can compel disclosure of wrongdoers' identities.