



**IPAB** Intellectual Property Appellate Board  
International IP Protection

Guna Complex Annexe-I, 2nd Floor, 443 Anna Salai, Teynampet, Chennai-600 018.  
Tele: 24328902/03 Fax: 24328905 email id: ipab.tn@nic.in Website: <http://www.ipab.gov.in>

**MONDAY, THIS THE 14<sup>th</sup> DAY OF SEPTEMBER, 2020**

IPAB CASE NO

DIARY NO.802/2019/CR/MUM

RAM CHANDRA MAURYA,  
Resident of Village –Mehiyapar,  
P.O.Sarain, District-Azamgarh,  
Pin 223 221.

Petitioner

(Counsel for the Petitioner : Shri Ram Chandra Maurya,  
Party in person appeared)

**Versus**

1. UNION OF INDIA

2. Chairman/Registrar Copyrights of Commerce & Industry,  
Department of Policy & Promotion,  
G -30, Super Market,  
August Kranti Bhawan,  
Bhikaji Cama Place , New Delhi-110 066.

(Counsel appeared : None)

3. Kirloskar Oil Engine Ltd.  
Address-Ground floor, “D”Block, Pruthvi  
Towers, Near Jodhpur Char Rasta,  
Ahmedabad  
Gujrat(India)380015-Phone 0726928689.

(Counsel appeared : None)

4. Field Marshal Oil Engines, Gujarat Forgings  
Pvt.Ltd.,  
Address:Aji Industrial Area, Rajkot 360003  
Gujrat(India).  
[Tel:91-281-2387750,2387752](tel:91-281-2387750,2387752)

(Counsel appeared: None)

5. M/s.Bajaj Auito Ltd,  
Address:-Akuradi, Pune 411035, India  
Tel.:-+91(020)-27472851,27476151.

(Counsel appeared : Ms.Isha Gandhi & Mr. Bikash Ghorai  
For Respondents 5 & 10)

6. Royal Enfield (Factory)  
Address-No.A-19/1, Sipcot  
Industrial Growth Centre Wallajahbad Road,  
Oragam, Kanchipuram 603 109

(Counsel appeared: None)

7. India Yamaha Motor Pvt. Ltd.,  
Address –Plot No. Sriperumbudur,  
Kanchipuram -602105,Sipcot Industiral,  
ParkVellam Vadangal Village(India)

(Counsel appeared: None)

8. Hero Moto Corp.Ltd,  
Address 34, Community Centre,  
Basant Lok, Vasant Vihar,  
New Delhi 110 057(India)

(Counsel appeared: Mr. Gaurav Miglani )

9 .TVS Motor company,  
Address-Post Box No.4, Harita,  
Hosur, Tamilnadu 635109(India)

(Counsel appeared : None)

10.Mahindra & Mahindra Limited,  
Address-Mahindra Towers,  
G.M. Bhosale Marg, Mumbai 400 018(India)

(Counsel appeared: Ms.Isha Gandhi & Mr. Bikash Ghorai  
For Respondent 5 & 10)

### **CORAM**

<b>HON'BLE SHRI JUSTICE MANMOHAN SINGH</b>	<b>: CHAIRMAN</b>
<b>HON'BLE SHRI N.SURYA SENTHIL</b>	<b>: TECHNICAL MEMBER (CR)</b>
<b>HON'BLE SHRI SP.CHOCKALINGAM</b>	<b>: TECHNICAL MEMBER (CR)</b>

### **ORDER**

**MR. N. SURYA SENTHIL, TECHNICAL MEMBER:**

1. The present complaint has been filed under Section-6 of the Indian Copyright Act, 1957 by Shri Ram Chandra Maurya, resident of Village Mehiyapar, P.O. Sarain, District. Azamgarh – Pin.223221 against the above mentioned 8 companies (Respondents 3 to Respondents 10).
2. Mr. Ram Chandra Maurya, the complainant was present as 'party in person' at the virtual hearing. He has also made submissions over the telephone within the virtual hearing that was heard by the Board members and counsels present. .
3. Mr.Gaurav Miglani appeared on behalf of Respondent 8. Ms.Isha Gandhi and Mr.Bikash Ghorai appeared on behalf of Respondents 5 & 10 respectively.
4. The case of the complainant is that he is in possession of a valid Copyright for a literary work titled, "Motions of 4<sup>th</sup>& 5<sup>th</sup> law and Motions of 6<sup>th</sup> Law" issued by Copyright Office, Government of India on 17.01.2018, under Licence No.L-65555/2017.

5. The Complainant further claimed that as per his literary work titled, Motion's of Fourth law "if the wind comes from all side to a point then it starts moving upwards and moving towards the top" and that of Motion's of Fifth law is "If a body is rotated in the opposite direction or if anybody moves in the opposite direction then the object (air, dust, water) coming in contact with it starts rising upwards" and that the Motion's of Sixth law is "If any object (body) is moved in clockwise, it attracts outer air, dust particle etc, in inside". He further submitted in the complaint that the above mentioned respondent companies are manufacturing engines based on his copy-righted literary work.
6. The Complainant further stated in his complaint that the act of manufacturing engines by above mentioned companies constitutes a criminal act, which is punishable under the Copyright Act.
7. The complainant further states in his complaint that he has also given legal notice to the above mentioned companies to stop manufacturing of engines using he Motions of 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> Law. The complainant further states till date neither the above mentioned companies have stopped manufacturing engines using 4<sup>th</sup>, 5<sup>th</sup> & 6<sup>th</sup> Laws of motion nor have given any reply to the said legal notices. The complainant further states under these circumstances, the complainant has filed this complaint under section 6 of the Copyright Act 1957, before Intellectual Property Appellate Board.
8. Mr.Gaurav Miglani appearing on behalf of Respondent 8 has argued that the complaint is not maintainable and is frivolous in nature. Ms Isha Gandhi & Mr.Bikash Ghorai appearing on behalf of Respondents 5 and 10 also have submitted that the complaint under section 6 of Copyright Act is not maintainable before Intellectual Property Appellate Board.
9. The Complainant on enquiry about his background and nature of business, stated that he is not doing any business and not in any way involved in any kind of activities relating to Engine or pumps manufacturing, research & development or design.
10. We have gone through the materials placed before us and carefully considered the arguments presented before us, and framed the main issue, which is whether the complaint is maintainable under Section 6 of the Copyright Act 1957 as per relief claimed at paragraph 10 of the complaint.
11. To determine the maintainability of this Complaint it is pertinent to go through relevant sections of the Copyright Act:  
**"Section 2 (o) – "literary work" includes computer programmes, tables and compilations including computer [databases];"**  
  
**"Section 2 (m) (i) 'infringing copy' means,- (i) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematographic film;"**

**“Section 6- Certain disputes to be decided by Appellate Board,-**If any question arises,-

a)Whether a work has been published or as to the date on which a work was published for the purposes of Chapter V, or

(b)Whether the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act, it shall be referred to the Appellate Board constituted under section 11 whose decision thereon shall be final:

Provided that if in the opinion of the Appellate Board, the issue of copies or communication to the public referred to in section 3 was of an insignificant nature, it shall not be deemed to be publication for the purpose of that section] ”

**“ Section 13- Works in which copyright subsists: (1)** Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,-

- (a)Original literary, dramatic, musical and artistic works;
- (b) Cinematograph films; and
- (c)Sound recording”

**“ Section 14.Meaning of copyright.:** (1) For the purposes of this Act, ‘copyright’ means the exclusive right, subject to the provisions of this Act, to do or authorize the doing of any of the following acts in respect of a work or any substantial part thereof , namely:-

- (a) in the case of a literary, dramatic or musical work, not being a computer programme, -
  - (i) to reproduce the work in any material form including the storing of it in any medium by electronic means;
  - (ii) to issue copies of the work to the public not being copies already in circulation;
  - (iii) to perform the work in public, or communicate it to the public;
  - (iv) to make any cinematograph film or sound recording in respect of the work;
  - (v) to make any translation of the work;
  - (vi) to make any adaptation of the work;
  - (vii) to do, in relation to a translation or an adaptation of the work, any of the acts specified in relation to the work in sub-clauses (i) to (vi);”

12. Reading of Section 6 gives a clear ambit of jurisdictional power vested with IPAB to entertain complain under this section limited to decide only with respect to following two aspects;

i) to decide whether a work has been published and if so what is the term of the copyright with respect to that work in India and ii) what will be the term of a work in India, if it published in any other country having shorter term. So any complaint received under Section 6 of the Copyright Act can only be decided with respect to these two aspects.

13. However, the complainant has made this complaint to the Intellectual Property Appellate Board to deal with the infringement of his Copyright of his literary work titled “Motion’s of Fourth, Motion’s of Fifth law and the Motion’s of Sixth law .

14. It is pertinent here to mention some of the relevant Section of the Copyright Act under Copyright Act: 1957 relevant for any infringement actions:

**Chapter XI** of the Copyright Act 1957 deals with the infringement of Copyright

**Chapter XII** deals with Civil remedies available to a Copyright owner giving the jurisdiction to the competent District Court and

**Chapter XIII** deals with Criminal law remedies available to a Copyright owner, giving the powers to take cognizance of Copyright related offenses to Jurisdictional Metropolitan Magistrate or Judicial Magistrate First Class”

15. It is relevant to consider that on enquiry on phone, the petitioner has admitted that he is not carrying on any business. Thus he is not an aggrieved party and hence no competitor of any respondents. It is also admitted by him that PIL Petition cannot be entertained by IPAB. It appears from the petition, that he seeks general restrain orders against the companies. We queried the petitioner as to how this petition is maintainable. The petitioner is not able to give any valid explanation in this regard.
16. On the basis of the above discussion, it is very clear that the complaint made under Section 6 of the Copyright Act 1957, asking for a direction against the respondent companies to stop the manufacturing of engines, by using complainant’s copy righted literary work L-65555/2017, is beyond the scope and power envisaged under the Act and is not maintainable. Therefore, the complaint is dismissed. No costs.

Sd/-

Sd/-

Sd/-

Hon’ble Shri SP. Chockalingam  
Technical Member (Copyright)

Hon’ble Shri Surya Senthil  
Technical Member (Copyright)

Hon’ble Shri Justice Manmohan Singh  
Chairman

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