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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 651/2026 & I.A. 15855/2026**

ZEE ENTERTAINMENT ENTERPRISES LIMITEDPlaintiff
Through: Mr. Harsh Kaushik, Ms. Anushree Rauta, Mr. Shwetank Tripathi, Ms. Devangini Rai, Mr. Akshat Agarwal, Mr. Sachin Akhoury and Mr. Raj Karn, Advocates.

versus

ZIVORE APPAREL PRIVATE LIMITEDDefendant
Through: Mr. Abhishek Malhotra, Senior Advocate with Mr. Gaurav Miglani, Ms. Mansi Sharma, Ms. Anukriti Trivedi and Mr. Kartikay Dutta, Advocates.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
29.05.2026

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I.A. 15856/2026 (Additional Documents)

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (hereinafter referred to as 'CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 (hereinafter referred to as 'CC Act') seeking leave to place on record additional documents.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application stands disposed of.

I.A. 15858/2026 (Pre-Litigation Mediation)

4. This is an application filed by the plaintiff seeking exemption from

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instituting pre-litigation Mediation under Section 12A of the CC Act.

5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution Mediation is granted.

6. The application stands disposed of.

I.A. 15857/2026 (Exemption from filing proper margin of docs.)

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing proper margin of documents along with the captioned suit.

8. Exemption allowed, subject to just exceptions. However, documents with proper margins be filed within four weeks with an advance copy to the defendant.

9. The application stands disposed of.

I.A. 15859/2026 (place on record pen drive containing screen recordings)

10. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking permission to place on record pen drive containing sound recordings along with the captioned suit.

11. The pen drive containing sound recordings be filed within four weeks with an advance copy to the defendant.

12. The application stands disposed of.

I.A. 15859/2026 (u/o XXXIX Rules 1 and 2)

13. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendant.

14. Issue notice.

15. Notice is accepted by Mr. Gaurav Miglani, learned counsel for the defendant.



16. Mr. Kaushik, learned counsel appearing for the plaintiff states that prior to filing of the suit, during the correspondence which was exchanged between the parties, the defendant has taken down three of the four offending video reels. He states that so far as the remaining video reel is concerned, the same is continuing to be displayed on the Instagram platform of the defendant.

17. Mr. Malhotra, learned senior counsel appearing for the defendant confirms that the three out of four reels have already been taken down. On instructions, he states that the fourth one has also been taken down from the account of the defendant, however, it can be viewed by the third party if the complete URL is put into the browser. He states that to that extent, the defendant may not be able to control the outcome and a direction may be passed to Meta Inc. directly for taking down the said URL.

18. Mr. Kaushik has taken this Court to page 502 of the plaintiff's documents, which is the Music Guidelines that a party has to be aware of and abide by, while opening an account on Instagram. He states that the music available with Instagram Music library, which pertains to the repertoire of plaintiff, can be utilized by various account holders of the Instagram subject to the conditions specified in such Music Guidelines of the Instagram. He states that apart from that, the Instagram account also permits business accounts and entities to utilize its Music Library for their brand promotion etc.

19. He states that the covenants covered therein only provide extra privileges other than what was provided in the page 502, however, according to him, the fundamental rules or guidelines have to be abided by the party while opening an account on Instagram, which are clearly specified in page 502.

20. This Court has perused the terms and conditions specified in page nos.502 and 504 which are extracted hereunder:

Page 502

"Music Guidelines



*These supplemental terms apply if you post, share or promote any videos or other content containing music on any **Meta Products**.*

You are responsible for the content you post or promote

People use our Products to share content with their fans, family and friends. Bear in mind that you remain solely responsible for the content that you post or promote, including any music that is featured in that content. Nothing in these terms constitutes any authorisation by us with respect to any use of music on any of our Products.

Use of music for commercial or non-personal purposes in particular is prohibited unless you have obtained appropriate licences. Eligibility for, and participation in, Music Revenue Sharing does not by itself make a video commercial.

You may not use content on our Products to create a music listening experience

We want your fans, family and friends to be able to enjoy your content. However, if you use videos or other content on our Products to create a music listening experience for yourself or for others, your content may be blocked and your page, profile or group may be deleted. This includes live videos.

Unauthorised content may be removed

If you post content that contains music owned by someone else, your content may be reviewed by the applicable rights owner and your content may be blocked, muted or removed if your use of that music is not properly authorised.

You may not be able to post or access content containing music in every country of the world

We want you to be able to share content with your fans, family and friends wherever they are, but any music in your content, if it is allowed at all, may not be available in all countries of the world.

The following guidelines can help you plan for your content:

- The greater the density of music in content, the more likely it may be limited (e.g. blocked, muted or ineligible for **Music Revenue Share**)*
- Shorter clips of music are recommended*
- There should always be a visual component to your content; recorded audio should not be the primary purpose of the content*
- For additional information, please see **Updates and Guidelines for Including Music in Video***



You may be able to dispute the action taken on your content

If you believe you have the rights to use the music content that was restricted, or that an action was taken in error, you may be able to dispute that action via the notification you received. Depending on the nature of restriction, our tools may enable you to contact the applicable rights holder directly; the content may be automatically restored; or your dispute may be reviewed by a member of Meta's operations teams to confirm these policies were appropriately applied.

Effective date: 26 March 2024 | See previous version”

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“Musical expression is encouraged across Meta technologies.

Our agreements with rights holders

Meta is obligated to uphold our agreements with the rights holders of the music that's available in our licensed music library. These agreements are designed to protect artists, songwriters, and their works.

The music available in our library is intended for personal, non-commercial use.

Restricted access to the music library

To make sure that the music in our licensed library is not used for commercial purposes, certain business accounts and certain types of posts do not have access to the library. Licensed music may also not be available in certain countries or regions.

*If your account does not have access to the licensed music library, then you may be able to use **Meta's Sound Collection**.*

About Meta's Sound Collection

*Sound Collection provides access to over 14,000 songs and sounds which are entirely royalty free and safe to use in Reels and Instagram Stories. The content in Sound Collection can be used for commercial purposes like ads. You can find this music library by swiping up and selecting 🎵 **Music sticker** in Stories, or by tapping 🎵 **Audio** in the Reels camera.”*

21. It would also be relevant to consider the privileges which are granted to business account holders of Instagram, and are also extracted hereunder:



“About professional accounts on Instagram

Professional accounts on Instagram can either be set to Business or Creator.

*Business accounts are best for retailers, local businesses, brands, organizations and service providers. **Creator accounts** are best for public figures, content producers, artists and influencers. Setting up a professional business or creator account gives you access to features to help you grow your account, monetize, create ads, understand your growth, and manage your messages.*

*It's recommended to connect your business Facebook Page with Instagram to get the most out of Instagram's business tools. **Learn more about connecting a Facebook Page to your Instagram professional account.***

*You can **switch back to a personal account**, or change your professional account type anytime. Changing your personal profile to a professional account will limit your ability to take certain actions on Instagram:*

- *Professional accounts can't be set to private. All pending follow requests will be automatically accepted when you go public. Learn more about **the differences between public and private accounts on Instagram.***
- *If you've linked a Facebook page to your professional account on Instagram, you'll only be able to share your Instagram posts to Facebook through that page. You won't be able to share to another Facebook page or to a Facebook profile.*

When you set up a professional account on Instagram, you'll have access to these features:

- **Professional dashboard:** *Track your performance, access and discover professional tools, and explore educational information curated by Instagram.*
- **Monetization and ads:** *When you set up a professional account on Instagram, you can run ads from your Instagram professional account and use Meta tools to create ads that appear on both Instagram and Facebook.*
- **Contact information:** *You can add a Contact button to your professional account that will appear near the top of the profile. You'll be able to include directions, a phone number and an email address. Your*



contact information is displayed and you can edit this at any time. When you turn this feature on, your information can be seen by anyone who taps Contact.

• **Category label:** *Professional accounts show a category directly below the profile image. This category is the same as the category of your linked Facebook page. You can choose to display or hide your category label on your public profile after setup.*

• **Insights:** *Insights provide information on who your followers are, when they're online and more. View insights for specific posts you've created to see how each performed and how people are engaging with them. Understand what content helps grow your audience by mapping new and existing posts to net follower changes. **Learn more about Instagram***

Manage followers: *Protect your account from unwanted followers by reviewing potential spam follower requests and removing suspected spam and bot accounts from your followers”*

22. Having perused the aforesaid guidelines/conditions of permitting the entities or individuals to obtain their business accounts or private accounts in Instagram, it appears, *prima facie*, that the music available in the library of Instagram, can be accessed and utilized by individuals or entities strictly within the terms specified in the page 502 of the plaintiff’s documents *i.e.*, it cannot be used for any commercial purpose.

23. It is not the case of the defendant that they are the owner of the musical recordings in the repertoire of the plaintiff or that they are authorized by the plaintiff. The only ground which appears to be conveyed to the Court is that it is permissible for the defendant to utilize the music available in the library of Instagram on the anvil of the conditions holding the field between the Instagram and the account holders. Mr. Malhotra, also relies on the policy guidelines at page no.504 of the plaintiff’s documents to support his contentions. He further contends that in the absence of Meta being impleaded as a party, the suit may be hit by doctrine of misjoinder of parties.

24. This Court is not persuaded by the said contention particularly after having considered the guidelines as specified at page 502 and which are



reproduced hereinabove.

25. At this stage, Mr. Malhotra, learned senior counsel appearing for the defendant, on instructions, states that the defendant is ready and willing to sit across with the plaintiff to work out a commercial arrangement between the parties. He also states, under instructions, that in the interregnum, while the parties are negotiating *inter se* commercial arrangements, the defendant shall not use any of the music belonging to the repertoire of the plaintiff available in the Instagram's Music Library, till the present application is finally decided.

26. The defendant shall remain bound by the aforesaid statement and abide by it till further orders.

27. Learned counsel for the parties state that the interim commercial arrangements can be worked out through Mediation and seek reference to Mediation.

28. In view of the aforesaid statement, the parties are referred to Mediation.

29. Parties shall appear before the Delhi High Court Mediation and Conciliation Centre on 05.06.2026 at 04:30 p.m., alongwith the counsel, if required.

30. Learned Organizing Secretary is requested to nominate a fairly Senior Mediator, well-versed with the subject matter of the suit.

31. Reply be filed within four weeks. Rejoinder thereto, if any, be filed within four weeks thereafter.

32. List before the Joint Registrar (Judicial) for service and completion of pleadings on 27.08.2026.

33. List on 07.09.2026, awaiting the outcome of Mediation.

TUSHAR RAO GEDELA, J

MAY 29, 2026/yrj