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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010201562025

+ **C.O.(COMM.IPD-CR) 21/2025 & I.A. 9511/2025**

**VIPUL MUSIC COMPANY PROPRIETORSHIP FIRM OF MS.
SANTOSH GOSWAMI**Petitioner

Through: Mr. Kapil Midha, Mr. Rahul Dubey
and Ms. Shagun Garg, Advocates.

versus

REGISTRAR OF COPYRIGHT & ANR.Respondents

Through: Ms. Manisha Agrawal Narain, CGSC
with Mr. Nipun Jain and Ms. Aditi Singh,
Advocates for R-1.

Mr. Sagar Chandra, Mr. Rajesh Sharma and Mr.
Shivendra Pratap Singh, Advocates for R-2.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

ORDER
08.09.2026

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1. This rectification petition is filed on behalf of the Petitioner under Section 50 of The Copyright Act, 1957 ('1957 Act') for a direction to Respondent No. 1/Registrar of Copyright to expunge the impugned sound recording titled '*Radhey Radhey Barsane Wali Radhey*', under Registration No. SR-15094/2020, dated 11.11.2020.

2. Case of the Petitioner as set out in the petition is that late Sh. Vipul Krishna Goswami, erstwhile proprietor of Petitioner company, had profound knowledge of music, singing, sound recordings etc., created more than 100



music titles (spiritual compositions). He formed a proprietorship firm, namely, Vipul Music Company, which was registered on 02.06.2004. Petitioner filed trademark application bearing No. 1291375 for the trademark Vipul Music Co. (device) in Class 09 claiming use from May, 2004, which was registered on 28.09.2025.

3. It is stated that Petitioner created the sound recording '*Radha Naam Sang Brij 84 Kosh Yatra*' between 2006-2007, bearing the entire cost of production. The Bhajan (works) was advertised and published in 2007 and on 14.07.2008, Petitioner filed application for registration of copyright of the sound recording '*Radha Naam Sang Brij 84 Kosh Yatra*'. On 05.08.2008, CBFC certified the Bhajan and on 22.08.2008, Copyright Office granted registration. For exploiting the copyrighted work, Petitioner entered into agreements with Phonographic Performance Ltd., dated 14.10.2009 and 01.12.2013 as also other agreements with other parties for various copyrighted work, including the said Bhajan.

4. Learned counsel for the Petitioner submits that being the owner of the copyrighted work in '*Radha Naam Sang Brij 84 Kosh Yatra*', Petitioner has diligently protected its rights and has been taking action against third parties infringing the same, between 2009 and 2010. In July, 2010, Petitioner created a YouTube channel under the name and style '*Vipul Music Company*', promoting the Bhajan and has more than 57 million subscribers. In December, 2011, public notice was issued informing the public at large of the ownership of the Petitioner in the said work. Despite the fact that Petitioner is the owner of and has copyright in the sound recording, it came across the impugned sound recording on YouTube channel and wrote to the channel vide email dated 29.04.2019 to remove the infringing content, only



to receive a response from YouTube that Respondent No. 2 had filed counter notification against the said Bhajan *inter alia* alleging that the copyright was owned by the said Respondent. Extensive correspondence with Respondent No. 2 did not aid the Petitioner and the impugned sound recording continued, compelling the Petitioner to send another email on 28.08.2020 to YouTube to remove the infringing content, but there was no response. Petitioner filed suit for permanent injunction against Respondent No. 2 herein before the learned Trial Court, Tis Hazari Courts, being CS(COMM) No. 1357/2020, which is pending.

5. Mr. Kapil Midha, learned counsel for the Petitioner submits that *albeit* Petitioner has assailed the registration of the infringing sound recording on multiple grounds, at this stage, it will suffice if the matter is remanded for reconsideration since no notice under Rule 16(3) of the Copyright Rules, 1958 ('1958 Rules'), the then applicable Rules, which is *pari materia* to Rule 70(9) of the Copyright Rules, 2013 ('2013 Rules') was issued to the Petitioner prior to the registration. Respondent No. 2 was very much aware that Petitioner was the copyright owner in the sound recording and the underlying works, including lyrics and music composition and yet it sought registration in flagrant violation of the provision mandating prior notice. It is urged that it is a statutory mandate of law that person applying for registration shall give notice of his application to every person, who claims or has interest in the subject matter of the copyright or disputes the rights of the applicant and reliance is placed on the decisions of the Coordinate Benches of this Court in ***M/s New Bharat Overseas v. M/s Bhagwati Lacto Vegetarian Exports Pvt Ltd and Ors., dated 08.09.2025, C.O.(COMM.IPD-CR) 843/2022, Anil Kumar Gera Trading As Alka Food Industries v. Mr.***



Ramesh Chander Trading As Anil Food Industries, dated 02.05.2024, C.O.(COMM.IPD-CR) 750/2022 and Saurabh Rawlley v. Pawan Garg & Ors., dated 13.03.2026, C.O.(COMM.IPD-CR) 5/2025, where impugned copyright registrations have been set aside on ground of lack of notice under Rule 70(9) of 2013 Rules.

6. Learned counsel for Respondent No. 2, on instructions, fairly and candidly does not dispute that no notice was issued to the Petitioner under the then Rule 16(3) of 1958 Rules and therefore, without prejudice to the rights and contentions of Respondent No. 2 as also recording its rebuttal to the averments in the present petition, the matter be remanded back to Respondent No. 1 for fresh consideration of the original application filed by Respondent No. 2.

7. In light of the undisputed fact that prior to the impugned registration of the sound recording in favour of Respondent No. 2, notice was not issued to the Petitioner under Rule 16(3) of 1958 Rules, which is *pari materia* to Rule 70(9) of 2013 Rules, this petition is partially allowed setting aside the impugned Registration bearing No. SR-15094/2020, dated 11.11.2020. Additionally, following directions are issued:-

- (i) Impugned copyright Registration bearing No. SR-15094/2020 dated 11.11.2020 in favour of Respondent No. 2 is revoked/cancelled.
- (i) Original application filed by Respondent No. 2 seeking registration of the copyright in the sound recording in question will be treated as revived.
- (ii) Petitioner will file opposition/objections within a period of six weeks from today before the Registrar of Copyrights. In case



the objections are not filed within the time granted, learned Registrar will proceed to decide the application of Respondent No. 2 on merits.

- (iii) It will be open to Respondent No. 2 to file response to the objections filed by the Petitioner, within two weeks thereafter.
- (iv) Registrar of Copyrights shall adjudicate the application filed by Respondent No. 2 in accordance with law and take a decision within eight weeks from the date of filing of response by Respondent No. 2.

8. It is made clear that this Court has not expressed any opinion on the merits of the case and all rights and contentions of the parties are left open.

9. Petition is disposed of along with the pending application.

JYOTI SINGH, J

SEPTEMBER 8, 2026/AK