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C.S No.602 of 2007

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on	**23.07.2025**
Judgment Pronounced on	**03.09.2025**

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S No.602 of 2007

Tractors and Farm Equipment Limited
No.35, Nungambakkam High Road,
Chennai-600 034
rep. by its Dy. General Manager (Legal-Services),
Mr.T.Narayanan ... Plaintiff

vs.

Standard Corporation India Limited
Tractor Division,
Standard Chowk,
Barnala-148101
State of Punjab
(Amended as per order of Court
dated 05.01.2017 in A.No.61 of 2017) ... Defendant

PRAYER: Amended Plaint filed under Order IV Rule 1 of Original Side Rules and Order VII Rule 1 CPC read with Sections 51, 55 and 62 of the Copyrights Act, 1957 praying that this Court may be pleased to grant a decree and judgment on the following terms:

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(a) A permanent injunction restraining the defendants, their men, agents, successors-in-business, assigns, representatives or any person claiming through or under them from in any manner infringing the plaintiff's copyright in the artistic work in the drawings for its tractors by substantially reproducing the said artistic works either in 2-dimension or in 3-dimension by manufacturing, selling, offering for sale or dealing with STANDARD 348 tractors, parts and fittings or in whatever name called or in any other manner whatsoever;

(b) A permanent injunction restraining the defendants, their men, agents, successors-in-business, assigns, representatives or any person claiming through or under them from in any manner passing off or enabling others to pass off their STANDARD 348 tractors, parts and fittings, which are identical or deceptively similar to the plaintiff's MF 245 DI tractors or in any other manner whatsoever;

(c) the defendants be ordered to pay to the Plaintiff a sum of Rs. 10,05,000/- by way of damages;

(d) a Preliminary Decree be passed in favour of the Plaintiff directing the Defendants to render a true and faithful account of all profits earned by them, using Plaintiff's drawings and a final decree be passed in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendants after the latter have rendered accounts;

(e) the Defendants be directed to surrender to the Plaintiff for

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destruction, catalogues, drawings, any print material etc. with any reference whatsoever to the plaintiff or its MF 245 DI and the products manufactured thereon; and

(f) for costs.

For Plaintiff : Mr.N.Surya Senthil,
Shubham M.George
for M/s.Surana and Surana

For Defendant : Mr.U.Karunakaran

JUDGMENT

By this suit, the plaintiff seeks remedies in respect of alleged infringement of the plaintiff's copyright in the artistic work/drawings for its tractor model MF 245 DI and parts thereof, including by way of damages, and in respect of alleged passing off.

Pleadings, issues and evidence

2. In the plaint, it is stated that the plaintiff was incorporated in the year 1961 to manufacture and market tractors and other farm equipment in India. The plaintiff states that it was authorized by AGCO Corporation, USA to use the trade marks of Massey Ferguson,

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including the device mark, as also its designs for tractors and parts thereof. According to the plaintiff, it has been manufacturing models such as MF 245 DI and MF 1035 DI since the early 1980s and that these models are very popular. The plaintiff asserts that it owns the copyright to drawings for the tractor parts of the above mentioned tractor models. After listing essential parts/components in paragraph 7 of the plaint, the plaintiff asserts that its employees created the drawings, in course of employment, with exact specifications and dimensions for the tractors and the parts thereof. The plaintiff says that the three dimensional tractors and tractor components are made from the two dimensional drawings and that the plaintiff is entitled to prevent others from depicting the drawings in two or three dimensions.

3. After setting out details of the number of tractors sold and the sales turnover, the plaintiff further states that the defendant's tractor model Standard 348 is identical to the plaintiff's MF 245 DI

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tractor. The plaintiff asserts and alleges that the defendant had copied the plaintiff's drawings for the tractor parts and components or has resorted to reverse engineering and has produced the three dimensional parts/components by that process. Therefore, it is contended that the defendant has infringed the plaintiff's copyright in the drawings and, consequently, the plaintiff is entitled to the relief prayed for in the suit. On the same basis, allegations of passing off are also made in the plaint.

4. In the written statement, the defendant contends that the suit is liable to be dismissed on account of Section 15(1) &(2) of the Copyright Act, 1957 (the Copyright Act). This contention is raised by stating that the copyright in any design, which is capable of being registered under the Designs Act, 2000 (the Designs Act) but was not so registered, shall cease as soon as the article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright.

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5. The defendant further states that a tractor has more than 5000 parts, including the parts listed in paragraph 8 of the written statement. According to the defendant, these parts are commonly available in the market and that each manufacturer uses the same kind of parts. By referring to the statement in paragraph 4 of the plaint that the plaintiff's tractor is designed on the basis of drawings provided by Massey Ferguson, the defendant states that the drawings are not original and that the plaintiff cannot claim a copyright in the drawings. The defendant further says that its tractors bearing the model Standard 348 are sold in Bangladesh and other countries, but not in India. Therefore, it is stated that the plaintiff has no cause of action against the defendant before this Court. The defendant further states that it sources different parts from different suppliers and that it cannot be restrained from purchasing parts from the said third party suppliers. The defendant expressly denies that it has copied the dimensions of the plaintiff's tractor parts or indulged in passing off.

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6. Based on the pleadings, the following issues were framed on 24.10.2016:

"1. In view of section 16, whether product passing off can be claimed under copyright Act, 1957?

2. Whether the relief of product passing off as sought for by the plaintiff in para 24(b) of the plaint is maintainable in this suit which has been filed only under section 51, 55 and 62 of the copyright act, 1957, and not for passing off under section 27 of the Trademarks Act, 1999?

3. Whether the defendant has proved that its Standard 348 tractor is not a slavish imitation of the plaintiff's MF 245 DI Tractor?

4. Whether the defendant has infringed the plaintiff's copyright in the artistic work in the drawings for its tractors by substantially reproducing the artistic work either in 2-dimension or in 3-dimension in its Standard 348 tractor, parts and fittings?

5. Whether the defendant is passing off its Standard 348 tractors, parts and fittings as and

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for the plaintiff's MF 245 DI Tractors, parts and fittings?

6. Whether the plaintiff is entitled for damages of a sum of Rs. 10,05,000/- as prayed for?

7. Whether the plaintiff is entitled for rendition of true and faithful accounts of all the profits earned by the defendant using the plaintiff's drawings and amounts of profits?

8. Whether the plaintiff is entitled for a decree to surrender to the plaintiff for destruction catalogues, drawings, any print material etc. with any reference whatsoever to the plaintiff or its MF 245 DI and the products manufactured thereon?

9. Whether the relief of permanent injunction claiming copyright infringement by the defendant is statutorily based under section 15(2) of the Copyright Act, 1957?

10. Copyright being a statutory right and not a common law right, whether the relief of copyright passing off, not provided for under the Copyright Act, 1957, and being contrary to section 16 of the Copyright Act, 1957, is

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maintainable?

11. Whether functional aspects of any machinery or device can be protected under copyright law?

12. Whether the parts of and the plaintiff's tractor models MF245DI and MF1035DI are in public domain?

13. Whether drawings of tractor parts having industrial application and commercial exploitation would be covered under the Copyright Act, after coming into force of the new Designs Act, 2000?

14. Whether the plaintiff is entitled for costs of the proceedings?

15. To what other reliefs the plaintiff is entitled to?"

7. Thereafter, the plaintiff adduced evidence by examining R.Muralikrishnan, Senior Vice President (Production and Marketing), as PW1. In course of the examination-in-chief of PW1, 79 documents were exhibited as Exs.P1 to P79. PW1 was cross-examined by learned counsel for the defendant. The plaintiff also

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examined Mr.K.Mohan Kumar, AGM - Product Management Group, as PW2. During the examination-in-chief of PW2, 3 documents were exhibited as Exs.P80 to P82. PW2 was cross-examined by the learned counsel for the defendant. The defendant adduced evidence by examining Mr.Herjinder Singh Dhiman, Senior Engineer (R&D), as DW1. DW1 was cross-examined by learned counsel for the plaintiff and in course of cross-examination, the plaintiff exhibited Ex.P83. The defendant also examined Mr.Sandeep Singh Kalsi, Head of the Department (R&D), as DW2. DW2 was also cross-examined by learned counsel for the plaintiff. During such cross-examination, two documents were exhibited as Exs.P84 & P85.

Counsel and their contentions

8. Oral arguments on behalf of the plaintiff were advanced by Mr. Surya Senthil, learned counsel, assisted by Shubham M. George, learned counsel. Mr.U.Karunakaran, learned counsel, advanced arguments on behalf of the defendant. Both parties filed written

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submissions and the plaintiff filed additional written submissions.

9. At the outset, learned counsel for the plaintiff submitted that he is not pressing the remedies relating to passing off. Consequently, he submitted that he would not be advancing arguments on issues relating thereto, and that such issues need not be adjudicated. With this preamble, learned counsel first dealt with the contention that the suit is barred under Section 15 of the Copyright Act. Learned counsel submitted that the industrial drawings of the plaintiff qualify as artistic works under Section 2(c) of the Copyright Act. Consequently, as per Section 14(1)(c) thereof, he contended that the owner of the copyright has the exclusive right to reproduce the work in any material form, including by depiction in three dimensions of a two dimensional work. Since these drawings were the foundation for the manufacture of tractor parts/components, which are functional, learned counsel contended that they do not fall within the definition of design under Section 2(d) of the Designs Act. After pointing out

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that Section 15(2) only applies to copyright in a design, which is capable of being registered under the Designs Act, he contended that the said provision is inapplicable to the drawings of the plaintiff.

10. In support of the proposition that the industrial drawings of the plaintiff are incapable of being registered as designs under the Designs Act, he relied on the judgment of the Bombay High Court in *Mody Pumps Inc. & others v. Sovereign Pumping Solutions Pvt. Ltd. & others, 2022 (91) PTC 142 (Bom),* particularly paragraphs 35 and 38 thereof. He also relied upon the judgement of the Delhi High Court in *Microfibres Inc. v. Girdhar & Co. and another, 2009 SCC OnLine Del 1647*. By relying on the judgment of the Bombay High Court in *Indiana Gratings Private Limited and Others v. Anand Udyog Fabricators Private Limited and others, 2009 (39) PTC 609 (Bom),* especially paragraphs 20 and 21 thereof, he contended that the plaintiff is entitled to seek protection for the industrial drawings of the tractor parts under the Copyright Act.

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11. As regards the contention that this Court does not have jurisdiction, learned counsel submitted that the infringing parts / components and even the tractor is made in India. Therefore, he submitted that this Court has jurisdiction. Learned counsel next dealt with the contention regarding non-joinder of AGCO Corporation, Parkway Duluth, Georgia, USA. By referring to Exs.P59 to P79, i.e. the engineering drawings, learned counsel contended that it is evident from the documents that the engineering drawings were prepared by employees of the plaintiff in course of employment. Therefore, he submitted that AGCO Corporation is not a necessary party.

12. In order to establish that the plaintiff's copyright in the drawings were infringed, learned counsel referred to the cross-examination of DW1. With specific reference to questions 38 to 43 and 46 to 51 and the answers thereto, he contended that DW1

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admitted that a two dimensional drawing is necessary to make a three dimensional product and that tractor parts include essential parts like gear box, carburettor, clutch assembly, brake assembly, etc. By focussing closely on questions 49 to 51 and the answers thereto, he submitted that the witness stated that he was not aware about whether any drawing or licence agreement was produced by the defendant with regard to the manufacture of essential parts of the tractor model Standard 348. By referring to the photographs showing the plaintiff's and the defendant's front views-front axle (Ex.P48), learned counsel submitted that there is striking similarity.

13. By referring to the cross examination of PW2, particularly questions and answers 41 to 43 and 48 to 49, learned counsel submitted that PW2 stated that he had compared the dimensions of the essential parts of the plaintiff's tractor with the dimensions of the essential parts of the defendant's tractor, and that the dimensions match. As regards the standards prescribed by the Bureau of Indian

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Standards, learned counsel submitted that these standards are provided in the form of ranges. Within such range, he submitted that each tractor manufacturer chooses specific dimensions and measurements. In fact, he submits that the trade practice is to pick distinctive dimensions and measurements so as to ensure that only parts manufactured by the manufacturer are purchased in the secondary market. According to learned counsel, a mere perusal of the photographs showing the similarities in essential parts (Exs.P2 to P59) would reveal that the defendant's tractor parts/components were made by copying the plaintiff's drawings, including by reverse engineering.

14. In response to these contentions, Mr.Karunakaran, learned counsel for the defendant, submitted that issue nos. 1 to 5 and 10 relate to passing off, and that all remedies relating thereto were given up by the plaintiff. As regards the allegation of copyright infringement, he submitted that insufficient details were provided in

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the plaint with regard to authorship of specific drawings. Out of the 21 components listed in the plaint at paragraph 7, learned counsel submitted that 10 components are required to be made as per prescribed standards. By referring to such standards, learned counsel submitted that a limited range is provided in respect of each component and that it is open to each manufacturer to opt for any dimension, without fetter, within that range. On visual comparison of the photographs of specific tractor parts of the plaintiff and the corresponding tractor parts of the defendant, learned counsel submitted that there are differences.

15. By referring to the cross-examination of PW1, particularly the questions and answers at pages 106 to 120 of the convenience volume of pleadings, learned counsel submitted that the plaintiff admitted that the drawings were obtained from Massey Ferguson. With reference to the questions relating to Exs.P39 to P79, learned counsel submitted that PW1 stated that Massey Ferguson drawings

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were used, but such drawings were updated. By further referring to the cross-examination of PW1 on 12.06.2019, learned counsel submitted that PW1 admitted that Exs.P59 to P79 constituted confidential data, which are not freely available to employees/ distributors. He also pointed out that PW1 categorically admitted that Exs.P59 to P79 were not given to the Bangladesh distributor of the plaintiff.

16. By also referring to questions 8 to 10 of the cross-examination of PW2, learned counsel submitted that PW2 admitted that he mainly inspected the dimensional parameters of each part. In this connection, learned counsel also referred to questions 43 to 48 and the answers thereto. On the basis of the above evidence, learned counsel contended that it cannot be concluded that the defendant produced the tractor parts/components by copying the plaintiff's engineering drawings. Therefore, he concluded his submissions by stating that the suit is liable to be dismissed.

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17. By way of rejoinder, learned counsel for the plaintiff referred to extracts from *Nimmer on Copyright, 2010, LexisNexis, pages 2-107 to 2-126.1* and *Copinger and Skone James on Copyright, 15th Edition, 2005 pages 410 to 420,* to contend that the copying of an artistic work could be direct or indirect, including by copying an object made from the artistic work. In support of this proposition, he placed on record the judgments of the Privy Council in *Canon Kabushiki Kaisha v. Green Cartridge Co. (Hong Kong Ltd.), 3 WLR 13 (Canon)* and the judgment of the House of Lords in *British Leyland Motor Corp & others v. Armstrong Patents Company Ltd. & others, MANU/UKHL/0017/1986 (British Leyland)*. With regard to the standards prescribed by the Bureau of Indian Standards, he submitted that the sizes of components such as gears are not prescribed therein.

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Discussion, analysis and conclusion

18. Out of the 15 issues framed by this Court, issue nos.1, 2, 5 and 10 relate to passing off. Since learned counsel for the plaintiff has given up the relief claimed at paragraph 24(b) of the plaint relating to passing off, it has become unnecessary to adjudicate these issues. Although no issue was framed on jurisdiction, it appears from the written statement that lack of jurisdiction was pleaded. In course of arguments also, lack of jurisdiction was canvassed. Therefore, I deal with the same first.

19. In A.No.4815 of 2007, the plaintiff applied for and obtained leave to sue. It does not appear from the record that the defendant applied to revoke leave. As regards infringement and other rights under the Copyright Act, by virtue of Section 62(2) thereof, the suit may be instituted at the place where *inter alia* the plaintiff carries on business at the time of institution of the suit. The plaintiff carried on business within the jurisdiction of this Court at the time of institution

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of the suit and continues to do so. As noticed above, all the remedies that are being pursued by the plaintiff pertain to copyright infringement. On the basis of these reasons, I conclude that this Court has jurisdiction. Issue nos.9 and 13 relate to the defence under Section 15 of the Copyright Act. These issues are considered next.

Issue Nos. 9 and 13

20. Section 15 of the Copyright Act reads as under:

> *"**15. Special provision regarding copyright in designs registered or capable of being registered under the [*] [Designs Act, 2000].** - (1) Copyright shall not subsist **under this Act in any design** which is registered under the [***] [Designs Act, 2000 (16 of 2000)].*
>
> *(2) Copyright **in any design**, which is capable of being registered under the [***] [Designs Act, 2000 (16 of 2000)], but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an*

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industrial process by the owner of the copyright or, with his licence, by any other person."

(emphasis added)

After considering relevant precedents, including the judgment of the Supreme Court in *Cryogas Equipment Private Limited v. Inox India Limited and Others, 2025 INSC 483,* in *A.Rudramurthy and another v. Mr.Moorthy and another, 2025 MHC 1338*, at paragraphs 10 to 14, I held as follows:

> *"10. On perusal of sub-section (1) of Section 15, it is clear that copyright shall not subsist under the Copyright Act in any design which is registered under the Designs Act. The phrases "under this Act" and "in any design", which have been emphasized in bold font above are of special significance in construing the meaning of this provision. The object appears to be to restrict the copyright in registered designs to the term provided in the Designs Act and to prevent assertion of copyright under both statutes.*
>
> *11. Sub-section (2) of Section 15 applies to a design which is capable of being registered under*

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the Designs Act, but is not so registered. As regards such designs, sub-section (2) provides that the copyright shall cease to exist as soon as the article to which the design has been applied has been reproduced more than 50 times by an industrial process by the owner of the copyright or a licensee. Once again, the phrase "in any design" finds place therein. Interestingly, the phrase "under this Act" is not found in sub-section (2) probably because copyright does not subsist in an unregistered design under the Designs Act, thereby ruling out the option of asserting copyright under both statutes. The problem of the author of a work, which is also a design, commercially exploiting the design but not applying for registration under the Designs Act and, consequently, circumventing sub-section (1) of Section 15 still had to be resolved. If sub-section (2) were not in the statute, in that context, it would have been possible for the author to commercially exploit the design while asserting copyright and the remedies available under the Copyright Act for the much longer duration

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specified in the Copyright Act. With a view to prevent that form of abuse, sub-section (2) provides for a commercial exploitation threshold of 50. Effectively, both sub-sections (1) and (2) only apply to copyright in designs, which are either registered or capable of being registered under the Designs Act. Therefore, the definition of design warrants close consideration.

12. Section 2(d) of the Designs Act defines design as under:

"(d) "design" means only the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article whether in two dimensional or three dimensional or in both forms, by any industrial process or means, whether manual, mechanical or chemical, separate or combined, which in the finished article appeal to and are judged solely by the eye; but does not include any mode or principle of construction or anything which is in substance a mere mechanical device, and does not include any trade mark as defined in clause (v) of sub-section 1 of section 2 of the Trade and Merchandise Marks Act, 1958

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(43 of 1958) or property mark as defined in section 479 of the Indian Penal Code (45 of 1860) or any artistic work as defined in clause(c) of section 2 of the Copyright Act, 1957(14 of 1957);"

From the above definition, the following is discernible:

(i) design registration may be obtained only in respect of the features of shape, configuration, pattern, ornament or composition of lines or colours applied to any article;

(ii) such application is required to be by any industrial process or means, whether manual, mechanical, chemical, separate or combined; and

(iii) the above mentioned features in the finished article should appeal to and be judged solely by the eye.

13. Even if one or more of the features specified above were to be applied to an article and all the above requirements were to be satisfied, the definition proceeds to exclude from its ambit the following:

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(i) any mode or principle of construction or anything which is in substance a mere mechanical device;

(ii) a trade mark as defined in clause (v) of subsection (1) of Section 2 of the Trade Marks Act, 1999;

(iii) a property mark as defined in Section 479 of IPC; and

(iv) an artistic work as defined in clause (c) of Section 2 of the Copyright Act.

14. Since an artistic work is expressly excluded from the definition of design under the Designs Act, it is pertinent to examine the definition of artistic work under the Copyright Act to verify if it similarly excludes a design, as defined in the Designs Act. Section 2(c) of the Copyright Act defines an artistic work as under:

"(c) artistic work" means,-

(i) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality;

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(ii) a work of architecture; and

(iii)any other work of artistic craftsmanship;"

It is noticeable that the expression applies to the following: (i) painting, (ii) sculpture, (iii) drawing, (iv) engraving and (v) photograph. In each case, it applies whether or not any such work possesses artistic quality. It also applies to works of architecture and any work of artistic craftsmanship. Significantly, unlike Section 2(d) of the Designs Act, which excludes an artistic work from the scope of design, the above definition of artistic work does not expressly exclude a design."

21. As is evident from the above, design registration may be obtained only in respect of the features of shape, configuration, pattern and the like, which are applied to an article by an industrial process and which appeals to and should be judged solely by the eye. The assertion of copyright in this case is in relation to industrial

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drawings exhibited as Exs.P59 to P79. These drawings would fall within the scope of Section 2(c) of the Copyright Act. But they would clearly not fall within the scope of Section 2(d) of the Designs Act because the assertion of copyright is in respect of industrial drawings and not in respect of features (such as shape, configuration or pattern) applied to an article by an industrial process. In fact, no article is involved until the corresponding components are made from such drawings. Besides, the drawings enable the production of functional components and no claim has been made in respect of non-functional features that are judged solely by the eye. Therefore, the contention that the remedies are barred under Section 15(2) of the Copyright Act is rejected. These two issues are disposed of on these terms.

Issue Nos.3, 4, 6-8, 11, 12, 14 & 15:

22. Issue Nos. 3, 4, 11 and 12 relate to alleged copyright infringement and matters pertinent thereto such as whether the

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functional parts of components or devices can be protected under copyright law and whether the parts of plaintiff's tractor models, MF245DI and MF1035DI, are in the public domain. Issue nos. 6-8 and 14-15 pertain to remedies and are, consequently, dependent on the determination of the earlier set of issues. Therefore these issues are dealt with and disposed of jointly. Out of the above issues, Issue No.4 relates to whether the defendant has infringed the plaintiff's copyright in the artistic work in the drawings of its tractors by substantially reproducing the artistic work either in two or three dimensions in the Standard 348 tractor parts. This issue is at the core of this dispute and central to the determination thereof. Before proceeding further, it should be noticed that the relief of permanent injunction claimed in paragraph 24(a) of the plaint is couched in such wide terms that, if granted, it would prevent the defendant from selling the Standard 348 tractor. When it was pointed out to learned counsel for the plaintiff that such relief may only be considered in a suit for infringement of a product patent in a tractor and not

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otherwise, he submitted that the remedy may be confined to protecting the gear box/transmission parts.

23. In order to prove copyright infringement, the plaintiff exhibited photographs showing the similarities between the tractors of the plaintiff and the defendant or between particular parts of such tractors. Such photographs were exhibited as Exs.P2 to P58. The plaintiff's drawings for particular parts were filed as Exs.P59 to P79. By taking this documentary evidence into consideration, the first question that falls for determination is whether the plaintiff has established that it is the owner of the copyright in these drawings.

24. Learned counsel for the defendant contended that copyright cannot be asserted in drawings unless the drawings are original. By referring to the plaint, it was submitted that the plaintiff admitted that the original drawings were provided by AGCO Corporation. Learned counsel also referred to the cross-examination of PW1 to

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submit that the witness admitted that the original drawings were provided by AGCO Corporation. Reference may be made to the following questions and answers in course of the cross-examination of PW1 on 11.04.2019:

> *"Q: In your proof affidavit, you have stated that MF 245 DI and MF 1035 DI have been manufactured since 1980 continuously. They have been designed from the drawings which were obtained from MASSEY FERGUSON. Is it correct?*
>
> *A: These tractors are manufactured by the plaintiff with the MASSEY FERGUSON drawings, which have been continuously improvised and updated, based on the needs.*
>
> *Q: In Ex.P59 to Ex.P79 (1 to 21 plaint index documents), The plaintiff drawings pertain to the original MASSEY FERGUSON drawings, or the improvised and updated versions of plaintiff?*
>
> *A: Your statement is mostly correct. There*

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could be one or two drawings of MASSEY FERGUSON, which could be continued as such based on Engineering reviews without any updation.

Q: After verification, you will be able to tell which drawings have been adopted without improvisation?

A: Yes. (witness shown Exs.P59 to P79) All the drawings have Engineering inputs of TAFE (plaintiff)

Q: In Ex.P59 to Ex.P79 (1 to 21 plaint index documents), The plaintiff drawing pertain to the original MASSEY FERGUSON drawings or the improvised and updated versions of plaintiff?

A: (Witness peruses Exs. P59 to P79) I confirm that it has got the MF drawings inputs along with Engineering inputs from TAFE.

Question by Court: In Exs.P59 to P79 is there any MF drawings without any Engineering inputs of TAFE.

A: There are no MF drawings without Engineering inputs of TAFE. Engineering inputs

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include review of the Engineering, including aesthetics, standardization and production release."

From the above answers, it appears that the original Massey Ferguson drawings were modified and that Exs.P59 to P79 were prepared with the engineering inputs of the plaintiff.

25. The above oral evidence should be correlated with the documentary evidence. Ex.P59 is a drawing for the plaintiff's hydraulic pump assembly. The drawing bears a number and is signed by an employee with employee code E70. The drawing is said to be the confidential property of the plaintiff, Tractors and Farm Equipment Limited. The legend also contains details of revisions made to the drawing, including the dates of such revision, and the date when the drawing was released for production. Each subsequent drawing contains largely similar information. Upon considering the above oral evidence in conjunction with the drawings (Ex.P59 to P79), I conclude that the drawings meet the

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requirements of originality under the Copyright Act and that the plaintiff is entitled to be recognized as the author of the relevant drawings. For the same reason, the contention that the suit is liable to be dismissed for non-joinder of AGCO Corporation is rejected.

26. This leads to the critical question, namely, whether the plaintiff has proved copying of these drawings by the defendant. In course of cross-examination of PW1 on 12.06.2019, the following questions and answers were recorded:

> *"Q: Are your drawings under Ex.P59 to Ex.P79 confidential data or is it freely available to all your employees, dealers and distributors?*
> *A: It is confidential data. Not freely available.*
> *Q: Who all have access to this data?*
> *A: The Engineering R&D employees, other authorised employees and senior staff connected with this project will have access to this data. Dealer and distributor do not have access to the drawings, unless specific need arises. The plaintiff's vendor who supplies the parts to the*

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plaintiff will have access to the data.

Q: In case of supplying drawings to the dealer or distributor under specific need, is it handed over under confidentiality agreement or given just like that?

A: The drawing will never be given just like that.

Q: Are the drawings given only under confidentiality agreement to the dealer or distributor?

A: In specific cases some, drawing can be given to the dealer or distributor without confidentiality agreement, but specifying the purpose.

Q: What is the mode of handing over drawings in such cases?

A: Mostly print out. But in some cases digital copy or "PDF" may be given.

Q: Were exhibits Ex.P59 to Ex.P79 given to your Bangladesh distributor The Metal Private Limited?

A: No."

27. The above answers disclose that the drawings were treated as confidential data and were not freely available to the employees,

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dealers and distributors. PW1 further stated that only the engineering R&D employees, other authorised employees and senior staff connected with the project would have access to the data. In response to a specific question as to whether the drawings of Exs.P59 to P79 were given to the Bangladesh distributor, the Metal Private Limited, the witness answered in the negative. The conclusion that follows from the above evidence is that the plaintiff has failed to prove that the drawings were handed over to the defendant through the plaintiff's employees, dealers or distributors. There is also no evidence to establish that the defendant otherwise misappropriated the drawings. It remains to be considered whether the plaintiff has established copying by the defendant notwithstanding the above conclusion that the defendant's access to the plaintiff's drawings was not proved.

28. The contention of learned counsel for the plaintiff was that the defendant's essential tractor parts/components could not have

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been produced without copying the plaintiff's drawings. Learned counsel had relied upon the cross-examination of DW1 in this regard. Questions 38 to 43 and the answers thereto and questions 46 to 51 and the answers thereto are set out below:

> *"Q38: In order to manufacture a particular part for example gear assembly you need a 2 dimensional drawing which will result in a 3 dimensional product with specification and technology. Do you agree?*
>
> *A: Yes.*
>
> *Q39: Are you aware that the plaintiff company has purchased the drawings from the technology company Massey Ferguson in the year 1967?*
>
> *A: Yes. I am aware, but after filing this suit.*
>
> *Q40: Have you purchased any such industrial drawing with the specification and technology to manufacture essential tractor parts in the year 2001 when you started the manufacturing tractors?*
>
> *A: No.*
>
> *Q41: Have you made any such industrial drawing on your own to manufacture the essential parts of*

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the tractor. If so have you produced the same?

A: We have made drawings of Standard 348. I am not aware of it, my advocate knows.

Q42: As per your earlier deposition you were involved in the R&D Department of your company. Whether you have personally involved in any of the drawings of the any of the essential parts in any of the tractor models produced by your company?

A: Not in Standard 348, but in other models.

Q43: I put it to you that as admitted by you in Standard 348 model you do not have any drawings for the essential part of the tractor as they are copied by reverse engineering the plaintiff's tractor model.

A: I deny it. We did not do the reverse engineering.

Q46: Do you agree with your research and development background that there are 3 major classification of tractor parts namely (1) off the shelf products like battery, tyre, etc. (2) nuts, bolts, sprockets, chains, belts, etc. (3) essential parts like gear box, carborator, clutch assembly,

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brake assembly, etc.?

A: Yes, I know.

Q47: Do you agree that all tractor manufacturers get the 1st and 2nd classification of parts as stated in the question No.46 from other manufacturers products available in the open market?

A: Yes, most of the tractor manufacturers buy from the market.

Q48: Para 27 of proof affidavit is shown to the witness. Though you have mentioned in para 27 of your proof affidavit there are 5000 parts ranging from nuts and bolts to battery and tyres. Do you know this copyright infringement is pertaining only to the essential parts of the tractors including gear assembly, assyspindle shaft, transmission mechniciam, RAM cylinder, clutch assembly, rear transmission, main and counter shaft assembly, pinion gear assembly and gear constant mesh.

A: Yes.

Q49: Have you produced any drawing or license agreement with respect to the manufacturing the essential parts of the tractors as stated in question number 48?

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A: I am not aware.

Q50: On what basis you are claiming ownership on the essential parts of the Standard 348 tractor?
A: We have made all the drawings of model Standard 348, we are the inventor of model Standard 348.

Q51: Have you filed any copyright application or patent application to claim the inventorship for the tractor model Standard 348 or any other tractor model in India or elsewhere in the world?
A: Presently we are not filed"

29. From the answer to question 38, it appears that a two dimensional drawing is necessary to produce the three dimensional tractor part/component. DW1 stated that the defendant made the drawings for the Standard 348 model in answer to questions 41 and 50. In response to question 43, the allegation of reverse engineering was expressly denied. In answer to question 49, the witness stated that he is not aware as to whether the defendant has produced any

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drawings or licence agreements with regard to the essential parts of model Standard 348 tractor. The witness admitted, in answer to question 51, that the defendant had not applied for registration of copyright or grant of patent for tractor model Standard 348 or any other model.

30. As discussed earlier, the plaintiff has failed to provide any evidence that the defendant had access to the plaintiff's drawings. Learned counsel for the plaintiff submitted that an adverse inference should be drawn because the defendant failed to produce the drawings forming the basis for the manufacture of the essential parts of its tractor. The burden of proof as regards copyright infringement is clearly on the plaintiff. It is also noticeable that the plaintiff did not call upon the defendant by way of notice or application to produce the drawings for the essential parts of the defendant's tractor. While the failure to produce the drawings casts some doubt on the defendant in relation to the allegation of copying, in these facts and

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circumstances, I conclude that an adverse inference cannot be drawn merely on account of non-production of drawings by the defendant. Given the conclusion that the plaintiff failed to establish the defendant's access to the drawings, it becomes necessary to consider the law on indirect copying before drawing conclusions on whether the plaintiff has proved the same.

31. The plaintiff relied on extracts from *Copinger and Skone James on Copyright* to contend that a two dimensional artistic work may be infringed by making a copy in three dimensions. For the same proposition, *Nimmer on Copyright* was also relied on. Section 14(1)(c) of the Copyright Act, in relevant part, reads as under:

> *"[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 authorise the doing of any of the following acts in respect of a work or any substantial part thereof, namely:-*
>
> *....*

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(c) ***in the case of an artistic work****, -*

(i) ***to reproduce the work in any material form including-***

(A) the storing of it in any medium by electronic or other means;

(B) ***depiction in three-dimensions of a two-dimensional work****;*

(C) depiction in two-dimensions of a three-dimensional work;

(ii) to communicate the work to the public;

(iii) to issue copies of the work to the public not being copies already in circulation;

(iv) to include the work in any cinematograph film;

(v) to make any adaptation of the work;

(vi) to do in relation to an adaptation of the work any of the acts specified in relation to the work in sub-clauses (i) to (iv);" (emphasis added)

32. Thus, the reproduction of an artistic work in any material form, including by depiction in three dimensions of a two dimensional work, is an exclusive right of the owner of the copyright. In this case, the engineering drawings, which are in two dimensions,

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have not been depicted in three dimensions. If a painting in two dimensions were to be reproduced in a sculpture in three dimensions, it would fall within the scope of Section 14(c)(i)(B). The allegation of the plaintiff is that the two dimensional engineering drawings were the basis for the production of the essential parts of the defendant's tractor, and this does not amount to depiction in three dimensions of a work in two dimensions. Given the broad and inclusive nature of the phrase "to reproduce the work in any material form including", it is, nonetheless, necessary to examine whether the plaintiff's allegation regarding the defendant falls within the scope of Section 14(c)(i).

33. *Copinger and Skone James* referred to the judgment of the House of Lords in *British Leyland*. In the said judgment, the House of Lords speaking through Lord Templeman, in the leading judgment, held that indirect copying of the exhaust pipes by the defendant, Armstrong, constituted copying, but that the defendant was, nonetheless, protected by the spare parts exception. A material

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distinction between *British Leyland* and this case is that the defendant therein admitted that it copied the plaintiff's exhaust pipe so as to produce spare parts for use in the plaintiff's vehicle. In course of the judgment, the Court considered Section 9(8) of the UK Copyright Act, 1956, which mandated that indirect copying should only be judged from the perspective of an untrained eye and not an expert eye. In a subsequent judgment of the Privy Council, *Canon,* it was held that copying of a cartridge of a photocopier/laser printer by the defendant was infringing and did not fall within the spare parts exception, and doubt was expressed over the validity of the exception. In *British Leyland,* relevant paragraphs from the Gregory Report were reproduced in the following paragraphs:

> *"Registered designs are now protected under the Registered Designs Act 1949.*
>
> *Copyright law was further amended by the Copyright Act 1956. The precursor to that Act was a report (Report of the Copyright Committee (1952) (Cmnd. 8662)) known as the Gregory*

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Report of the committee established by the government to consider copyright law. Amongst the problems considered by the Gregory Committee were the possible repercussions and extensions of the Popeye case and of the case of Chabot v. Davies [1936] 3 All E.R. 221 where the copyright in an architect's elevation representing a shop front was held to be infringed by the erection of the shop since this was regarded as a reproduction of the elevation "in a material form." The Gregory Report continued in paragraph 258:

"We do not dissent from such an application of copyright protection, provided the test is whether the building or other reproduction can be recognised visually by an ordinary man as being, in fact, a reproduction, even if in another material or on a different scale to what has been drawn. It should not be an infringement of the copyright in the drawing to erect a building or to construct an article based thereon if the result has no clearly visual resemblance to the drawing. Thus, we consider that a limitation (additional to any

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imposed according to our recommendations in respect of section 22) is desirable in the protection to be given to a drawing by reason of its reproduction as a building, machine or utilitarian article; otherwise the scope of the Copyright Act would again be extended into fields far beyond its main or original intent and properly to be covered by other forms of protections if at all. We have noted that in the case of industrial designs registered under the Registered Designs Act 1949, the protection is limited to

> *'features of shape, configuration, pattern or ornament applied to an article by any industrial process or means, being features which in the finished article appeal to and are judged solely by the eye, but does not include a method or principle of construction, or features of shape or configuration which are dictated solely by the function which the article to be made in that shape or configuration has to perform'. (Section 1(3)).*

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> *It, should not be possible to protect under the Copyright Act more in the constructional or functional field than is protectable under the Registered Designs Act. Again, we have noted that the protection in the Copyright Act of 'architectural works of art' is 'confined to the artistic character and design and shall not extend to processes or methods of construction.' In a similar way, therefore, we recommend that the protection given by the Copyright Act to drawings in respect of a three-dimensional reproduction as articles should be confined to the appearance of the fully-finished article as seen by an uninstructed eye."*

34. By taking note of the broad language of Section 14(c)(i) and the interpretation placed on *pari materia* provisions by the House of Lords and Privy Council, the conclusion that follows is that indirect copying falls within the scope of protection afforded to the owner of a copyright. Although the Copyright Act in India does not include a

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provision analogous to Section 9(8) of the UK Copyright Act, 1956 and, in fact, an analogous provision does not find place in the extant UK Copyright, Designs and Patents Act, 1988, the problem highlighted in the Gregory Report remains significant. Copyright law is not intended to and should not be permitted to be used to create a monopoly larger than that available under the Patents Act, 1970 and the Designs Act, both of which impose far more exacting barriers for grant of protection and provide a relatively restricted term of protection. For these reasons, I conclude that an inference of indirect copying should not be lightly drawn. Whether such inference may be drawn in this case entails revisiting the evidence.

35. The plaintiff has exhibited comparative photographs of essential components along with the corresponding drawing, and it is profitable to compare the same from the perspective of an untrained eye. Ex.P59 contains the comparative photographs of the hydraulic pump assembly in the relevant models of the adversaries.

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On visual examination from the above perspective, the spline in the defendant's hydraulic pump assembly appears to be thinner and longer than that in the plaintiff's. Similarly, if a visual comparison were to be made of the photographs of the chamber hydraulics included in Ex.P60, differences are discernible from a lay person's perspective. With regard to other parts, such as the 1st gear main shaft (Ex.P64) or crown wheel (Ex.P67), there appears to be substantial visual similarity. On the crown wheel, however, the defendant submitted that the production is outsourced by both the plaintiff and the defendant and that the prescribed standard is ISO 23509.

36. The plaintiff also exhibited the report of Mr. K. Mohan Kumar, Assistant General Manager, Product Management Group, as Ex.P81. This report was issued on the basis that he had carried out an inspection by comparing the parts used in the plaintiff's MF 245 model with those used in the defendant's Standard 348 model. The

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report reveals that he examined parameters like dimensions, number of teeth and spline. By way of illustration, reference may be made to the parts inspection report relating to the gear constant mesh. While the outer dia of the plaintiff's part is 192.20 mm, the corresponding measurement for the defendant's part is 192.1 mm. The total width of the plaintiff's part is 42.69 mm, whereas it is 42.7 mm for the corresponding part of the defendant. The number of teeth and splines is, however, identical. Likewise, part inspection report for the main shaft shows that the total length of the plaintiff's part is 341.50 mm and that of the defendant's part is 341.55 mm. Again, the number of splines is identical. Mr. Mohan Kumar was examined as PW2. In response to questions 11 and 13, he stated that he is an employee of the plaintiff. Consequently, he cannot be treated as an independent witness. In answer to question 30, he admits that his report (Ex.P81) was not referred to in the plaint. After stating that he compared the parts in Bangladesh in the year 2007, he responded as under to question 54:

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"Q54: I put it to you that the parts of the plaintiff tractors are all in public domain and the plaintiff cannot claim any right or monopoly over the same?
A: I am not aware"

37. In view of the minor differences in dimensions, as noticeable from Ex.P81, and the answer to question 54, before drawing conclusions on copying, it is also necessary to take note of the agreed position that standards have been prescribed in respect of dimensions of involute spines by the Bureau of Indian Standards. The agreed position is involute spines are used, *inter alia,* in tractor parts. Splines are driven shafts that work by interlocking the grooves and involute splines feature short and equally spliced teeth. In particular, the defendant contended that standards are prescribed for about 11 components mentioned in paragraph 7 of the plaint, such as hydraulic pump assembly, valve chamber, cam shaft, gear main shaft, etc. For all these parts, it was submitted that a limited tolerance

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range is provided. By way of illustration, as regards both the hydraulic pump assembly and camshaft, it was submitted that the range is 0.22 mm. It was also submitted that standards are not prescribed for parts like fork, pedal, clutch pedal, etc.

38. Keeping this aspect of prescribed standards with a limited tolerance range in mind, if the plaintiff's drawings and essential parts of the plaintiff's and defendant's tractors are compared, it is not possible to conclude that the defendant's parts were made by copying the plaintiff's drawings. In view thereof, the plaintiff has failed to establish that the defendant copied its drawings. As a consequence of this conclusion, the plaintiff is not entitled to the remedies claimed in respect of copyright infringement. Accordingly, not only issues nos.3 , 4, 11 and 12, but also issue nos. 6 to 8 are decided in favour of the defendant and against the plaintiff.

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39. All that remains to be considered is whether the plaintiff or the defendant is entitled to costs. The plaintiff endeavoured to establish that the defendant had copied its drawings by producing its drawings and photographs comparing the plaintiff's products and those of the defendant. The defendant failed to produce its drawings. Eventually, in view of the plaintiff having failed to discharge the burden of proof, the remedies prayed for have been rejected. In these facts and circumstances, I conclude that the successful party is not entitled to costs and that each party shall bear its respective costs. In fine, the suit is dismissed by directing the parties to bear their respective costs.

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Neutral Citation : Yes/No

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Plaintiff's witnesses:

P.W.1 – Mr.R.Muralikrishnan

P.W.2 – Mr.K.Mohan Kumar

Defendant's witnesses:

D.W.1 – Mr.Harijinder Singh Dhiman

D.W.2 – Mr.Sandip Singh Kalsi

Documents exhibited by the plaintiff:

Exhibits	***Documents***
Ex.P1	Series are the original authorization letter along with Board Resolution letter dated 30.10.2010.
Ex.P2	The photograph showing similarity between the plaintiffs and defendant's Front View without bonnet - Full tractor.
Ex.P3	The photograph showing similarity between the plaintiff's and defendant's Front View - Full tractor.
Ex.P4	The photograph showing similarity between the plaintiff's and defendant's Rear View Full tractor.
Ex.P5	The photograph showing similarity between the plaintiff's and defendant's Rear View without fender Full tractor.
Ex.P6	The photograph showing similarity between the plaintiff's and defendant's Foot Board RH.
Ex.P7	The photograph showing similarity between the plaintiffs and defendant's Foot Board LH.
Ex.P8	The photograph showing similarity between the plaintiff's and defendant's LH side view.
Ex.P9	The photograph showing similarity between the plaintiff's and

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Exhibits	*Documents*
	defendant's Fuel Tank
Ex.P10	The photograph showing similarity between the plaintiff's and defendant's Axle Housing. Ex.P11 is the photograph showing similarity between the plaintiff's and defendant's Brake Pedal LH.
Ex.P11	The photograph showing similarity between the plaintiff's and defendant's Brake Pedal LH.
Ex.P12	The photograph showing similarity between the plaintiffs and defendant's Intake Manifold.
Ex.P13	The photograph showing similarity between the plaintiff's and defendant's RH Side View.
Ex.P14	The photograph showing similarity between the plaintiff's and defendant's Speedo Drive Housing.
Ex.P15	The photograph showing similarity between the plaintiff's and defendant's Gear Box Top view.
Ex.P16	The photograph showing similarity between the plaintiff's and defendant's Sump.
Ex.P17	The photograph showing similarity between the plaintiff's and defendant's Clutch Cover Assembly.
Ex.P18	The photograph showing similarity between the plaintiff's and defendant's Lift Rod RH.
Ex.P19	The photograph showing similarity between the plaintiff's and defendant's Lower Links.
Ex.P20	The photograph showing similarity between the plaintiff's and defendant's DC Link.
Ex.P21	The printout of the rectification petition (65B affidavit filed)he photograph showing similarity between the plaintiffs and defendant's 2nd Gear Counter Shaft.
Ex.P22	The photograph showing similarity between the plaintiff's and

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Exhibits	*Documents*
	defendant's 3rd Gear Main Shaft.
Ex.P23	The photograph showing similarity between the plaintiff's and defendant's Fork 4th Gear Counter Shaft.
Ex.P24	The photograph showing similarity between the plaintiff's and defendant's Fork 4th Gear.
Ex.P25	The photograph showing similarity between the plaintiff's and defendant's PTO Gear.
Ex.P26	Tthe photograph showing similarity between the plaintiff's and defendant's Quadrant Assembly.
Ex.P27	The photograph showing similarity between the plaintiff's and defendant's Brake Plate Assembly.
Ex.P28	The photograph showing similarity between the plaintiff's and defendant's Steering Assembly.
Ex.P29	The photograph showing similarity between the plaintiff's and defendant's Input Shaft.
Ex.P30	The photograph showing similarity between the plaintiff's and defendant's Arm Front Axle.
Ex.P31	The photograph showing similarity between the plaintiff's and defendant's Epicyclic Unit Plates.
Ex.P32	Tthe photograph showing similarity between the plaintiff's and defendant's PC Link.
Ex.P33	The photograph showing similarity between the plaintiff's and defendant's Bell Crank.
Ex.P34	The photograph showing similarity between the plaintiff's and defendant's Ram Cylinder.
Ex.P35	The photograph showing similarity between the plaintiff's and defendant's Piston and Cam Follower.
Ex.P36	The photograph showing similarity between the plaintiff's and defendant's Axle Shaft.

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Exhibits	*Documents*
Ex.P37	The photograph showing similarity between the plaintiff's and defendant's Main Drive Housing.
Ex.P38	The photograph showing similarity between the plaintiff's and defendant's Counter Shaft.
Ex.P39	The photograph showing similarity between the plaintiff's and defendant's Main Shaft.
Ex.P40	The photograph showing similarity between the plaintiff's and defendant's Spindle.
Ex.P41	The photograph showing similarity between the plaintiff's and defendant's Control valve.
Ex.P42	The photograph showing similarity between the plaintiffs and defendant's Air Cleaner.
Ex.P43	The photograph showing similarity between the plaintiff's and defendant's Lift Shaft.
Ex.P44	The photograph showing similarity between the plaintiff's and defendant's Sun Gears.
Ex.P45	The photograph showing similarity between the plaintiff's and defendant's FES - Top View.
Ex.P46	The photograph showing similarity between the plaintiff's and defendant's Outer bearing.
Ex.P47	The photograph showing similarity between the plaintiff's and defendant's Center Beam.
Ex.P48	The photograph showing similarity between the plaintiff's and defendant's Front View Front axle.
Ex.P49	The photograph showing similarity between the plaintiff's and defendant's FES Front view.
Ex.P50	The photograph showing similarity between the plaintiff's and defendant's Hub Cap.
Ex.P51	The photograph showing similarity between the plaintiff's and

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Exhibits	*Documents*
	defendant's differential cross with star gears.
Ex.P52	The photograph showing similarity between the plaintiff's and defendant's Rear Cover Hydraulics.
Ex.P53	The photograph showing similarity between the plaintiff's and defendant's Gear Box Full View.
Ex.P54	The photograph showing similarity between the plaintiff's and defendant's 2nd & 4th Gear - Main Shaft.
Ex.P55	The photograph showing similarity between the plaintiff's and defendant's 3 Gear Counter Shaft.
Ex.P56	The photograph showing similarity between the plaintiff's and defendant's Constant Mesh Gear.
Ex.P57	The photograph showing similarity between the plaintiff's and defendant's Piston Ram Cylinder.
Ex.P58	Piston Ram Cylinder. Ex.P58 is the photograph showing similarity between the plaintiff's and defendant's Transmission Case. M.O.-1 is compact disc containing comparison of the plaintiffs and defendant's tractors part by part.
Ex.P59	The copy of the plaintiff's drawing for Hydraulic Pump Assembly and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P60	The copy of the plaintiff's drawing for Chamber Hydraulics (part of hydraulic pump assembly) and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P61	The copy of the plaintiff's drawing for Cam Shaft (part of hydraulic pump assembly) and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P62	The copy of the plaintiff's drawing for Fork 3rd Gear and the photographs showing similarities between plaintiff's part and

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Exhibits	*Documents*
	defendant's part.
Ex.P63	The copy of the plaintiff's drawing for High Low Coupler and photographs showing similarities between plaintiff's part and defendant's part.
Ex.P64	The copy of plaintiff's drawing for 1st Gear Main Shaft and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P65	The copy plaintiff's drawing for Epicyclic Carrier Unit and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P66	The copy of plaintiff's drawing for Ring Gear High Low Reduction and the phonographs showing similarities between plaintiff's part and defendant's part.
Ex.P67	The plaintiff's drawing for Crown Wheel and the phonographs showing similarities between plaintiff's part and defendant's part.
Ex.P68	The copy of the plaintiff's drawing for Accelerator Pedal, Brake Pedal RH and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P69	The copy of the plaintiffs drawing for Pedal and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P70	The copy of the plaintiff's drawing for Transfer Cap and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P71	The copy of the plaintiff's drawing for Differential case and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P72	The copy of the plaintiff's drawing for Clutch Release Lever Fork and the photographs showing similarities between

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Exhibits	***Documents***
	plaintiff's part and defendant's part.
Ex.P73	The copy of the plaintiff's drawing for Front Cover - Hydraulics (part of the hydraulic pump) and the photographs showing similarities between plaintiff's part and defendant's part.
Ex.P74	The copy of the plaintiff's drawing for Hydraulic Lift Cover and the photographs showing similarities between the plaintiff's part and the defendant's part.
Ex.P75	The copy of the plaintiff's drawing for PTO shaft and the photographs showing similarities between the plaintiff's part and the defendant's part.
Ex.P76	The copy of the plaintiff's drawing for Hydraulic Lift Arm and the phonographs showing similarities between plaintiff's part and the defendant's part.
Ex.P77	The copy of the plaintiff's drawing for Brake Drum and the photographs showing similarities between plaintiff's part and the defendant's part.
Ex.P78	The copy of the plaintiff's drawing for Hub Front Axle and the photographs showing similarities between plaintiff's part and the defendant's part.
Ex.P79	The copy of the plaintiff's drawing for Fork- 1st and Reverse Gear and the photographs showing similarities between plaintiff's part and the defendant's part.
Ex.P80	The original authorization letter issued in favour of Mr.K.Mohan Kumar (PW2) dated 20.12.2021.
Ex.P81	The original report of Mr.Mohan Kumar dated 24.02.2007, who did the inspection of the parts of the tractors of the plaintiff and the defendant (The defendant side counsel raises objection on the ground that this document is not supported by pleading as the tractors mentioned therein are unsupported by pleading in this plaint, the importer mentioned is totally

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Exhibits	***Documents***
	different from that stated in the plaint hence it is irrelevant, the comparison report is not supported by pleading and it is marked as proof and relevancy)
Ex.P82	Photocopy of passport entry of plaintiff
Ex.P83	Photocopy of the order in O.S.A. No.107/2013 reported in 2014 SSC Online Mad 850:(2015) 64 PTC 333
Ex.P84	Patent search report in the name of Defendant Company
Ex.P85	IS 3665:1966 standard dimensions for involute sided splines

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SENTHILKUMAR RAMAMOORTHY J.

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Pre-delivery judgment made in

C.S No.602 of 2007

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