



ILS MOOT COURT SOCIETY

ANNUAL INTRA-COLLEGE NOVICE MOOT COURT COMPETITION, 2021

INTELLECTUAL PROPERTY RIGHTS LAW

Malone Corp.

v.

Levine Corp.

1. Malone Corporation is a company based in the US that developed a video conferencing software named 'Postmeet' in 2015. After its launch, the company targeted the service sector to make it its primary market. Over the years, due to its minimalistic and user-friendly Graphical User Interface (**GUI**), in addition to features of syncing calendars, as well as using the application via web browser without having to download the app, Postmeet made its name throughout the globe. They have been widely used by news channels for conducting debates and by companies for conducting their meetings. Due to its large usage, the company has various establishments all around the world - Singapore, UK (London), etc to provide servers for better connectivity around the world.
2. On 30th January 2020 the World Health Organization (WHO) declared Covid-19 a global pandemic and urged countries to take appropriate measures. In light of this news, many countries including India imposed a lockdown forcing most of the working population to work online. This opened a huge market for online video conferencing platforms in India where the supply is limited, and demand is enormous. Noting this huge demand in the Indian market, numerous video conferencing software applications entered the cyber space. Wanting to seize this opportunity, even Malone Corp entered with their app Postmeet in the Indian market for the first time on 15th April 2020. They also announced setting up of new offices in Mumbai as well as servers for enhanced connectivity in India.



3. Levine Corporation is one of Asia's largest companies, led by India's biggest business tycoons Mr. Adam Levine. It has a diverse business profile ranging from oil refining to textiles to digital media production. Levine Corporation has offices all over India with its Headquarters situated in Mumbai. Noticing the vacuum in the cyber space, Mr. Levine sought to enter the video conferencing sector as well with his new app 'Maroon'. This video conferencing app also focused on using a minimalistic look for ease of use and integrated many features like inbuilt using of MS Office for business meetings and online integration of documents for simultaneous working which resulted in many users opting for Maroon. However, Maroon needed to be downloaded on the device, i.e., computer, laptop, tablet or phone, of the user who wished to use it. Maroon was first released in India on 30th March 2020 and was a great success among the professionals as well as the educational institutions.
4. Owing to the reputation of both Malone Corp and Levine Corp, both the apps were a great success. However, due to this, Malone Corp noticed that Levine Corp was using GUI similar to theirs which may lead to confusion. After consultation with their legal team, on 1st November 2020, Malone Corp sent a notice to Levine Corp stating that Maroon was infringing upon the copyright of Postmeet and that Levine Corp had blatantly copied the GUI which included the font used, arrangement of icons, look of icons and their colour scheme. They also alleged that Maroon looking similar to Postmeet would deceive the consumers as both the apps were similar to each other. Malone Corp suggested in their notice that Levine Corp should change their UI to ensure that the apps are not substantially similar to each other.
5. Levine Corp replied to this letter on 21st January 2021 stating that they have not infringed on any copyright since Malone Corp has not registered the copyright for source code or object code of Postmeet in India or the US. They also stated that the features in Maroon including the layout, features and the colour scheme were different. Therefore, they contended that the Apps were not substantially similar, and no copyright infringement had been committed by them.

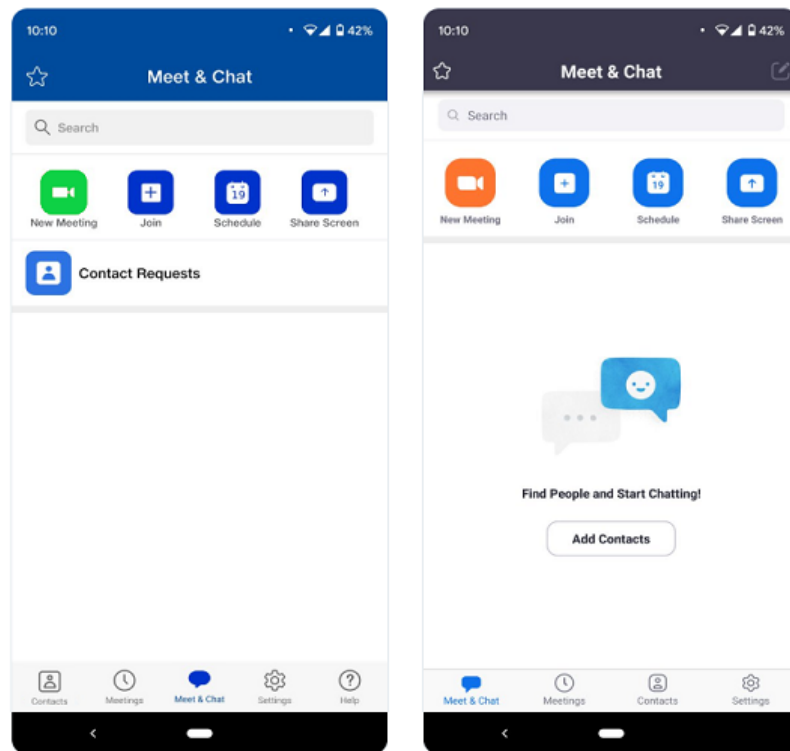


Figure: Comparison of Maroon v. Postmeet

6. Subsequently, in February 2021, Malone Corp filed a first of its kind civil suit in Bombay High Court for an injunction and claim for damages to the tune of 4.5 Cr. INR against Maroon for infringement of copyright of the GUI of Postmeet. The Court has heard the matter at length and will hear the final submissions of the parties on 11th June 2021 via video conferencing on the issue:

a) Whether Levine Corp has infringed the copyright for the software of Malone Corp?

Argue either for Malone Corp or Levine Corp.

This case has been drafted by Atharva Diwe (V B.A.LL.B) and Ayaan K. Yusufzai (IV B.A.LL.B), ILS Law College, Pune for Novice Moot Court Competition, 2021.