

They hit the right notes

Copyright rows are increasingly landing Bollywood films in court, such the one over Rann last month. The lawyers who argue these cases are some of the city's finest legal minds.

Given the nature of his profession, lawyer Ameet Naik would like to keep a low profile. But his 6.2 feet-towering frame makes the task rather difficult.

The 34-year-old was in court representing film director, Ram Gopal Varma, who was accused by freelance journalist Sonal Mehta of denying her credit for the script of Rann.

While the case got settled out of court on January 27, two days before the film hit the theatres, pre-release copyright wrangles are now almost a rite of passage for Bollywood films.

"Indian courts are increasingly inclined towards protecting original works (Intellectual Property Rights (IPR) in legalese) and thus there is a greater emphasis on litigation to protect copyright infringement," said Naik, whose firm, Naik Naik and Company, has grown to 30 lawyers in the past five years.

Naik has handled some prominent IPR cases such as when the Hollywood studio, Twentieth Century Fox, dragged BR Films to court for alleged plagiarism, Percept obtained a restraining order against UTV making Shoebite and Sippy Films took on Ram Gopal Varma over the remake of Sholay.

Firms such as Naik's do the groundwork for preparing legal briefs and instruct lawyers, who actually argue the cases in court.

In Mumbai, leading the list of those considered authorities on copyright law are the low-profile brothers, Virag and Virendra Tulzapurkar. Others include senior lawyers Iqbal Chagla, Ravi Kadam, Janak Dwarkadas and the younger ones comprising Venkatesh Dhond, Vineet Naik and Rahul Chitnis.

Among the myriad cases handled by the Tulzapurkars is that involving music composer Ram Sampath, who in April 2008 settled a case for Rs 2 crore with Bollywood director Rakesh Roshan and his composer brother, Rajesh, whom he claimed had plagiarised his music in Krazzy4.

"The Tulzapurkars were outstanding. They grasped the case quickly and presented it simply without getting didactic," said Sampath, 33. He chose the Tulzapurkars on the advice of his lawyers, Kiran Desai and T Daruwala. "Apart from putting forth the legal infringement, they presented the scale on which the film industry functions today. Music rights are worth crores."

After his first brush with the courts, Sampath likened watching lawyers argue a case to witnessing a performance.

"There's a mix of experience, eloquence, wit and humour that keeps the court abuzz. It's so high-pressure and the lawyers seem to enjoy it," he said.

The cost of litigation could go as high as Rs 50 lakh or more per case. Legal experience commands a price because it's only with practice that a lawyer learns how to catch the judge's attention.

Senior counsel Iqbal Chagla recounts a case like a riveting story. Peppered with wit, his arguments are quick to catch an opponent's slip.

"The ease with which Mr Chagla can cite legal precedents comes from the fact that he himself has argued some of the landmark cases," said one of his juniors, requesting anonymity.

When not defending the Maharashtra government, advocate general, Ravi Kadam, enjoys arguing IPR matters. He has handled difficult cases such as the one against Ram Gopal Varma ke Sholay, but Kadam's aggression in court is rarely carried outside.

The first thing lawyer Navroz Seervai does when he stands up to argue is switch off the mike provided for lawyers.

His booming voice and animated arguments have won relief for many, including scriptwriter Urmi Juvekar, who in June 2007 got an order restraining a channel from telecasting a show based on a concept note she had submitted.

"The Krazzy4 case has definitely prompted more individuals to approach courts to establish their rights. The stakes in the film industry are very high and everyone wants their share of the pie or more," said Gowree Gokhale, partner, Nishith Desai Associates, adding there are also those who try to arm-twist settlements with last-minute litigations.

n anshika.misra@hindustantimes.com

<http://www.hindustantimes.com/StoryPage/Print/506220.aspx>

© Copyright 2009 Hindustan Times