

Leading Ad Agency Drags Danik Bhaskar To Court For Copyright Infringement, Plagiarism

Agency that created Desh ke Hero campaign drags Divya Bhaskar to court for copyright infringement and plagiarism

NATIONAL, INDIA, October 1, 2020 /EINPresswire.com/ -- [All About Ads Private Limited](#), a leading award-winning advertising agency having its operations in 16 states in India, has dragged Divya Bhaskar of Dainik Bhaskar Group to court for copyright infringement and plagiarism of its work "Desh ke Hero" campaign which was created for the Government of India (GoI). The campaign aimed at felicitating Corona Warriors across the nation.

A civil suit has been filed by Ankur Jain, director of All About Ads Private Limited, before the Commercial Court at Mizapur, Ahmedabad and sought damages to the tune of Rs 9.5 crore along with seeking a restrain on Divya Bhaskar from publishing the contentious ad campaign.

Apart from Divya Bhaskar (Dainik Bhaskar Group), its Chief Executive Officer Sanjeev Chauhan and Managing Directors Girish Agarwal and Sudhir Agarwal have also been named in the suit. The media house's Brand Head Amit Rathod and Eight Petals Creative Solution Private Limited have also been added as defendants in the suit.

Divya Bhaskar is a leading Gujarati newspaper in Gujarat owned by D B Corp Ltd. It has one of the highest circulation of Gujarati dailies, with the most number of editions in Gujarat. The Dainik Bhaskar Group started its Hindi newspaper Dainik Bhaskar in Bhopal in 1958. Later, it launched its Indore edition in 1983. Today, Dainik Bhaskar Group is present in 12 states with 65



Desh ke Hero campaign which was created for the Government of India by All About Ads Private Limited

editions in Hindi, Marathi and Gujarati.

Mr Ankur Jain's advocate, Dr Sarvam Khare, said that the civil court issued summons - notice to Dainik Bhaskar Group on September 19. The civil suit is kept for hearing on October 1.

All About Ads has also filed a criminal case before the magistrate court at Mizapur, Ahmedabad which was heard on September 7. "As per the directions of the magistrate, the police have recorded my statement," said Mr Ankur Jain.

It is pertinent to note that Intellectual Property Rights of plaintiffs are recognized by the Event Management Federation.

Details from the plaint

In April, plaintiff created the project "Desh Ke Hero" for the Gol as a national campaign to facilitate honouring of Corona Warriors, wherein merchandise and certificates were to be presented to the awardees. This project was created in the form of literary script, dramatic, artistic and visual work presentation under title "Desh Ke Hero" which qualifies to be original literary, artistic and dramatic work within the meaning of Section 2(y) of the Copyright Act 1957.

The campaign was proposed to the Gol and was first published by the plaintiff on April 11, 2020.

Mr Ankur Jain, who started from a one-room office in Ahmedabad, Gujarat in 2010-11, has worked for various MNCs, BJP and Gol, including on the 'Fir ek baar Modi Sarkar' campaign for 2019 the Lok Sabha election. He said, "My team and I worked really hard for 'Desh ke Hero' campaign and it was wrong on the part of Divya Bhaskar to steal the concept and showcase 'Gujarat Hero' campaign as theirs."

The plagiarism

Mr Ankur Jain, who has known Mr Amit Rathod (Brand Head, Divya Bhaskar) since 2013 as they have worked together commercially on several campaigns created by the plaintiff, shared his work with the latter in good faith for his feedback and review.

Dr Khare, said that the shared work bore a "specific DISCLAIMER at the end which specified that the information contained in the presentation was privileged and that the entire presentation was the property of the plaintiffs." Mr Amit Rathod, not only breached the trust, but also infringed the plaintiffs' copyright by sharing the campaign work with Sanjeev Chauhan, CEO, Divya Bhaskar.

On July 31, 2020, Mr Ankur Jain learnt that the defendants had reproduced his work and put their name on another campaign titled "Gujarat Hero". The campaign "Gujarat Hero" is not a case of

innocent adoption, but of a fraudulent and dishonest adoption. The defendants did not obtain any license, permission and/or consent from the plaintiffs and have used the said script for campaign solely for the self-serving interest.

On confrontation, Mr Amit Rathod admitted that he had made a mistake and that he will discuss this with his editor. On August 1, 2020, Mr Ankur Jain, Mr Amit Rathod and Mr Sanjeev Chauhan had a telephonic conversation. Later, Mr Amit Rathod also sent a WhatsApp message to Mr Ankur Jain apologizing for the incident. The transcripts of all the calls and a screenshot of the message have been annexed with the plaint before the civil court.

Fraud with the Gujarat Government

It was later learnt that the defendants dishonestly obtained the consent of the Gujarat Government for the campaign. The Plaintiffs have utmost belief that Gujarat government would not have supported or contributed in their campaign "Gujarat Hero" if it was aware that the defendants have committed theft of the intellectual property of plaintiffs; and have misappropriated their confidential data. The defendants also suppressed the fact from the Gujarat Government that the plaintiffs were in talks with the Gol for the release of the campaign "Desh Ke Hero".

The plaintiffs have issued a legal notice to the defendants on August 5, 2020. Also, an intimation letter has been sent to Mr Ashwini Kumar (Secretary to Hon'ble Chief Minister of Gujarat) giving details of the dispute and the illegality committed by Dainik Bhaskar Group.

Prayers in the plaint

The plaintiffs have sought that the defendants be restrained from using their campaign "Gujarat Hero". It is further sought that the court declare that the campaign "Gujarat Hero" is a work of copyright infringement and plagiarism of the plaintiffs' campaign "Desh Ke Hero". The plaint also prays that the defendants be ordered to destroy all the material prepared for "Gujarat Hero" campaign and the domain www.gujarathero.com. The plaintiffs have also sought token damage for illegally using their work. It is also prayed that the defendants be directed to produce their books of accounts to ascertain the profits earned by the defendants by commercializing and reproducing the plaintiffs' work.

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