Twitter Thread by Live Law

Live Law
@LiveLawIndia

Delhi High Court is hearing a petition by Elsevier against Sci-Hub and LibGen seeking restraining orders on publication of articles which infringe the copyright of Elsevier.



LibGen is unrepresented before the court today as well.

Sr. Adv. Amit Sibal submits that these rogue websites call themselves pirate websites who do not concern themselves with copyrights.

Sibal: I have gone through the application of Sci-Hub, and it states that they are aware of copyright laws, but find them "oppressive".

#SciHub #LibGen

Sibal: A majority of the material we produce is available on subscription basis, while some material is available publicly.

Sibal: The former is the incentive for us in the first place. Even searching for these articles infringed upon by them results in further infringement, therefore, there is no other way than to block these websites.

Delhi HC: Mr. Sibal, all we need to know is, do you agree that the interveners can argue in the matter?

Sibal: We want to file a reply to the application.
Delhi HC: Subject to filing of your reply, do you mind if we atleast hear them, as this is a matter of public importance, concerning the entire scientific community?

Sibal: Qua Defendant No. 2 (LibGen) we would like a relief.
Delhi HC: This is a matter of public importance, we need to hear them atleast. The court had taken a view that the written statement should come, I am not going to go against that view.
Sibal: That is only qua SciHub.

Delhi HC: There are other matters requiring urgent hearing, why should your matter be allowed to march over all of them? I will give you an early hearing and fix it for arguments itself.

Sibal: The same ad-interim order which was passed against Sci-Hub, I'm seeking against LibGen also.

Delhi HC: Vide order dated 24.11.2020, this court issued notice to certain defendants, out of whom notice has been accepted by some. Notice to be issued to LibGen again via email.

Delhi HC: SciHub has sought for further time to file its written statement, 2 weeks granted.

Delhi HC: SciHub's statement on 24.12.2020 (wrt undertaking to not publish further articles) to continue till the next date of hearing.

Sr. Adv. Gopal Sankaranarayanan: We undertake that, My Lord.

NDOH: 23.02.2021