

CASE ANALYSIS: DHANUSH V. NAYANTHARA – LEGAL PERSPECTIVES AND IMPLICATIONS

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Introduction

The legal battle between actor-producer Dhanush and actress Nayanthara¹ has gained widespread attention in the South Indian film industry, throwing light on the complexities of copyright law. The dispute revolves around the alleged unauthorized use of a brief video clip from the 2015 Tamil film *Naanum Rowdy Dhaan* in Nayanthara's Netflix documentary, *Nayanthara: Beyond The Fairy Tale*. This report provides an analysis of the case, including the background, nature of the dispute, legal proceedings, contentions by both parties, the court's analysis, and its implications.

Background of the Case

Dhanush's production house, Wunderbar Films Pvt. Ltd., produced the Tamil film *Naanum Rowdy Dhaan*, which was written and directed by Vignesh Shivan, Nayanthara's husband. The legal dispute arose when a three-second clip from the film was allegedly used in Nayanthara's Netflix documentary without obtaining prior permission or a No Objection Certificate (NOC) from Wunderbar Films. In November 2024, Wunderbar Films filed a Lawsuit against Nayanthara, Vignesh Shivan, and their production house, Rowdy Pictures Private Limited, alleging copyright infringement and the unauthorized use of its intellectual property. The production house claimed ₹10 crore as damages for the alleged violation. In addition, Wunderbar Films also filed a petition against Los Gatos Production Services India LLP, the Mumbai-based entity responsible for Netflix's content investments in India, seeking permission to include them as a party in the suit. The case, therefore, not only involves the filmmakers but also Netflix, which distributed the documentary. Images of the disputed clip are herein below:



¹ *Los Gatos Production Services India LLP v Wunderbar Films Private Limited.*



Disputed clip link- <https://youtube.com/clip/UgkxgA4mLWDKwT-JBGBEkH5PWVbQ-wwfI04Z?si=xCE KGFx3deUZHJ>

Legal proceedings

- **Netflix India had filed an application seeking dismissal of the suit.** It argued that the Madras High Court had no jurisdiction over the matter and that it should be heard either in Kanchipuram District or before the Bombay High Court. However, on January 28, 2025, the Madras High Court dismissed Netflix's petition and allowed Dhanush's copyright suit against Nayanthara to proceed.
- Before filing the case, **Dhanush issued a legal Notice** to the respondents, demanding them to remove the disputed content within 24 hours. The lack of response from the defendants was the reason that escalated the case.

Contentions by Both Parties

1. Dhanush's legal team claims that Wunderbar Films has full copyright ownership of *Naanum Rowdy Dhaan*, including all footage, costumes, and characters. They argue that even a three-second clip used without permission constitutes a copyright violation under the Copyright Act, 1957. They also believe the Madras High Court has jurisdiction since key elements of the dispute that is filming, production and release took place in Chennai.

2. Netflix India, however, argued that Dhanush had only obtained leave to sue Netflix (Los Gatos) and not the other defendants. They contended that the plaintiff should have sought leave against all defendants since parts of the cause of action arose outside the court's jurisdiction. Netflix also pointed out that a picture of Nayanthara and Vignesh Shivan from the film set had been uploaded in 2020, and yet no action was taken at the time. They argued that filing the suit a week after the documentary's release suggests no urgency, making pre-suit mediation under Section 12A of the Commercial Courts Act necessary.
3. On the other hand, Senior Advocate PS Raman, representing Dhanush, countered that anything captured on set belonged to the producer, as he was the one funding the project. He argued that the cause of action arose only when the unauthorized footage was actually used in the documentary, not when unrelated photos surfaced online. He also clarified that a legal notice was sent immediately after the documentary's trailer was released, warning against unauthorized use. The suit, however, was filed only after the full documentary was released because only then could the plaintiff confirm the extent of the infringement.
4. Furthermore, he pointed out that Nayanthara had signed a contract, agreeing that her costume and appearance in the film were part of the producer's copyright. This meant that anything she did in connection with the film belonged to Wunderbar Films, reinforcing Dhanush's claim over the behind-the-scenes footage.

Court's Analysis

The Madras High Court dismissed two applications filed by Netflix's India, Los Gatos Production Services India LLP, challenging the court's jurisdiction. The Court ruled that a major part of the cause of action arose within its jurisdiction, noting that *Naanum Rowdy Dhaan* was filmed and released in Chennai, and that key contractual agreements were executed within the city. Additionally, the Court found that the documentary in question was accessible in Chennai, further solidifying its jurisdiction under Clause 12 of the Letters Patent Act.

Netflix had also argued that the suit was barred due to the plaintiff's failure to conduct pre-suit mediation, as mandated by Section 12A of the Commercial Courts Act, 2015. However, the Court rejected this claim, emphasizing that the plaintiff initiated the suit due to an urgent necessity, particularly after Netflix released the disputed documentary on November 18, 2024, despite prior notices. Given the continuous nature of the alleged copyright violation and the potential dilution of the plaintiff's rights, the Court held that the absence of mediation did not invalidate the suit.

The Court also addressed the *Doctrine of Election*, clarifying that the plaintiff was entitled to invoke both Clause 12 of the Letters Patent and Section 62 of the Copyright Act. The Court emphasized that these provisions offered complementary legal remedies, making the plaintiff's reliance on both legally permissible.

Furthermore, the Court underscored the public interest element in intellectual property disputes, noting that safeguarding copyrights is crucial to prevent public deception. It reaffirmed that legal disputes should be adjudicated by forums most connected to the case, and in this instance, Chennai was deemed the appropriate venue.

In rejecting Netflix's applications, the Court highlighted the prima facie urgency of the plaintiff's claims and the compelling need for interim relief to prevent further dissemination of the disputed footage. Justice Abdul Quddhose remarked that rejecting the plaint at this preliminary stage would unfairly prejudice the plaintiff.

Conclusion

The *Dhanush v. Nayanthara* case highlights the importance of copyright law in the Indian film industry. With the Madras High Court allowing the case to proceed, further legal proceedings in future will determine whether Nayanthara's documentary infringed Wunderbar Films' copyrights or if the claim lacks substantial merit. The outcome may set a precedent regarding the use of behind-the-scenes footage and intellectual property rights in Indian cinema. Regardless of the final judgment, the case has already started conversations on the legal boundaries of using copyrighted content in documentaries and digital media.
