

**“ FIRST ONLINE NATIONAL JUDGMENT
WRITING COMPETITION, 2026”**

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**BEFORE THE HON’BLE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

(COMMERCIAL DIVISION / ORIGINAL CIVIL JURISDICTION)

COMMERCIAL SUIT NO. _____ OF 2026

IN THE MATTER OF:

M/s HimNova Legal-Tech Private Limited & Anr.

Registered Office: IT Park, Wagnaghat, Solan, H.P.

... PLAINTIFFS

VERSUS

M/s Shivalik Learning Systems Private Limited & Anr.

Corporate Office: Near BCS, New Shimla, H.P.

... DEFENDANTS

**“BEFORE THE HON’BLE HIGH COURT OF
HIMACHAL PRADESH AT SHIMLA”
(COMMERCIAL DIVISION / ORIGINAL CIVIL JURISDICTION)**

COMMERCIAL SUIT NO. _____ OF 2026

IN THE MATTER OF:

1. M/s HimNova Legal-Tech Private Limited
Through its Managing Director & Chief Executive Officer,
Having its Registered Corporate Office at:
Plot No. 14, IT Park, Wagnaghat, District Solan,
Himachal Pradesh – 173234.

2. Professor (Dr.) Raghavan Viswanathan
Co-Founder & Chief Technical Architect,
Resident of: HPU Campus, Summer Hill, Shimla,
Himachal Pradesh – 171005.

... PLAINTIFFS

VERSUS

1. M/s Shivalik Learning Systems Private Limited
Through its Managing Director / Authorised Representative,
Having its Corporate Office at:
Shivalik Tower, Near BCS, New Shimla,
Himachal Pradesh – 171009.

2. Er. Nitin Acharya
Chief Technology Officer,
Shivalik Learning Systems Private Limited,
Resident of: Housing Board Colony, Sanjauli, Shimla,
Himachal Pradesh – 171006.

... DEFENDANTS

COMPREHENSIVE STATEMENT OF FACTS

I. The Technological Innovation & Genesis of "Him-Juris"

The Plaintiff No. 1, **M/s HimNova Legal-Tech Pvt. Ltd.**, is a pioneering legal-informatics enterprise incubated at the technology cluster in Wagnaghat, Himachal Pradesh. The Plaintiff No. 2, **Professor (Dr.) Raghavan Viswanathan**, is a distinguished former academician from Himachal Pradesh University specializing in computational jurisprudence and neural network modeling.

Between the years 2020 and 2025, the Plaintiffs committed substantial financial capital, exceeding ₹14.5 Crores, alongside extensive proprietary research, to develop an advanced, closed-source Artificial Intelligence engine designated as "**Him-Juris**".

- **The Technical Modality:** *Him-Juris* operates on a proprietary Retrieval-Augmented Generation (RAG) architecture integrated with fine-tuned Large Language Models (LLMs). The engine is uniquely engineered to clean, parse, and semantically analyze unstructured legal texts.
- **The Core Dataset Twist:** While the model processes pan-India federal laws, it was specifically trained using thousands of historical, non-digitized judgments of the Hon'ble High Court of Himachal Pradesh and the Financial Commissioner (Revenue) Court, focusing heavily on complex land tenure systems, the *Himachal Pradesh Land Revenue Act, 1954*, and *Section 118 of the HP Tenancy and Land Reforms Act, 1972*.
- **The Protective Regime:** To maintain a competitive market edge, the Plaintiffs chose not to file for a patent, thereby avoiding public disclosure of the source code. Instead, the entire algorithmic setup—including the neural network weight optimization matrices (SW_{ij}), specialized custom prompt pipelines, and curated training vectors—was protected strictly as a **Trade Secret**. In June 2022, the complete underlying source code and object code were formally registered under the **Copyright Act, 1957** as a 'Computer Programme' within the category of *Literary Works*.

II. The Licensing Nexus and Restrictive Covenants

In January 2024, **M/s Shivalik Learning Systems Pvt. Ltd.** (Defendant No. 1), an established ed-tech venture operating from New Shimla that provides digital modules for judicial services coaching and professional law courses, approached the Plaintiffs for a strategic collaboration.

The parties executed a fixed-term, limited-access **Commercial Licensing Agreement** on January 25, 2024, under the following strict contractual parameters:

Clause 3.2 (Scope of Limited Academic License): The Licensor hereby grants to the Licensee a restricted, non-exclusive, revocable license to access the front-end user dashboard of *Him-Juris* solely for live classroom demonstrations, academic webinars, and student research mock-drills conducted within the physical territory of Himachal Pradesh.

Clause 6.4 (Absolute Negative Covenants): The Licensee, including its executive officers and technical sub-contractors, is expressly prohibited from decompiling, reverse-engineering, scraping data inputs, or attempting to duplicate the back-end source code, layout design, or command-query structure of the platform. No derivative commercial platform shall be developed based on the licensed software.

Clause 10.1 (Duration): This agreement shall remain operational for a mandatory lock-in period of twelve (12) months, terminating naturally on January 24, 2025, with no automatic renewal clause.

III. The Discovery of Algorithmic Parity and Deceptive Similarity

In August 2024, while the licensing agreement was actively subsisting, the Plaintiffs discovered that the Defendants had launched a major commercial software application named "**Shivalik-Lex AI**" via digital application stores and web platforms.

The platform was marketed aggressively to legal practitioners across Shimla, Solan, and Kangra. Upon auditing the application, the Plaintiffs discovered striking functional and structural similarities between *Shivalik-Lex AI* and their proprietary *Him-Juris* platform, prompting them to file the present suit based on the following specific indicators:

1. **The Copyright Trap (Algorithmic Plagiarism):** Multiple land revenue and customary forest law summaries generated by the Defendants' *Shivalik-Lex AI* reproduced, word-for-word, highly idiosyncratic legal phrasings, internal analytical structures, and specific **hidden typographical errors** (such as "*Hmiachal*" instead of "*Himachal*" in

older citation notes) that had been intentionally seeded by the Plaintiffs into the *Him-Juris* private training database as a data-theft trap.

2. **Trade Dress Overlap in User Interface (UI):** The color scheme, positioning of command widgets, advanced judge-wise filtering trees, and the chronological breakdown of revenue court hierarchies in *Shivalik-Lex AI* were nearly identical to the copyrighted user interface of *Him-Juris*.
3. **Deceptive Similarity in Branding:** The name "**Shivalik-Lex AI**", coupled with promotional videos utilizing identical interface imagery, was deliberately adopted to cash in on the premium goodwill and brand equity enjoyed by the Plaintiffs' platform within the legal fraternity of the state.

IV. The Forensic Conundrum & Technical Expert Committee Findings

Owing to the highly specialized technical claims, the Commercial Division of the Hon'ble High Court appointed an independent **Technical Expert Committee** comprising senior software engineers and network forensic analysts. The committee was directed to conduct a comparative analysis of both codebases. The report submitted by the Committee highlighted an intricate techno-legal paradox:

- **Abstract Syntax Tree (AST) Overlap:** The back-end source code comparison revealed an approximate **38% structural similarity** between specific core modules of the two programs, heavily concentrated within the text-parsing pipelines and the automated summarization scripts.
- **The Data Destruction Deficit:** The Committee noted that because Defendant No. 2 (CTO of the company) had hosted their primary development code on private cloud instances and had initiated a comprehensive "Server Log Wipe" at their regional data center in Baddi under the guise of a "routine firewall migration," there was **no direct digital trail** confirming a physical file-transfer or copy command from the Plaintiffs' servers.
- However, the committee affirmed that the mathematical convergence of the core algorithms exceeded standard industry variance for independent creation.

V. The Present Pleading and Multi-Layered Defense Lines

Aggrieved by the massive commercial threat, the Plaintiffs moved the Commercial Division of the High Court of Himachal Pradesh at Shimla, seeking a decree of Permanent Injunction against the operation of *Shivalik-Lex AI*, delivery-up and deletion of all derivative codebases, and quantified financial damages worth ₹5 Crores.

The Defendants entered appearance through senior counsel and submitted their Written Statement, raising foundational challenges to the very framework of AI-related IPR litigation in India:

1. **The Demurrer of Non-Human Authorship:** The Defendants contended that the legal summaries, custom drafts, and analytics generated by *Him-Juris* are autonomous outputs generated by a deep-learning machine. They argued that under **Section 2(d) of the Copyright Act, 1957**, a work can only enjoy copyright protection if it exhibits a "modicum of human creativity" originating from a natural person. Since a machine learning algorithm lacks legal personhood, its autonomous outputs reside permanently in the public domain and are legally incapable of being infringed.
2. **The Functional Utility & Scènes à Faire Defense:** Defendant No. 2 argued that any structural similarity in the software interface is protected under the doctrine of *scènes à faire*. They asserted that in any legal research tool specifically tailored for Himachal Pradesh, the inclusion of filters for things like *Section 118 permissions*, *Nautor land grants*, and *village revenue settlement records* is a functional necessity and industry standard, which cannot be monopolized by a single player.
3. **The Independent Creation and Open-Source Defense:** The Defendants submitted project development logs claiming that *Shivalik-Lex AI* was developed independently via a "Clean Room" strategy by external developers who had no access to the Plaintiffs' back-end source code. They argued that the 38% similarity is a natural byproduct of using identical, publicly available open-source machine learning libraries (such as Python's PyTorch and HuggingFace transformer libraries), which are *publici juris*.
4. **The Statutory Shield of Fair Dealing:** Finally, the Defendants pleaded that since the bedrock of the training data consists of judicial judgments and state statutes—which are public documents under Section 52(1)(q) of the Copyright Act, 1957—any rearrangement or computational processing of these materials falls squarely under **Fair Dealing**. They argued that allowing the Plaintiffs to restrict this would violate the public interest and stall technological innovation in the state's legal ecosystem.

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LEGAL ISSUES FOR DETERMINATION

The participants are required to apply statutory frameworks, constitutional doctrines, and advanced global techno-legal jurisprudence to draft a comprehensive, reasoned judgment addressing the following issues:

ISSUE 1

Whether the underlying source code configurations, custom algorithmic pipelines, and autonomously generated AI legal summaries of the Plaintiff's platform (*Him-Juris*) are entitled to statutory Copyright Protection under the Copyright Act, 1957, in view of the strict definitions of "literary work" and "authorship"?

ISSUE 2

Whether the Plaintiff has successfully established a case of actionable Copyright Infringement under Section 51 of the Copyright Act, 1957, based on a 38% structural similarity in specific source code modules and the presence of "copyright traps" (typographical errors) in the output, despite the absence of a direct digital exfiltration trail in server logs?

ISSUE 3

Whether the adoption of the mark "Shivalik-Lex AI" by the Defendants constitutes an infringement of the Plaintiff's trademark "Him-Juris" under the Trade Marks Act, 1999, or whether the branding is descriptive of the functional and geographic utility of the software and therefore ineligible for exclusive statutory protection?

ISSUE 4

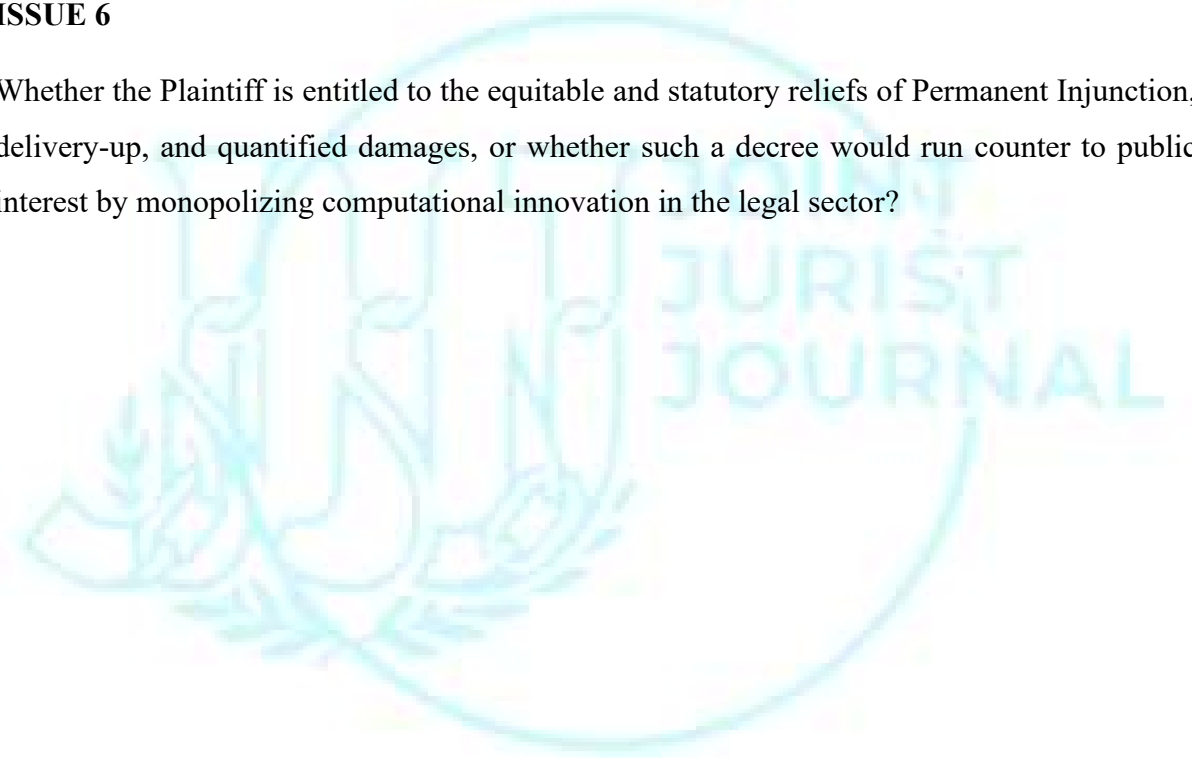
Whether the visual replication of specialized command interfaces, localized layout designs, and functional user-journeys tailored for state revenue laws constitutes an actionable infringement of the software's 'Trade Dress' or whether it is insulated from liability under the doctrine of *Scènes à Faire*?

ISSUE 5

Whether a commercial ed-tech entity can validly invoke the doctrine of 'Fair Dealing' under Section 52 of the Copyright Act, 1957, to insulate a commercial software application that processes, restructures, and reproduces proprietary legal summaries derived from public domain judicial records?

ISSUE 6

Whether the Plaintiff is entitled to the equitable and statutory reliefs of Permanent Injunction, delivery-up, and quantified damages, or whether such a decree would run counter to public interest by monopolizing computational innovation in the legal sector?



ADVANCED JURISPRUDENTIAL REFERENCE POINTS FOR RESEARCH

- **The Code of Civil Procedure, 1908:** Section 20.
- **The Commercial Courts Act, 2015:** Section 2(1)(c)(xvii) (Intellectual Property Rights) and Section 7.
- **The Copyright Act, 1957:** Section 2(d) (Author), Section 2(o) (Computer Programmes), Section 13, Section 51 (Infringement), and Section 52 (Fair Dealing exceptions).
- **The Trade Marks Act, 1999:** Section 27 (Passing Off), Section 29 (Infringement), and Section 35.
- *Computer Associates International, Inc. v. Altai, Inc.* (982 F.2d 693) – For the **Abstraction-Filtration-Comparison Test** regarding non-literal copying of software.
- *Eastern Book Company v. D.B. Modak* ((2008) 1 SCC 1) – For the standard of **"Modicum of Creativity"** required for copyright in compiled legal works.
- *Oracle America, Inc. v. Google Inc.* (596 U.S. 598) – For the copyrightability of software APIs, command structures, and fair use in code replication.