

WRITE TO INFORMATION

Technology, Media, Telecommunication,
December 2022

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ABOUT US

TMT Law Practice is a boutique law firm providing a full suite of services in the TMT sectors. Over time, the firm's practice has expanded from a niche boutique IP practice, to include practice areas such as commercial disputes resolution & arbitration, regulatory litigation & advisory, corporate/commercial advisory and transactional support, and policy and legislative drafting across industry verticals. The Firm represents a broad range of clients including Fortune 500 companies, as well as MSMEs and Start-ups.

The firm engages in the practice of the conventional domains of law, and, is also heavily invested in the niche areas of emerging technology, including space technology and policy; healthcare and ICT; data privacy and protection; and, sports laws.

The Firm stresses on developing well-rounded, solution-oriented professionals, who specialize in client - focused service delivery.



A. TECHNOLOGY:

1. DIA proposed to regulate algorithms used by social media and internet firms:

According to reports, the Digital India Act (DIA), as proposed, and the draft rules may include provisions to govern latest technologies used by social media platforms such as advanced quantum computing, metaverse and AI, amongst others. If included, India will become one of the first few countries in the world to govern legal oversight of proprietary software codes used by social media platforms.

[Read more](#)

2. Despite ITC ruling in favour of AliveCor, import ban on Apple watches on hold:

The International Trade Commission (ITC) issued its Final Determination ruling stating that Apple Watch infringed AliveCor's patented technology. The ITC issued a Limited Exclusion Order (LEO), a cease and desist order and set a bond in the amount of \$2.00 per unit of infringing Apple Watches imported or sold during the Presidential review period, potentially impacting sales of millions of infringing Apple Watches. However, despite such ruling, the ITC did not impose a ban on the import of the infringing watches until appeals were finished in a separate dispute before the USPTO where a panel found AliveCor's patents invalid in November.

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3. Ericsson and Apple end patent-related legal row with licence deal:

Ericsson has signed a global patent licence agreement granting patented cellular standard-essential technologies, amongst other rights to Apple, thus, settling the on-going dispute for royalty payments for the use of 5G wireless patents in iPhones. "The settlement ends all ongoing patent-related legal disputes between the parties," the Swedish telecom equipment maker said in its official statement.

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4. US Senate unanimously passes bill proposing ban on TikTok on all government devices:

The U.S. Senate has passed a bill banning federal

government employees from downloading/ accessing TikTok on government owned devices on account of national security concerns regarding TikTok's parent company, ByteDance Ltd. This legislation is yet to become the law and be enforceable. TikTok is currently undergoing a national security review process by the U.S. Committee on Foreign Investment.

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5. MIB blocks all access to Pakistan-based OTT platform 'Vidly TV':

On account of finding the web series "Sevak" aired on the platform "detrimental to national security, sovereignty and integrity of India, defence of India, security of the State, India's friendly relations with foreign States, and public order in the country", the Ministry of Information and Broadcasting, under the IT Rules 2021, passed an order banning the website, two mobile applications, four social media accounts, and one smart TV app of the platform.

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6. CJEU rules search engine operators must delete 'manifestly inaccurate' results:

The Court of Justice of the European Union ruled that search engine operators are obligated to delete search results if an individual/entity proves that such information pertaining to them is "manifestly inaccurate." The decision comes after Google denied a request by two investment managers to "de-reference" results of a search they claimed produced "inaccurate claims".

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B. MEDIA:

7. Calcutta High Court rejects PIL alleging 'Koffee With Karan' promotes racism, sexuality, obscenity:

A public interest litigation (PIL) petition alleging filed by one Nazia Elahi Khan stating that the television show Koffee with Karan promotes racism, sexuality and obscenity, was dismissed by the Hon'ble Calcutta High Court. The Court observed that the plaintiff herself had not watched the show, and deduced that the PIL was solely filed to garner publicity.

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8. UK govt agency clarifies that sharing passwords of streaming platforms amounts to copyright infringement:

The UK's Intellectual Property Office (IPO) recently said the practice of sharing passwords for streaming services like Netflix and Amazon Prime is against the law. People sharing passwords of such streaming services with friends or family members violates the copyright law as the same is usually against the terms of the user agreements, according to the UK IPO. It amounts to "secondary copyright infringement," the government agency clarified.

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9. The Karnataka High Court declares Ideal Jawa as the owner of the mark "Yezdi":

While restraining Boman Irani and Classic Legends Pvt. Ltd, or any person from claiming ownership of the mark 'Yezdi', the court held that Ideal Jawa (India) Ltd is the owner of the mark "Yezdi" (word and device) taken independently or in conjunction with other words and that the trademarks of the Company (in liquidation), remain in custodia legis of the court, as they were owned by the company prior to the time of its winding up.

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10. Bombay High Court bans venues from using copyrighted music without PPL licence:

In a series of orders issued against individual establishments in December 2022, the Hon'ble Bombay High Court has restrained the use of copyright-protected sound recordings of Phonographic Performance Ltd. (PPL) without license by hundreds of popular commercial establishments. The establishments desirous of using the music will have to acquire two licenses, one for playing copyrighted songs in background in the premises and another for events like New Year, Christmas.

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C. TELECOM

11. TRAI has released Recommendations on 'Renewal of Multi-System Operators (MSOs) Registration':

In such regard, TRAI had issued a consultation paper on the same, seeking comments from

all stakeholders. Basis such comments, TRAI inter alia recommends that the renewal must be done for 10 years and the processing fee for the same shall be INR 1 lakh. The regulator has also prescribed that MIB should maintain the list of MSOs with due date of expiry on its website starting from the latest due date. It recommended that the extant guidelines for uplinking and downlinking of television channels be appropriately amended to ensure that broadcasters do not provide signals to such MSOs whose registration has expired.

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12. Online gaming and esports to now fall within the ambit of MEITY and MYAS respectively:

The Gazette notification dated 23rd December 2022, announced the amendments to the Government of India (Allocation of Business) (Three Hundred and Seventieth Amendment) Rules, 2022. Accordingly, "Matters relating to online gaming" shall now come within the purview of Ministry of Electronics and Information Technology and "e-Sports as part of multi-sports events" under the Ministry of Youth Affairs and Sports.

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13. TRAI issues "Telecom Tariff (69th Amendment) Order, 2022":

The Telecom Regulatory Authority of India (TRAI) issued the "Telecom Tariff (69th amendment) order 2022" on "Tariff for SMS and Cell Broadcast alerts disseminated through Common Alerting Protocol (CAP) platform during disasters/non-disasters" on 6th December, 2022. This also mandates that the TSPs shall broadcast messages to all the subscribers through cell broadcast free of cost during disaster and non-disaster period.

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14. TRAI releases Consultation Paper on Introduction of Calling Name Presentation (CNAP) in Telecommunication Networks:

The Telecom Regulatory Authority of India (TRAI) released a Consultation Paper on 'Introduction of Calling Name Presentation (CNAP) in Telecommunication Networks' after receiving a reference from the Department

of Technology to provide its recommendations regarding introduction of CNAP facility in the Indian Telecommunication network.

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15.MEITY to introduce age verification mechanism and KYC norms for real money games:

Some social media and internet platforms have expressed concerns about the draft Digital Personal Data Protection Bill, which includes age-gating. All real money games and the

online gambling industry in general to be hit with Age verification system and know-your-customer (KYC) norms by the Ministry of Electronics and Information Technology. The guidelines will be added to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, in an attempt to tackle issues surrounding user safety and financial harm from real-money games, particularly for younger children.

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Established in 2008, headquartered in New Delhi, with branch office in Bengaluru, Mumbai and Bhubneshwar, TMT Law Practice is India's premiere Law Firm in segment of Technology, Media and Telecom, behind India's iconic clients and judgements, often cited for "Where Law Meets Innovation"...

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