

NEWSLETTER

Technology, Media & Telecommunication Laws
January, 2021

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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.



1. **Take Two!: Screenwriters Rights Association of India Applies for Registration as Copyright Society... Again**

Recently, the Screenwriters Rights Association of India (SRAI) filed a revised application before the Registrar of Copyrights to be recognised as a copyright society under Section 33 of the Copyright Act, 1957. SRAI aims to negotiate, collect and distribute royalties on behalf of screenwriters in works authored by them. It had previously applied for registration in 2017 as well, but the application disappeared for unknown reasons.

Date: *10th January, 2021*

Link: [Read More](#)

2. **Delhi High Court Issues Notice In Plea Seeking Regulation Of Digital Lending Platforms**

The RBI circular dated 23.12.2020 cautioned against unauthorized digital lending platforms and the petition seeks for regulation and control on growing online digital lenders working.

Date: *15th January, 2021*

Link: [Read More](#)

3. **Is Appointment Of Arbitrator By Ineligible Person Valid? Supreme Court Refers Issue To Larger Bench**

In a decision delivered on December 17, 2019 in Central Organization of Railway Electrification, a division bench comprising Justices R Banumathi and AS Bopanna held that appointment by an authority who is disqualified from being an arbitrator can be valid depending on the facts. The said judgement has been referred by the Supreme Court to a larger bench to decide whether appointment of an arbitrator by a person who is disqualified to be an arbitrator under Section 12(5) of the Arbitration Act, is valid?

Date: *15th January, 2021*

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4. **I&B ministry starts work on self-regulation law for OTT platforms, online news**

In a move aimed at providing a level-playing field in the media, the government has decided to bring in an overarching statute that will provide

for self-regulation in digital media including Over-the-top (OTT) platforms and news websites to address issues of sensitive video content and fake news, people familiar with the matter said. There are at least 40 OTT platforms including multinationals like Netflix, Amazon Prime and HotStar and hundreds of news content websites.

Date: *16th January, 2021*

Link: [Read More](#)

5. **Parliamentary Panel summons Facebook, Twitter Executives over Social Media Misuse and other concern**

The official agenda of the meeting circulated to the member MPs: "Evidence of representatives of Ministry of Electronics and Information Technology and to hear the views of the representatives of Facebook and Twitter on the subject 'Safeguarding citizens' rights and prevention of misuse of social/online news media platforms including special emphasis on women security in the digital space'

Date: *18th January, 2021*

Link: [Read More](#)

6. **What Kind Of Reporting Amounts To 'Media Trial'? Bombay High Court Gives Guidelines**

The Court opined that "media trials' can obstruct the administration of justice and is in violation of the program code. The Hon'ble Court opined that the media trials have an impact on the probe. The Court further stated that "any reportage has to be in accordance with the norms of journalistic standards and ethics, else media houses stand to face contempt action". The Court laid down the guidelines to be followed by the press and media which are laid out in the judgment. The Court disposed of the writ petition stating that the findings were for adjudication of the writ petition and are no reflection of any expression on pending investigations with the respective investigating agencies".

Date: *18th January, 2021*

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7. **CCI decision to probe Amazon is in flagrant violation of Competition Act: Gopal Subramaniam to Karnataka High Court**

The Karnataka HC is hearing 2 petitions filed by Amazon and Flipkart seeking to quash the probe ordered by CCI for alleged violation of Competition Act. In relation to exclusivity it is argued that certain products are exclusively launched on Amazon however during the launch period the same are available on brand stores thus it is argued that there is no exclusivity. Amazon has raised concerns over the bona fide of the informant before the CCI

Date: 19th January, 2021

Link: [Read More](#)

8. **Supreme Court upholds validity of Insolvency and Bankruptcy Code (Amendment) Act, 2020**

The Supreme Court on Tuesday upheld the Constitutional validity of the amendments made to the Insolvency and Bankruptcy Code (IBC) in 2020 that mandated a minimum of 100 home buyers to come together to file an insolvency application in the National Company Law Tribunal (NCLT) to trigger the IBC against a defaulting developer.

Date: 20th January, 2021

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9. **HUDA is an 'enterprise' under Section 2(h) of Competition Act, not guilty of abuse of dominance: CCI**

The CCI has held that the Haryana Urban Development Authority (HUDA) is an enterprise under Section 2(h) of the Competition Act, 2002 and the finding was made in a complaint alleging abuse of dominance on the part of HUDA in the supply and sale of institutional plots in urban estates in Haryana

Date: 21st January, 2021

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10. **WhatsApp privacy policy challenged in Supreme Court**

Traders' confederation moves Supreme Court against WhatsApp privacy policy: The Petitioner organization has urged the Court to frame guidelines and schemes to govern big technology

companies like WhatsApp in order to protect the privacy of citizens and businesses and has also brought the courts attention to the stark differences in privacy policies adopted by the European Union and India and how the data of Indian users can be misused.

Date: 16th January, 2021

Link: [Read More](#)

WhatsApp informed Supreme Court about new privacy policy : As per the new privacy policy, WhatsApp shares user information globally. Such sharing happens internally within the Facebook Companies and externally with partners and service providers, and with those with users communicate around the world, in accordance with its updated privacy policy.

Date: 21st January, 2021

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11. **Content Regulation of OTT platforms - Matter reaches Supreme Court**

Amazon Prime show 'Tandav' faces calls for a ban in India: Amazon wants India to play a key role in its ambitions to conquer streaming video. But the company now faces a political backlash over one of its new original shows. Authorities are looking into claims that Amazon's new Prime Video series "Tandav" includes religiously insensitive content. Several Indian politicians say they have complained to the police or regulators about the company and the show's creators.

Date: 19th January, 2021

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'Tandav' Makers to Drop 'Controversial' Scenes, Thank I&B Ministry for 'Guidance': Producers and Amazon Prime platform make changes to "Tandav" after meetings with the ministry of information and broadcasting, following numerous FIRs filed against the filmmakers and the platforms alleging that the webseries is creating a possibility of religious tension, portraying Hindu Gods in a bad light and using casteist scenes and dialogues in the series. The makers are also accused of portraying the Indian Prime Minister in an indecent way in the FIR.

Date: 20th January, 2021

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'Mirzapur Series Tarnished Historical & Cultural Image Of City' : Supreme Court Issues Notice To Centre, Amazon Prime Video On Plea For Ban: The plea seeks for a ban on the release of Mirzapur 2, the sequel, and for directions to set up a pre-screening committee for content that is directly released on online platforms and prays for censorship of these shows and shows, on par with movies that get censored before releasing in theaters.

An inquiry has also been sought to be initiated against Excel Entertainment, Amazon Prime Video as well as the actors in Mirzapur under Indecent Representation of Women (Prohibition) Act, 1986, Cinematograph Act, and Information Technology Act, 2000.

Date: *21st January, 2021*

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12. [Delhi High Court refuses to stay release of The White Tiger on Netflix](#)

"There is no material on record to justify the plaintiffs approaching this court less than 24 hours prior to release seeking stay..It is settled ... that any party approaching court at the end of the hour, seeking interlocutory injunction against the release of cinematographic film, is disentitled to any such relief," a single-judge Bench of Justice C Hari Shankar stated.

Date: *22nd January, 2021*

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13. [Section 12\(5\) Of Arbitration & Conciliation Act Which Deals With Ineligibility Of Appointment As Arbitrator Is A Mandatory & Non- Derogable Provision:](#)

The bench comprising Justices L. Nageswara Rao, Indu Malhotra and Ajay Rastogi, noted that the appointment of the Principal Secretary, Government of Haryana as the nominee arbitrator of Haryana Space Application Centre (HARSAC) which is a Nodal Agency of the Government of Haryana, would be invalid under Section 12(5) of the Arbitration Act, 1996 read with the Seventh Schedule.

Date: *22nd January, 2021*

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14. [Instagram versus Thriftagram](#)

Thinking of desirable commercial social media business platforms, Instagram has risen to be one of the most sought-after social media companies with over 600 million users across the globe. By offering a great opportunity to market and present the brands to the customer base in an exceptional way, Instagram has stood out for businesses, and has shown remarkable growth in popularity among celebrities and companies alike. In this head-to-head race to provide a diverse merchandising social media platform, Instagram, LLC found itself amidst yet another trademark clash; this time against the registration of the mark THRIFTAGRAM filed by Thriftagram.com, early last November. Instagram, LLC in its opposition to the Trademark Trial and Appeal Board sought to sustain the opposition as well as the refusal of registration of mark – THRIFTAGRAM

Date: *22nd January, 2021*

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15. [Annual general meetings, extraordinary general meetings may go virtual permanently](#)

The government could make virtual board meetings, annual general meetings (AGMs) and extraordinary general meetings (AGMs) a permanent feature. It is considering such a proposal and suitable changes could be made to the Companies Act, a government official said. The Ministry of Corporate Affairs (MCA) is looking to permanently shift AGMs, EGMs and board meetings to virtual mode, the official said. "Since this is the new normal, we are considering making it a part of the normal scheme of things rather than a Covid-19 specific relaxation," the official said.

Date: *25th January, 2021*

Link: [Read More](#)

16. [India to permanently ban 59 Chinese apps, including TikTok](#)

India has permanently blocked 59 Chinese apps including TikTok almost seven months after issuing show-cause notices to ban them following a prolonged border standoff with China.

The Ministry of Electronics and Information

Technology (MeitY), in new notices to the apps last week, has said their answers and clarifications following the ban were found to be inadequate. As a result, the temporary block has now been made permanent.

Date: *26th January, 2021*

Link: [Read More](#)

17. [Norway fines Grindr dating app €9.6m over data privacy breach](#)

The Norway Data Protection Authority is planning to fine Grindr, a dating app to the tune of 9.6 million euros for alleged privacy breach. Grindr has been accused of selling the personal data of users without their 'valid consent'. Notably, Norway is not a member of the European Union but has implemented the GDPR regime in the same manner as the EU states.

Date: *26th January, 2021*

Link: [Read More](#)

18. [Tandav: Supreme Court refuses to grant interim protection to web series makers](#)

The Supreme Court refused to accept petitioners' plea seeking quashing of FIR and interim protection from arrest. The bench said the petitioners could approach the court for an appropriate remedy under law for anticipatory bail.

Date: *26th January, 2021*

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19. [Supreme Court seeks response from Central Govt in plea to constitute Media Tribunal to adjudicate complaints against media/TV channels](#)

In a significant development, the Supreme Court on Monday sought the response of the Central government on a petition praying that a 'Media Tribunal' be constituted to hear and expeditiously adjudicate complaints against media networks and television channels (Nilesh Navalakha v. Union of India).

"Is this a welcome measure?"

Date: *27th January, 2021*

Link: [Read More](#)

20. [MIB set to amend Cable Television Network \(Regulation\) Act](#)

The Ministry of Information and Broadcasting is looking to amend the Cable Television Network (Regulation) Act, 1995 with the target of expanding the ambit of the act. One of the key proposals of the amendment is to include broadcasters and DPOs in the purview of the act.

Date: *27th January, 2021*

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21. [Online Rummy: Kerala HC serves notice to Virat Kohli, Tamannaah, Aju Varghese](#)

The Kerala High Court on Wednesday served notices to cricketer Virat Kohli, actors Tamannaah Bhatia and Aju Varghese over a plea against online rummy. The trio are the brand ambassadors of the online rummy game.

Date: *27th January, 2021*

Link: [Read More](#)

22. [Japan considers new cosplay copyright rules](#)

The Japanese government is considering how best to regulate cosplay using copyright law. Cosplay is the trend wherein the dressers dress up as characters from famous mangas/novels. While engaging in cosplay for a hobby is not in violation, recent trends of influencers using cosplay on social media has attracted the attention of the Japanese government.

Date: *27th January, 2021*

Link: [Read More](#)

23. [SC adjourns plea seeking direction to RBI to prevent abuse of citizens' UPI data collected by Amazon, Google, Facebook, WhatsApp Pay](#)

The Supreme Court on 28.01.2021 adjourned the plea seeking a direction to the Reserve Bank of India to frame necessary regulations to make sure that data of Indian citizens collected on UPI platforms is not exploited by companies like Amazon, Google, and Facebook. The matter is to be heard on February 1.

Date: *28th January, 2021*

Link: [Read More](#)

24. **Supreme Court Issues Notice On Plea To Ensure 'WhatsApp Pay' Complies With Privacy Guidelines**

The Supreme Court on 28.01.2021 issued notice in an Impleadment Application, filed in a plea pertaining to data protection on Unified Payments Interface. One of the main prayers in the plea was a direction to RBI and NPCI to ensure that WhatsApp "is not permitted to launch full-scale operations of 'WhatsApp in India, without fulfilling all legal compliances to the satisfaction of the Court regarding the requisite regulatory compliances.

Date: *29th January, 2021*

Link: [Read More](#)

25. **Government Proposes Bill To Develop A Digital Rupee While Banning Crypto-Currencies**

The Indian government plans to introduce a new bill (The Cryptocurrency and Regulation of Official Digital Currency Bill, 2021) to ban trading and investments in crypto-currencies during the Budget session of the parliament. The bill could pave the way for the introduction of a central bank-backed digital currency (CBDC), an approach mirroring the one taken by China before it introduced its own CBDC.

Date: *30th January, 2021*

Link: [Read More](#)

26. **"Highly Invasive": Internet Freedom Foundation Moves Supreme Court Against WhatsApp's Updated Privacy Policy**

The Internet Freedom Foundation has moved the Supreme Court seeking an interim stay on WhatsApp's updated privacy policy and guidelines to safeguard the personal data and privacy of over 400 million Indian WhatsApp users. In the instant application filed through Advocate TVS Raghavendra Sreyas, IFF has stated that the 2021 Policy of WhatsApp is highly invasive and has been unilaterally forced upon Indian internet users.

Date: *30th January, 2021*

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