

WRITE TO INFORMATION

Technology, Media, Telecommunication,
October 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. Microsoft Looks To Build An Xbox Mobile Gaming Store With Activision And King Content:

As the U.K.'s Competition and Markets Authority (CMA) investigates Microsoft's \$68.7 billion acquisition of Activision Blizzard, Microsoft recently revealed in its filings with the CMA that it plans to create a new "Xbox Mobile Platform" that will include mobile games by Activision and King. With the development of Xbox Mobile Platform, Microsoft intends to build its mobile gaming presence and compete with rivals Google and Apple.

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2. Google To Help Assam Government To Accelerate Digitisation In Schools:

Google has announced a Memorandum of Understanding to support and accelerate the Government of Assam's mission to promote digital growth and development in the state. Under this new initiative, Google will collaborate with the Assam Government's Skill, Employment & Entrepreneurship Department to reinforce their school digitization efforts by adding new digital learning tools and solutions to help teaching and learning.

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3. Elon Musk completes \$44 billion deal to own Twitter:

Twitter's acquisition by Elon Musk was confirmed in an SEC filing from the company, noting it's delisting from the New York Stock Exchange. After the acquisition, Elon Musk has fired four top executives at the company, including CEO Parag Agrawal. Musk has also announced that the existing verification process is set to change, and users might soon have to pay to get that coveted 'Blue tick'. Further, Musk has dissolved the board of directors and is now the sole director of the company

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4. UK Government Funds £211m To Advance Battery Technology:

The UK Government has announced it will invest £211 million via the Faraday Battery

Challenge to innovate and make the country a global leader in battery technology. The funding will enable the UK's battery manufacturing industries to research for advancement in battery technology and scale-up production capabilities. It will also pave the way for private investment and economic growth in vital industries such as electric vehicles and domestic energy storage.

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5. European Union Approves Phone Charger Reform:

The European Parliament approved new rules on Tuesday that will introduce in the European Union a single charging port for mobile phones, tablets and cameras by 2024, a world first that is expected to affect iPhone maker Apple more than its rivals. Apple Inc. has already confirmed that it will replace the Lightning connector on its iPhones to USB-C charging to comply with the new EU law.

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6. Australia To Introduce Tougher Penalties For Data Breaches:

The Australian government will introduce legislation to significantly increase penalties for privacy breaches. The legislation will boost the maximum penalty for serious or repeated privacy breaches to A\$50 million (\$32 million); three times the value of any benefit obtained through the misuse of information; or 30% of a company's adjusted turnover in the relevant period, whichever is greater. The current level is a A\$2.22 million penalty.

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7. Australia's Pubs Set To Combat Gambling With Facial Recognition Tech:

The New South Wales government has introduced new laws allowing the use of facial recognition throughout pubs and clubs, despite not yet developing rules to guide the rollout. The scheme would be aimed at identifying and restricting people addicted to the so-called pokies - popular gaming machines, who have signed up for the self-exclusion system but cannot resist the temptation to try their luck. Everyone in the gaming area of a venue would have their face scanned. The images would

then be cross-checked with people who have signed up for the self-exclusion system.

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8. Google Has Removed 16 Apps That Engaged In Ad Fraud To Artificially Increase Ad Interaction:

Google has removed 16 apps from its Play Store which were causing faster battery drain and high data usage on the Android devices. The security firm which identified these bugs alleges that the removed applications were performing ad fraud by redirecting to web pages in the background to click on ads impersonating as a real user. The apps are said to have 20 million downloads before they were removed from the play store.

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9. Supreme Court Gives a Go Ahead To CCI For Probe Into WhatsApp Privacy Policy:

The Hon'ble Supreme Court rejected WhatsApp and its parent company Meta's appeal to restrain the Competition Commission of India (CCI) from going ahead with its investigation into WhatsApp's new privacy policy under which WhatsApp would share commercial user data (business accounts) with its parent Facebook. CCI ordered a probe into the stated policy for alleged breach of antitrust law.

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10. Google fined by CCI for anti-competitive practices on Android:

The Competition Commission of India (CCI) has fined Google Rs 1337.76 crore (\$162 million) for anti-competitive practices related to Android devices. CCI, in its press release, has said that Google had abused its dominance in the licensing of its operating system for smart mobile devices, app store market for Android smart mobiles, general web search services, non-operating system specific mobile web browsers, and online video hosting platforms. CCI has also passed several directives to Google putting a ban on certain anti-competitive practices such as licencing of Play Store to original equipment manufacturers should not be linked to the requirement of pre-installing Google search, Chrome browser, or any other Google application. Google, in its

official response has stated, that it will "review the decision to evaluate the next steps".

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11. CCI Levies A Fine On Google And Orders It To Allow Third-Party Payments:

India's anti-trust regulator, the Competition Commission of India (CCI), imposed a penalty of Rs 936.44 crore on Google for abusing its dominant position with respect to its Play Store policies. CCI has also issued a cease-and-desist order in which the regulator prescribed eight corrective measures that Google Play needs to implement to correct the anti-competitive practices.

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12. Google pauses enforcement of Play billing for app developers in India after CCI ruling:

After the CCI order which fined Google for its Play Store policies, Google is pausing enforcement of its requirement for developers to use Google Play billing system for in-app purchases for app developers based in India. Indian app developers were supposed to comply with this requirement by October 31, 2022.

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13. Meta Fined \$24.7million For Campaign Finance Disclosure Violations:

A Washington state judge fined Meta nearly \$25 million for repeatedly and intentionally violating campaign finance disclosure law, which requires ad sellers such as Meta to keep and make public the names and addresses of those who buy political ads, the target of such ads, how the ads were paid for and the total number of views of each ad. While Meta does keep an archive of political ads that run on the Facebook platform, the archive does not disclose all the information required under Washington's law.

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14. Apple Fined, Ordered To Sell iPhones With Charger In Brazil:

A Brazilian court fined Apple Inc 100 million reais (\$19 million) and ruled that battery chargers must come with new iPhones sold

in the country. The Sao Paulo state court ruled against Apple in a lawsuit, filed by the association of borrowers, consumers and taxpayers, that argued that the company commits abusive practices by selling its flagship product without a charger.

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15. Fitbit Sued In Australia For Misleading Consumers On Faulty Devices:

Australia's competition regulator, Australian Competition and Consumer Commission (ACCC), has begun court proceedings against Fitbit LLC for allegedly making false or misleading claims to consumers about their guarantee rights on faulty devices. Fitbit claimed consumers will not be entitled to a refund unless they returned a faulty product within 45 days of purchase or shipment, which is in not in accordance with Australian Consumer Law.

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16. U.S. Alleges Seagate Broke Export Rules To Sell Huawei Hard Drives:

Seagate Technology Holdings said in a filing that it has been warned by the U.S. government that the company may have violated export control laws by providing hard disk drives to a customer on a trade blacklist. According to reports, the customer is China's Huawei which is on the U.S. Commerce Department's entity list and banned from buying U.S. exports and certain foreign-made items without government approval.

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17. Turkish Competition Board Fines Meta Platforms \$18.6 Million:

Turkey's competition authority has fined Facebook parent Meta Platforms Inc for breaking competition regulations. The Turkish regulator said the company held a dominant position in personal social networking services and online video advertising and had obstructed competitors by merging data collected through its core services Facebook, Instagram, and WhatsApp.

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B. MEDIA

18. Meta Adds New Tools To Assist In Intellectual Property Detection And Enforcement:

Meta is in the process of developing a new Intellectual Property (IP) Reporting application programming interface (API) which would be integrated with Meta's existing Graph API, which is the primary way for apps to read and write to the Facebook social graph. This integration allows authorized API users to more effectively fill out the same fields that exist in the IP reporting forms in a secure and streamlined way, bringing more efficiency to this process by allowing users to report content at scale.

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19. Ministry Issues Advisory Against Advertisements Of Betting Still Visible On Television And Digital Media:

The ministry of information and broadcasting issued two advisories, for private television channels and digital news publishers and OTT platforms, asking them to refrain from showing advertisements, including surrogate ads, of online betting sites, calling them a significant financial and socio-economic risk for consumers.

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20. CBFC Says Film Advertisements Must Carry Film Certification:

A press release issued the Central Board of Film Certification (CBFC) states that the rating granted to the film such as 'U/A', 'A' or 'S' should appear in all advertisements after the date of certification under rule 38 of the Cinematograph (Certification) Rule 1983.

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21. Centre To Constitute Appellate Committee For Grievances Against Social Media Intermediaries:

The Centre has brought amendments to the IT Rules 2021 that allow any person aggrieved by social media intermediaries' decisions related to blocks, suspensions, etc. to seek redressal by filing an appeal to the government-appointed

Grievance Appellate Committees. With the new amendments, any person aggrieved by a decision of the Grievance Officer related to blocks, suspensions, etc. may prefer to file an appeal to the Grievance Appellate Committee within a period of thirty days from the date of receipt of communication from the Grievance Officer.

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22. Zee-Sony To Sell Off Big Magic, Zee Action And Zee Classic To Address CCI's Merger Concerns:

To address concerns raised by the Competition Commission of India (CCI), Zee and Sony have agreed to divest three Hindi film channels from the Zee group i.e., Big Magic, a Hindi general entertainment channel, Zee Action, and Zee Classic to reduce their market share. Based on the aforementioned condition, CCI has approved the merger of both companies.

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23. CCPA Issues Notices For Surrogate Ads To Kamla Pasand, Rajnigandha:

According to the reports, the Central Consumer Protection Authority (CCPA) has sent notices for violating regulations for surrogate advertising to brands of various products including Kamla Pasand, Vimal pan masala, Rajnigandha, Seagram's imperial blue (alcoholic beverage), Sterling Reserve (alcoholic beverage) etc. The reports also suggest that CCPA has taken steps towards increasing market surveillance through conducting raids.

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24. Delhi High Court Interpreted Synonymy In A Trademark Infringement Suit:

Interpreting synonymy in a matter related to two similar trademarks - APPLESTREE and APPLEPLANT, which belong to different manufacturers, the Hon'ble Delhi High Court in a recent order said the words 'plant' and 'tree' are a classic example of synonymy where reading one would bring in mind the other and lead to confusion in the mind of purchasers.

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25. Rights Of Copyright Owners Must Be Balanced With Society's Right To Use Music In Marriage Ceremonies:

Expert To Delhi High Court: Dr. Arul George Scaria, who was appointed as an independent expert on the legal issue of use of music in marriages, has informed the Hon'ble Delhi High Court that while adjudicating on the aspect of use of music in such ceremonies, in terms of Section 52(1)(za) of the Copyright Act, 1957, a proper balance has to be struck between rights of copyright owners and the rights of the users or society through limitations and exceptions.

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26. Hindu Sena Moves Delhi High Court Against Makers, Actors Of Adipurush:

An organisation named Hindu Sena has filed a Public Interest Litigation (PIL) in the Hon'ble Delhi High Court against the makers and actors of Adipurush which seeks removal of what it claims is 'objectionable content' related to Lord Ram, Sita, Hanuman, Ravana and others. The plea has been moved by National President of Hindu Sena, Vishnu Gupta. The PIL further states that the movie has hurt the sentiments of the Hindu community by depicting religious figures in an inappropriate and inaccurate manner.

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27. Plea In Supreme Court Seeks Ban On Movie "Thank God", Alleges Insult To God Chitragupta:

A petition has been filed in the Hon'ble Supreme Court against upcoming movie 'Thank God' for derogatory portrayal of Lord Chitragupta. It is alleged in the petition that the trailer of the movie and the various posters of the movie are spreading wrong, insulting and derogatory messages against God Chitragupta who is worshipped worldwide by people. The petition seeks directions (a) that the trailers and posters of the said movie should be removed from Youtube and other electronic platforms. (b) to stop the release of the said movie in theatres or on the OTT platforms.

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28. The Delhi High Court Recognises “Rajnigandha As A Well-Known Trademark:

In the case of Rajnigandha vs Rajnipaan. the Hon’ble Delhi High Court, passed a decree in favour of Dharampal Satyapal Limited - the manufacturers of the iconic pan masala Rajnigandha and permanently halted the production, sale or promotion of any product under the trademark ‘RAJNI PAAN’. The Court held that the manufacturers of Rajni Paan had intentionally attempted to trade off the significant goodwill and reputation of the manufacturers of Rajnigandha, hence the Court directed producers of Rajni Paan to pay Rs. 3,00,000 (Rupees Three Lakhs Only) as damages.

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29. Supreme Court Issues Notice On Govindacharya’s Plea Regarding Copyright Of Livestreamed Sessions Of The Court:

The Hon’ble Supreme Court has issued notice on K N Govindacharya’s plea that private platforms like YouTube cannot be granted the copyright of the livestreamed sessions of the Supreme Court. K N Govindacharya is a former leader of the Bhartiya Janata Party. The Court issued notice to the Registry of the Hon’ble Supreme Court and the Center on the limited prayer of safeguarding the copyright of the webcasted content.

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30. Delhi High Court Restrains 23 “Rogue Websites” From Streaming Akshay Kumar-Starrer Ram Setu:

Considering the investment made by the producer in the film and the losses the producer would suffer in case of unauthorised leak of the film, the Hon’ble Delhi High Court has restrained 23 “rogue websites” from distributing, hosting, streaming, retransmitting, exhibiting and downloading of the upcoming movie Ram Setu, saying that piracy has to be curbed and needs to be dealt with a heavy hand.

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31. Madras High Court Temporarily Restrains MobilePe From Providing BHIM/ UPI Services:

The Hon’ble Madras High Court temporarily restrained digital payment app MobilePe and its group companies from offering Unified Payments Interface (UPI) and Bharat Interface for Money (BHIM) services following a trademark infringement suit filed by PhonePe. The Court held that the logos of the two apps were similar, and that a prima facie case of “possible deception” had been made out.

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C. TELECOM

32. 5G Services Launched In India:

Prime Minister Narendra Modi formally introduced the 5G services in India on October 01, 2022 at India Mobile Congress (IMC) in Delhi. The main objective of the event was to promote new technologies with the theme this year being “Encapsulate, Engage and Experience a New Digital Universe”. While Airtel has confirmed that it will roll out 5G in eight cities from October 01, 2022, Jio will bring 5G to select cities first, and plans to cover the entire country by 2023.

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33. DoT Issues Guidelines For Establishing Satellite-Based Communication Network(S):

The Department of Telecommunications (DoT) has issued the guidelines for establishing satellite-based communication network(s). The said guidelines have been divided into two chapters i.e., Chapter-I specifies the Licensing regime of DoT for satellite-based communication services and Chapter II specifies the process for seeking in-principal clearance and other approvals for establishing a satellite-based communication network by a licensee.

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34. TRAI To Propose Unified KYC System To Check Fraudulent Callers:

According to reports, the Telecom Regulatory Authority of India (TRAI) will propose to set up a unified know-your-customer system, which should be accessible by all telecom operators, to check fraudulent callers and spammers. TRAI is reported to be working with service providers to use artificial intelligence and machine learning to detect fraudulent callers and spammers.

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35. Telecom Body Urges Government To Clearly Define OTT Communication Services In Draft Telecom Bill:

The Cellular Operators Association of India has pushed forward a strong demand of its member companies to regulate the over-the-top or OTT communication players such as WhatsApp, Signal, Telegram etc. The association has urged the government to define the OTT Communication services in the draft telecom bill in order to bring comprehensiveness and avoid any possible ambiguity.

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36. Telcos Expect State Regulators To Cut Tower Tariffs For 5G:

Telecom companies have proposed the state governments to rationalise the electricity tariffs for telecom towers and levy industrial electricity rates instead of commercial electricity rates to reduce energy cost for the telecom companies. While the proposal is endorsed by the Forum of Regulators (Electricity), the state electricity regulatory commissions (SERCs) will have to come out with necessary tariff orders.

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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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