

# WRITE TO INFORMATION

Technology, Media, Telecommunication,  
September 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. Google Partners With NASA To Develop 3D Solar System Models

Google and NASA have come together to bring more than 60 3D models of planets, moons and NASA spacecraft to Google Search and Google Arts & Culture. The new feature will not only let one view the celestial bodies like Moon or Mars in 3D avatar but also let it be projected in one's own space through Augmented Reality using AR supported mobile phone.

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### 2. Period Tracker App Creates 'Anonymous Mode'

In response to the U.S. Supreme Court's decision to overturn Roe v. Wade, the menstruation tracking application Flo has released an "Anonymous Mode" which allows individuals to use the app without providing their name, email or IP addresses. To remove the personally identifying information, Flo partnered with web infrastructure company Cloudflare to utilize a different internet standard – "oblivious HTTP" – which splits data from the IP address and relies on a relay service that transmits encrypted data between Flo's servers and the user.

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### 3. Government Launches Mobile App To Make Indian Sign Language Dictionary More Accessible To Masses

The government has launched a new mobile app called Sign Learn with an aim to make the Indian Sign Language dictionary more accessible to the masses. The app, which is available for both Android and iPhone, was launched by the Minister of State for Social Justice and Empowerment on September 23, 2022.

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### 4. Google Rolls Out Tool To Let People Remove Personal Info From Search

Google has started to roll out a new privacy feature that will allow people to directly make a request to remove Search results that contain their personal information. The feature also allows the users to track the progress of their removal requests addressed to Google.

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### 5. Government Says No Timeline Fixed For Indigenous Navigation Navic Compatible Smartphones

The Ministry of IT and Telecom has clarified that it is in discussions with all the stakeholders on the matter of NavIC compatible smartphones, and no definitive timeline has been decided for its implementation. NavIC, or Navigation with Indian Constellation, is an independent stand-alone navigation satellite system developed by the Indian Space Research Organisation.

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### 6. Iranian Authorities Plan To Use Facial Recognition To Enforce New Hijab Law

According to an interview of a state official it has been stated that, pursuant to a new decree on restricting women's clothing, the Iranian government is planning to use facial recognition technology on public transport to identify women who are not complying with a strict new law on wearing the hijab.

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### 7. The State Of California Passed A Law To Protect Children's Online Privacy

The State of California has passed a bill to protect children's privacy online by barring online companies from profiling children or using personal information in ways that could harm children physically or mentally. The bill requires tech companies that provide online services attractive to children to follow age-appropriate design code principles aimed at keeping children safe. Companies will eventually have to submit a "data protection impact assessment" to the state's attorney general before offering new online services, products, or features attractive to children.

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### 8. Indonesia Set To Pass New Data Privacy Law After Spate Of Leaks

Indonesia is set to introduce a new data privacy bill in the parliament according to which Institutions may collect personal information for a specific purpose but must erase the record once that purpose has been met and data operators could face up to five years in jail and a maximum fine of IDR5 billion (US\$337,000) for leaking or misusing private information.

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### 9. USA States 6 New Principles For Big Tech Reforms With The Aim To Enhance Competition And Increase Accountability

On September 8, 2022, the United States Government unveiled 6 new principles entitled “Enhancing Competition and Tech Platform Accountability”. The principles include: (i) promoting technology sector competition; (ii) adopting robust federal privacy protections; (iii) tougher privacy and online protections for children; (iv) rescinding special legal protection for large tech platforms; (v) increasing transparency about platforms’ algorithms and content moderation decisions and; (vi) ending discriminatory algorithmic decision-making. The US Government issued these principles after the government had discussed with the experts, the harms that tech platforms cause and the aim of these principles is greater accountability and to enhance competition which would also create a level playing field for small and medium entrepreneurs.

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### 10. Mozilla Challenges Anti-Market Practices Of Google, Apple, Microsoft

Mozilla, the developer of Firefox Internet browser, has alleged that the operating systems owned and operated by Apple, Google and Microsoft make it very difficult for browsers like open source Firefox to be used on the platforms controlled by the stated entities. In a report, Mozilla said that these operating systems make it “difficult or impossible for a consumer to switch browsers,” by setting the company’s own browser as the default and in prime position on the home screen.

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### 11. Facebook Users Sue Meta For Tracking Them On iOS Devices Via In-App Browser

Facebook users have sued its parent company Meta in the US for allegedly tracking the users via an in-app browser on iOS devices despite tough Apple privacy policies in place. It is alleged that Meta follows users’ online activity by “funneling them into the web browser built into Facebook and injecting JavaScript into the sites they visit”.

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### 12. Delhi High Court Seeks Google’s Stand On Lawsuit Against Its Policy By WinZo Games

The Delhi High Court has sought the stand of Google on a lawsuit filed by Tictok Skill Games Private Limited, owner and controller of the online gaming app WinZo games, against Google’s pilot program to allow only daily fantasy sports (DFS) and rummy games applications on its app store ‘Google Play’ while allegedly excluding all other games involving real money including WinZo, which also offered other games of skill such as chess, 8 ball pool to its users which allegedly amounts to unfair trade.

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### 13. UK’s Antitrust Watchdog States That Microsoft’s \$69 Billion Activision Deal Could Harm Competition

Britain’s antitrust regulator Competition and Markets Authority (CMA) said Microsoft Corp’s \$69 billion acquisition of Activision Blizzard could harm competition in gaming consoles, subscription services and cloud gaming, and it needs to be investigated in depth. CMA stated that the said deal could damage the industry if Microsoft refused to give competitors access to Activision’s best-selling games.

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### 14. MeitY Summons Wikipedia Executives To Discuss Fake Information On Cricketer Arshdeep Singh’s Page

The Ministry of Electronics and Information Technology (MeitY) has taken a serious view of the fake information on cricketer Arshdeep Singh’s Wikipedia page. The ministry has reportedly summoned Wikipedia executives in India to seek an explanation on how the cricketer’s page entry was changed to reflect ‘Khalistan’ association. As per reports, a high-level panel will meet Wikipedia executives to discuss several issues such as checks and balances of edits being allowed on the website.

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### 15. Twitter Opposes Centre’s Blocking Orders In Karnataka High Court

In Twitter Inc. vs. Union of India, Twitter opposed, before the Hon’ble Karnataka

High Court, the orders issued by the Central government, asking it to pull down content including several accounts that made posts relating to farmers protest and alleged mismanagement during COVID-19. It was argued by Twitter about how Twitter could only be directed to block user accounts and muffle their freedom of speech, when news relating to these events were freely circulated by television and print media. Earlier, the Central government had filed its statement of objections in the said matter wherein it stated that it is not for an intermediary platform like Twitter to define what free speech is and what content will cause national security or public order issues. The matter will be heard next on October 17, 2022.

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#### 16. Delhi High Court Held That Indian Courts Can Direct 'Telegram' To Disclose Information Of Copyright Infringers Using Its Platform, And Server Being In Singapore Is No Defence

In the case of Neetu Singh & Anr v Telegram FZ LLC & Ors, the Hon'ble Delhi High Court has observed that copyright infringers cannot be permitted to seek shelter under mobile messaging platform Telegram's policies merely on the ground that its physical server is in Singapore. The Court held that Telegram has to adhere to Indian law and disclose details like IP addresses, mobile numbers and devices used in operating channels involved in copyright infringement if ordered by Indian courts.

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#### 17. Google Faces €25billion Legal Action In UK And The EU

Google is facing two legal cases which could result in the tech giant paying out damages of up to €25 billion (£19.5billion) over its digital advertising practices. The company is accused of anti-competitive conduct, and of abusing its dominant place in the ad tech market. Separate legal cases, in the UK and in the Netherlands, are being filed in coming weeks on behalf of publishers seeking "compensation" from Google. Google has recently drawn scrutiny from anti-trust regulators following complaints from publishers.

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## B. MEDIA AND INTELLECTUAL PROPERTY

### 18. Raj TV Launches New OTT Platform 'Raj Digital'

Chennai-based television broadcaster Raj Television Network Ltd has forayed into the crowded regional OTT space with the launch of Raj Digital. The said OTT platform will have over 1,000 movies in south Indian languages and Hindi besides web series, popular TV shows and 11 live channels.

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### 19. CCI Approves Jio Cinema OTT Merger With Viacom18 Media

The Competition Commission of India (CCI) has approved the proposed merger of Jio Cinema OTT with Viacom18 Media. In a tweet, CCI said that it has approved the amalgamation of the Jio Cinema OTT platform with Viacom18 Media following an investment by BTS Investment and Reliance Projects & Property Management Services.

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### 20. Government To Introduce Framework To Regulate Social Media Platforms

While responding to a batch of petitions against the suspension of accounts of several social media users, including Twitter users, the Central Government has apprised the Hon'ble Delhi High Court that it will introduce a framework to regulate the social media platforms. However, the proposed framework would be applied prospectively and therefore existing cases of suspension of social media accounts would have to be decided in terms of the existing regulations.

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### 21. Government Directs Industry Bodies For Strict Compliance With Surrogate Ad Norms

The Consumer Affairs Ministry has directed industry bodies, such as Confederation of Indian Industry, Federation of Indian Chambers of Commerce & Industry and those related to advertising and broadcasting, to ensure strict compliance with the provisions on surrogate advertisements prescribed in the guidelines for preventing misleading advertisements else the government, through

the consumer protection regulator Central Consumer Protection Authority, would take stern action against the violators.

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### 22. Pre-Litigation Mediation Is Not Compulsory In Intellectual Property Suits Seeking Urgent Interim Relief Notes Delhi High Court

The Hon'ble High Court of Delhi in the case of Bolt Technology Ou V. Ujoy Technology Private Limited & Anr. while adjudicating upon an application filed on behalf of Bolt Technology seeking exemption from instituting pre-litigation mediation, has held that pre-litigation mediation is not mandatory in Intellectual Property cases wherein urgent interim relief has been sought.

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### 23. Broadcasters Approach Kerala High Court Against CCI Probe

Star India Pvt Ltd (SIPL) along with its group and subsidiary companies (Disney/ Asianet Star) have approached the Kerala High Court challenging a probe initiated by Competition Commission of India (CCI) against SIPL, in February, 2022, for alleged abuse of dominant position by offering discounts to select Multi System Operators (MSO).

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### 24. Trade Mark 'Amul' Deserves Broad Protection Even Against Non-Competing Goods, Services Held By Calcutta High Court

In the case of trademark infringement and passing off - Kaira District Cooperative Milk Producers Union Ltd. vs Maa Tara Trading Co., the Hon'ble Calcutta High Court restrained a local candle distributing company in West Bengal from using the trademark 'Amul Candles'. Kaira District Cooperative Milk Producers Union Ltd (Plaintiff) is the registered owner of the trade mark - 'Amul'. The Hon'ble Court observed that Amul was a brand known not only in India, but across the globe and the Indians all over perceived it as having association with the Plaintiff, irrespective of the goods it was applied upon, hence the said mark - 'Amul' can only be used by the Plaintiff.

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### 25. Delhi High Court Restrains Jamshedpur Restaurant From Using 'SOCIAL' Trademark

The Hon'ble Delhi High Court in the matter of Impresario Entertainment & Hospitality v. Social 75 Through Its Proprietor, had granted an interim injunction restraining a Jamshedpur based restaurant operating under the name of 'Social 75' from using the registered trade mark 'Social' owned by Impresario Entertainment & Hospitality. The Court ruled that the trade mark 'Social 75' is deceptively similar to the trade mark 'Social'. The Court also directed SOCIAL 75 to remove all references from third party websites, where its services are sold, offered or advertised.

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### 26. Delhi High Court Restrains US, UK Company From Using TATA Mark

The Hon'ble Delhi High Court has granted an ex-parte ad-interim injunction to Tata Sons while restraining a company registered in the UK and USA - Hakunamatata, from manufacturing, selling, offering for sale, supplying, advertising and exchanging cryptocurrency by the name of 'TATA' coin and/or using 'TATA' as a part of its domain name. The court in this regard has asked the said crypto currency to be delisted.

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### 27. Delhi High Court stays order restraining Eurosport from using star in its logo

The Division Bench of the Hon'ble Delhi High Court, in an appeal by Eurosport, stayed the operation of an interim injunction passed by a Single Judge Bench of the Hon'ble Delhi High Court in favour of Star Sports, restraining Eurosport from using a star in its logo which were deceptively similar to those used in the Star Sports trademark.

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### 28. Piracy Needs To Be Dealt With Heavy Hand Says The Delhi High Court In A Case Involving "Brahmastra Part One: Shiva"

In an ex parte ad interim relief to Star India Private Limited, the Hon'ble Delhi High Court restrained 18 rogue websites from streaming or hosting the film - "Brahmastra Part One:

Shiva". The Court also directed the Department of Telecommunications and Ministry of Electronics and Information Technology to issue necessary notifications calling upon various Internet Service Providers to block access to the websites in question.

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### 29. Complaint Filed Against Ajay Devgn's Thank God By Kayastha Samaj Members In Rajasthan

After a case being filed by a lawyer in Uttar Pradesh and Hindu Janajagruti Samithi demanded a ban on the movie Thank God, another complaint has been registered against the film by Kayastha Samaj in Rajasthan for hurting the religious sentiments of the community. In the complaint, it has been mentioned that the trailer of the film shows Hindu God Chitragupta dressed in modern outfits and surrounded by "half-naked women" which is an insult to the Hindu deity Chitragupta.

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### 30. Zee Sues Rajat Sharma And India TV For Telecasting 1993 Episode Of Aap Ki Adalat With Bal Thackrey

Zee media, the owner of news channels like Zee News and Zee Hindustan sued Rajat Sharma and India TV for copyright infringement. In its suit, Zee has argued that during the political turmoil in Maharashtra on June 25 and June 26, India TV broadcasted a 1993 episode of 'Aap Ki Adalat' with Thackrey which was originally produced and telecasted by Zee TV. Journalist Rajat Sharma and his news channel India TV assured the Delhi High Court that they have removed, from all platforms, the 1993 episode of show 'Aap Ki Adalat' with former Shiv Sena chief Balasaheb Thackrey

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### 31. Miley Cyrus sued for copyright infringement over Instagram post

Pop star Miley Cyrus is facing a copyright infringement suit over an Instagram post of a picture of herself that she doesn't have the rights to use. Photographer Robert Barbera, who took the image, sued Miley Cyrus in a California federal court over her use of the

picture – which she posted on Instagram in February 2021 – without his permission.

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### 32. Sony Music receives partial summary order in infringement suit

The infringement suit was filed by Sony Music against an energy drink brand Bang and its parent company Vital Pharmaceuticals, that has used its music without licence in promotional videos posted to social media. The US District Court for the Southern District of California has passed a partial summary order in favour of Sony Music, wherein, Bang is held liable for directly infringing Sony's copyrighted music by posting nearly 264 videos on social media platforms including TikTok, Facebook, YouTube, etc.

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## C. TELECOM

### 33. DoT Introduces Indian Telecommunication Bill, 2022

The Central Government has notified the Indian Telecommunication Bill, 2022 (Bill) on September 21, 2022. The Bill aims to consolidate and amend the existing laws governing provision, development, expansion and operation of telecommunication services, telecommunication networks and telecommunication infrastructure and assignment of spectrum. Bill also aims to govern OTT platforms such as WhatsApp, Telegram and Signal under its ambit.

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### 34. TRAI Issues Press Release For Availing Recently Launched Vouchers Of 30 Days - Renewable On Same Date Of Every Month

Telecom Regulatory Authority of India (TRAI), has mandated that all Telecom Service Providers must provide at least one plan voucher, one special tariff voucher, and one combination voucher for recharge of mobile phones which can be renewed after the completion of a month's duration i.e., 30 days. In a news release dated September 12, TRAI added that if the date of such renewal is not available in a month, the date of renewal shall be the last date of that month.

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### 35. TRAI To Define Norms for Predatory Pricing

The powers to draw up norms defining predatory pricing and determining if telecom operators are indulging in such practices have long been a grey area with both the Competition Commission of India (CCI) and Telecom Regulatory Authority of India (TRAI) laying a claim on such powers. Under the new Indian Telecommunication Bill, the powers to draw up norms defining predatory prices in relation to the telecom sector will now be with TRAI and CCI will no longer be defining or investigating such issues.

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### 36. Cisco's Subsidiary Webex India Gets Licence To Offer Telecom Connectivity

US telecom gear maker Cisco's subsidiary Webex India has received a telecom licence from the government that will enable it to provide enterprise grade national and international telecom connectivity. Webex has become the first Over-The-Top (OTT) player to get a telecom licence. A company official said the licence will enable it to connect with local and international data centre on its own and in a secured manner.

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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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