

WRITE TO INFORMATION

Technology, Media, Telecommunication,
March 2022

New Delhi

C-2/39
Safdarjung Development Area
New Delhi – 110016 | India

Mumbai

604, 6th floor, Regent Chambers,
208, Nariman Point,
Mumbai-400021 | India

Bengaluru

316, 3rd Floor Raheja Chambers,
No. 12, Museum Road,
Bengaluru - 560001 | India

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. EU, US agree ‘in principle’ to new trans – Atlantic data agreement.

The United States and the European Commission have committed to a new Trans-Atlantic Data Privacy Framework, which will foster trans – Atlantic data flows and address the concerns raised by the Court of Justice of the European Union when it struck down in 2020 the Commission’s adequacy decision underlying the EU-U.S. Privacy Shield framework. This Framework will reestablish an important legal mechanism for transfers of EU personal data to the United States. The United States has committed to implement new safeguards to ensure that signals intelligence activities are necessary and proportionate in the pursuit of defined national security objectives, which will ensure the privacy of EU personal data and to create a new mechanism for EU individuals to seek redress if they believe they are unlawfully targeted by signals intelligence activities.

[Read More](#)

2. EU Parliament, Council reach deal on Digital Markets Act.

The European Parliament and Council reached a provisional agreement on the Digital Markets Act which regulates targeted online advertising, messaging services and other practices of large technology platforms. The Digital Markets Act introduces do’s and don’ts for “core platform services,” including social networks and search engines, defined as “gatekeepers” – companies with a market value of more than 75 billion euros or an annual turnover of 7.5 billion. After the legal text is finalized at technical level and checked by lawyer-linguists, it must be approved by both the European Parliament and Council. Once this process is completed, it will come into force 20 days after its publication in the EU Official Journal and the rules will apply six months after.

[Read More](#)

3. New Philippines act requires citizens to pre-register their SIM cards.

The Subscriber Identity Module (SIM) Card Registration Act, ratified by the Philippine House of Representatives and the Senate, will require the registration of SIM cards prior to their use and activation. The country has more than 120 million total mobile subscribers. Around 95 percent of them use prepaid SIM cards. The measure will also mandate social media companies to register the real names and phone numbers of individuals creating accounts on their platforms. Legislators said the Act will “deter the proliferation of SIM card, internet or electronic communication-aided crimes.” In 2020 alone, the police recorded 6,110 cybercrime offenses such as online scams, computer-related identity theft, and phishing.

[Read More](#)

4. Biden issues executive order on digital assets, including privacy, security safeguards.

U.S. President Joe Biden signed an executive order instructing a wide range of agencies to consider the regulatory consequences of cryptocurrencies and other digital assets, giving the agencies six months to provide detailed current state assessments including policy recommendations. The executive order emphasizes on the need for a unified federal approach to crypto regulation; hitherto a sector which lacked the support and backing of the U.S. government. A significant portion of the executive order is devoted to the development of a U.S. central bank digital currency, or digital dollar, demonstrating a surprising degree of interest by the administration and directing agencies to consider implications with a view to potential implementation.

[Read More](#)

5. EDPB publishes ‘dark patterns’ guidance

The European Data Protection Board released its guidance on “dark patterns” on social media platforms and their potential EU General Data Protection Regulation infringements. The board offered examples and best practices for addressing dark patterns, but noted the offerings are “not exhaustive.” The guidelines outline principles for transparency, accountability, and data protection by design as well as GDPR provisions that can help dark pattern assessments. The EDPB also drew up a checklist for identifying particular dark patterns.

[Read More](#)

6. Big Tech firms work to eliminate need for user passwords

Several Big Tech companies, including Apple, Alphabet, Google and Microsoft, claim they are progressing toward eliminating the need for passwords. The group is called the Fast Identity Online Alliance and is composed of 250 members. Users would log into online accounts by using unlock mechanisms on their smartphone or computer. Users would connect a public “key” contained on the account service provider’s server, to a private one on their device, instead of sending a password over a network.

[Read More](#)

7. Vodafone-Idea launches gaming store in partnership with Nazara Technologies

Vodafone Idea Ltd. has launched Vi Games, a dedicated games store within its ‘Vi’ mobile app, in partnership with gaming firm Nazara Technologies as it aims to monetize its mobile subscriber base and increase average revenue per user (ARPU). The Vi Games service will presently offer both stream-able and downloadable games on the store. Free games on the store will remain ad-supported, while paid games will be offered in two tiers – Gold and Platinum. Both the tiers can be accessed through recharge packs that can be purchased via the Vi app.

[Read More](#)

8. FEAI submits policy paper on E-sports

The Federation of Electronic Sports Associations of India (FEAI), the apex national body for Esports in India submitted a policy paper which seeks to facilitate a policy-centered outlook to esports and promote India’s indigenous talent and narrative. The report submitted to the minister also propounds a strong talent development ecosystem that covers the spectrum of talent, businesses, job creation, education, and revenue generation for India with regional centres of excellence.

[Read More](#)

9. RBI releases framework for Geo – Tagging of Payment System Touch Points

The Reserve Bank of India released the policy document, ‘Framework for Geo – Tagging of Payment System Touch Points’, which is aimed at improving infrastructure and accessibility to digital payments in the country. Geo-tagging refers to capturing the geographical coordinates (latitude and longitude) of payment touch points deployed by merchants to receive payments from their customers. Geo – tagging of payment system touch points, will enable monitoring of availability of payment acceptance infrastructure like Points of Sale (PoS) terminals, QR codes, etc., and allow for informed decision making on scaling up of infrastructure and payment solutions in the country.

[Read More](#)

10. India conducts AI fairness assessment

The Telecommunication Engineering Centre at India's Department of Telecommunications conducted a fairness assessment of various types of artificial intelligence and machine learning systems. The TEC said these systems are increasingly being used "in all domains" and research shows "unintended biases," raising "various ethical, social and legal issues." As these systems are being used in all aspects of our lives, the initiative of TEC would benefit every citizen of the country. It would also act as a benchmark for fairness, so Researchers, College students and other individuals, Government organisations and all segments of the society would benefit at large.

[Read More](#)

11. Norwegian DPA urges legal bases review for Russian, Ukrainian transfers

Norway's data protection authority, Datatilsynet, urged organizations to reassess the legal bases used for data transfers to Russia and Ukraine. The review was brought on by what the DPA deemed a "changed security policy situation" in relation to the ongoing war between Russia and Ukraine. Datatilsynet said there are potentially several reasons for Norwegian organizations transferring to either country, including "the 'outsourcing' of services to data processors." The company must have identified whether there is a basis for transfer before the personal data is transferred to a third country or to an international organization.

[Read More](#)

12. US federal judge rules Virginia police unconstitutionally obtained geofence warrant

A U.S. District Court ruled against the Chesterfield County Police Department for violations of the Fourth Amendment, when it collected Google location data to find people near the scene of a 2019 bank robbery. Such warrants have become popular among law enforcement officers in cases where they have run out of leads using traditional investigatory techniques. Law enforcement authorities say geofence warrants are legal because Google users agree to have their location tracked. Police also say they work with Google to receive only anonymized data until they find a device that draws their suspicion.

[Read More](#)

13. FTC's COPPA settlement brings first-of-its-kind order

U.S. Federal Trade Commissioners imposed a \$1.5 million joint settlement order against fitness and diet service provider WW International in view of alleged Children's Online Privacy Protection Act violations. WW International markets a health and wellness app called Kurbo, which tracks the food intake, activity, and weight of children and family members alike; the app further collects personal information such as names, email addresses, and birth dates. Until late 2019, users could sign up for Kurbo by WW's service either on the app or website by indicating that they were a parent signing up for their child or a child over the age of 13 signing up for themselves. In addition to the fine, the FTC, for the first time, ordered a company to destroy all previously collected personal information associated with the allegations as well as the products that used or incorporated the information. The orders stem from data collection on minors under 13 from 2014 to 2019.

[Read More](#)

14. Karnataka moves Supreme Court challenging High Court verdict striking down law against online gaming

Karnataka has moved the Supreme Court challenging the High Court judgment which quashed key amendments to the state government's Police Act, 1963, to prohibit betting and wagering in online games. In its special leave petition (SLP) before the Apex Court, the Karnataka government has said that the state requires the law to protect people from falling for online games and losing money. The

Hon'ble Karnataka High Court had previously struck down provisions of the state's Police Act, 2021 aimed at the prohibition of betting and wagering in online games, and permitted gaming companies to offer games of skill in the state.

[Read More](#)

15. Supreme Court of India upholds the power of states to tax lotteries

The Hon'ble Supreme Court (SC), in the matter of State of Karnataka and ors v. State of Meghalaya and ors, held that lottery is a form of gambling and State legislatures are entitled to enact laws to levy tax under Entry 62 of List II of the Constitution (State List) on lotteries organized by Government of India or State governments. The SC further observed that the legislative power to levy a tax on 'betting and gambling' cannot be split between the Parliament and the State legislature because Entry 62 of the State list expressly makes the State competent to levy taxes of the said subject. The SC upheld the validity of two State laws - the Karnataka Tax on Lotteries Act, 2004 and the Kerala Tax on Paper Lotteries Act, 2005 which were challenged by the Governments of Meghalaya, and Nagaland among others before the Hon'ble High Courts of Karnataka and Kerala.

[Read More](#)

16. Lawsuit alleges HBO shared customer watch lists with Facebook

A class-action lawsuit was filed against HBO for allegedly sharing customer watch lists with Facebook without their consent. The lawsuit was filed in federal court in New York and alleges when HBO shared customer watch lists with Facebook, it allowed the company to match customers' watch lists with their Facebook profiles. The suit claims HBO's alleged failure to obtain customer consent to share their watch lists violates the Video Privacy Protection Act of 1988. The lawsuit argues that HBO knows that Facebook can combine such data because HBO is a major advertiser on Facebook, and it in fact uses that information to retarget Facebook ads to its own subscribers.

[Read More](#)

B. MEDIA

17. Inox and PVR announce merger - to be called PVR Inox Ltd.

India's leading multiplex chain PVR announced its merger with Inox to create a network of more than 1500 screens across India. Following the merger Inox promoters will have a 16.66 per cent stake in the company and PVR promoters will be entitled to a share of 10.62 per cent. Upon completion of the merger, the company shall be renamed as PVR Inox Limited. The merger is subject to approval by shareholders of both companies as well as the Securities and Exchange Board of India (Sebi), stock exchanges, and other regulatory approvals as required,

[Read More](#)

18. New Zealand to merge public TV and radio as audiences shift

Noting the rapid changes in the way people consume news and entertainment, New Zealand's Government announced its proposal to merge public television and radio broadcasters into a single new organization. The new organization is likely to have an increased focus on growth areas like on-demand video, online news and podcasts. It will run under a legal charter requiring it to provide trustworthy news as a core service. The new entity is designed to ensure New Zealand has one well-resourced, comprehensive public media entity that can weather the ongoing disruptions caused by the almost unbridled power of the FANGS (Facebook, Apple, Amazon, Netflix and Google).

[Read More](#)

19. Centre asks FM radio channels to refrain from using vulgar, objectionable content

The Ministry of Information and Broadcasting (MIB) has directed FM radio channels not to air vulgar and objectionable content, failing which penal action will be taken against them as it is in gross violation of Clause 7.6 of the Grant of Permission Agreement which provides that no content, messages, advertisement, or communication, transmitted on the broadcast channel should be objectionable, obscene, unauthorized or inconsistent with the laws of India.

[Read More](#)

20. The Bombay High Court Dismisses Plea Against Movie “The Kashmir Files”

The Hon’ble Bombay High Court dismissed a Public Interest Litigation (PIL) seeking to stall the release of movie “The Kashmir Files” on the grounds that the film will hurt religious sentiments of the Muslim community and incite members of the Hindu Community to trigger communal violence. The Hon’ble High Court observed that the Petitioner has not challenged the censor certificate issued by the Central Board of Film Certification (CBFC) and the rule of exhaustion of an efficacious alternative remedy applies also in a public interest litigation as it does in respect of a litigation initiated in private interest.

[Read More](#)

21. Film Production Units Have To Form ICC Under POSH Act: Kerala High Court Orders In WCC’s Plea

The Hon’ble Kerala High Court, adjudicating upon a PIL filed by Women in Cinema Collective (WCC), observed that film production houses are responsible for forming an Internal Complaints Committee (ICC) as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act). The Hon’ble High Court also observed that related associations with more than 10 employees would be required to form an Internal Complaints Committee, as per the POSH Act.

[Read More](#)

22. Supreme Court allows Malayalam news channel Media One to resume broadcast

The Hon’ble Supreme Court stayed the government order on the ban of the Kerala based Media One TV channel, and allowed it to resume broadcast. MIB had initially refused to renew the Malayalam TV channel’s broadcast license citing national security reasons, without disclosing the exact grounds. The Apex Court, in its interim order, asked the Centre to respond to the petition and it kept the issue disclosing adverse intelligence inputs against the TV channel open for final disposal.

[Read More](#)

23. CCI orders probe against Star India for alleged abuse of dominant position

Asianet Digital Network has filed a complaint with the Competition Commission of India (CCI) against Star India, Disney Broadcasting (India) Ltd. and Asianet Star Communications Pvt. Ltd. for alleged abuse of dominant position. The complaint stated that Star India was providing a bouquet of channels to the competitor of the informant at lesser prices resulting into denial of market access and also amounting to unfair/discriminatory pricing, which the CCI noted is violative of the provisions of Section 4 of the Competition Act, 2000 and thus ordered investigation into the matter.

[Read More](#)

24. China’s cyberspace regulator drafts new rules to protect minors

The Cyberspace Administration of China issued a new set of draft measures aimed at protecting minors,

and demands online gaming, livestreaming, audio, and video platforms to set up a “youth mode” for minors. Platforms are required to regularly conduct assessments on cyber protection for minors and impose caps on daily spending amount by minor users.

[Read More](#)

C. TELECOMMUNICATIONS

25. US adds Chinese telecom companies to national security threat list

The US Federal Communications Commission added Chinese telecom companies, China Telecom (Americans) Corp and China Mobile International USA to its list of communications equipment and service providers, which pose a threat to national security under a 2019 law aimed at protecting US communication networks. Earlier, the FCC had cancelled the license of Chinese telecom company, Pacific Networks Corp and its wholly-owned subsidiary ComNet (USA) LLC to provide relevant telecom services in the USA.

[Read More](#)

26. TRAI releases consultation paper on ‘Rating of Buildings or Areas for Digital Connectivity’

The consultation paper seeks to address the demand for digital connectivity which has increased further after the Covid- 19 pandemic. TRAI’s survey on telecom services across India has revealed that while there have been significant improvements, there are still huge gaps in meeting the quality demands of the users inside and across the buildings/ residential or commercial areas. The consultation paper suggests value addition measures to the buildings or areas by introducing digital connectivity infrastructure evaluations and award ratings based on the quality of experience assessed in a scientific way involving a combination of field measurements, users’ experience of digital connectivity provided in their buildings or premises.

[Read More](#)

27. TRAI releases consultation paper on ‘Use Of Street Furniture For Small Cell And Aerial Fiber Deployment’

The consultation paper emphasizes upon solutions to incentivize the use of small cells for 5G telecom network rollouts, and the necessary framework for deployment of aerial fiber services. Street furniture like utility poles, billboards, lamp posts, traffic signals, and public structures like gazebos, bus stops etc. can also be utilized to mount small cells and aerial fibers for providing telecom services, and can facilitate high quality internet connections and services, and eliminate the need for having greenfield deployment of towers.

[Read More](#)



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"...

Get In Touch:

+91 (11) 2651 2813 | +91 (11) 4168 2996

info@tmtlaw.co.in | M-F: 9am-6pm

www.tmtlaw.co.in