

# NEWSLETTER

Technology, Media & Telecommunication Laws  
June, 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.



## MEDIA NEWS

### **1. Ambiguity regarding IT rules and FDI cap on digital news prompted the OTT platforms to play it safe by discontinuing live news service**

Over the top (OTT) platforms, particularly the ones that have foreign ownership like Disney+ Hotstar and SonyLIV, are planning to discontinue their live news service due to the intermediary guidelines and the foreign direct investment (FDI) cap of 26% in digital news. The Managing Partner of TMT Law Practice Mr. Abhishek Malhotra is of the view that OTT players that engage in live streaming of news channels operate only as intermediaries. He also mentioned that the OTT platforms need not worry about the FDI guidelines since those are targeted at platforms like Dailyhunt.

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### **2. Google approaches the Delhi High Court to claim protection against IT Rules 2021: We are a search engine not a social Media Intermediary**

Google LLC moved the Delhi High Court seeking interim protection against its declaration as a "Social Media Intermediary" (SMI) under the Information Technology (Intermediary Guidelines and Digital Ethics Code) Rules 2021(IT Rules 2021).

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### **3. Google appeals Delhi High Court order that might classify it as social media intermediary**

Google appealed on April 20 judgment by the Delhi High Court that it said would essentially lead to Google search being classified as a social media

intermediary under the law. A division bench of the Delhi High Court issue notice on the appeal.

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### **4. The Law firms cannot and ought not to report on ongoing proceedings being prosecuted by it, in its blog or website**

A division bench of justices Rajiv Shakti and Talwant Singh has directed, while considering a petition filed by the society for Tax Analysis and Research, that a law firm "cannot, and ought not, run the website/blog, in respect of the proceeding, which are being prosecuted by it, as there is every likelihood of losing objectivity.

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### **5. Delhi High Court to decide in Sushant Singh Rajput Case that whether Celebrity rights available Posthumously**

The Delhi High Court held celebrity rights cannot be available posthumously. The Delhi High Court had earlier rejected a temporary injunction application filed by the Bollywood actor Sushant Singh Rajput's father against the use of his son's name, caricature, likeness or persona in movies being purportedly made on his life.

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## **6. Big Media finally goes to court as the New IT rules invokes free speech violations**

The Digital News Publishers Association (DNPA), comprising players like *the Times of India*, *India Today*, *NDTV*, *Indian Express*, *Dainik Bhaskar*, *Dainik Jagran* and *Amar Ujala* have filed a writ petition in the Madras High Court seeking an order to “declare the Information Technology (Intermediary Guidelines and Digital Media Ethics Code ) Rules 2021 ultra vires of the Constitution, void and violative of Article 14 and Article 19(1)(a) and 19(1)(g) of the Constitution.” The court has issued notices to relevant government agencies.

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## **7. Bollywood actor Kangana Raut moves Bombay HC to quash FIR stating the “Historical work and Historical Facts can never be Copyrighted”**

In the petition filed under Article 226, 227 of the Constitution and 482 of the Cr.P.C, Ranaut alleged she and the three others have been maliciously dragged in criminal proceedings by Kaul who is a former Zee Network executive and the author of the book “*Didda: The warrior Queen of Kashmir*”.

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## **8. Paytm board grants in-principle approval for around Rs 22,000 Cr IPO**

Digital payments and financial services firm Paytm has received in-principle approval from the company's board to raise around Rs 22,000 crore through an initial public offer (IPO) during the October-December quarter this year, according to an

industry source. The company is looking at an enterprise value of over Rs 2 lakh crore for the IPO.

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## **9. Netflix, Amazon Prime, And 8 Other OTT Platforms Join IAMAI’s Grievance Council**

The Internet and Mobile Association of India (IAMAI), announced on Friday the formation of the Digital Publishers Content Grievances Council (DPCGC). The council will be a Level-II self-regulatory body for the Original Curated Content publishers (OCCP). The body has been formed to meet the requirements of Rule 12 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

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## **10. Ericsson and Samsung agree SEP truce**

Ericsson and Samsung have agreed a cross-licensing deal which will end all outstanding patent litigation between them over cellular technologies. The Swedish company, a leading owner of patents essential to telecommunications standards, sued the South Korean electronics manufacturer in December, claiming Samsung had failed to seek a licence to its IP in good faith.

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## **11. India’s largest crypto exchange launches country’s first NFT marketplace**

India’s largest crypto exchange, WazirX, announced the country’s first NFT marketplace. The platform,

which will be used to trade Non-Fungible Tokens (NFTs), is run on the Binance Smart Chain, a blockchain platform created by Binance, one of the largest crypto exchanges in the world, which acquired WazirX back in 2019.

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### **12. Book My Show lays off 200 employees**

The Movie and entertainment ticketing platform Book My Show has laid off 200 employees after finding it difficult to cope with Covid-19 induced lockdowns and disruption in the industry. The company's co-founder and CEO Ashish Hemrajani announced the news on Twitter. This is the second round of layoffs for the company due to the pandemic. BookMyShow had let go and furloughed 270 employees or 18.5% of its workforce in May 2020. With this second round, the company has downsized its workforce by over 35% since last year.

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### **13. MEITY Wrote To Twitter Asking To Take Off 'Manipulated Media' Tag From Toolkit Tweets**

The Letters sent by the Ministry of Electronics and Information Technology (MeitY) to Twitter last month asking it to remove the "manipulated media" tags on tweets of prominent political leaders, were obtained by the Internet Freedom Foundation (IFF) through right-to-information (RTI) requests.

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### **14. Sony Music gets ad-interim relief from Bombay High Court in copyright infringement suit against KAL Radio**

The Bombay High Court recently granted restrained KAL Radio Ltd. from broadcasting any songs copyrighted by Sony Music Entertainment India Pvt. Ltd. (Sony) on their FM Radio stations till July 2, 2021. Senior Advocate Janak Dwarkadas appearing for Sony sought urgent ad-interim restraining order on the ground that KAL did not have a license and, therefore, the act of broadcasting their songs without permit was infringement and immediately actionable. Justice Patel observed that: (a) the notice under Section 31-D was defective and non-compliant; (b) basis of computing the royalty/ advance was undisclosed; and (c) KAL Radio admittedly broadcasting Sony India's copyrighted works without statutory license could not be permitted to continue.

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### **15. Recorded Music Performance Limited (RMPL) granted registration as a copyright society**

The DPIIT under the aegis of Ministry of Commerce & Industry has granted certificate of registration to Recorded Music Performance Limited (RMPL) under Section 33(3) of the Copyright Act, 1957 and permitted it to commence and carry on the copyright business in sound recording works.

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## TECHNOLOGY NEWS

### **16. Dunzo to test drone delivery of medicines in the State of Telegana**

A Bengalaru-based delivery startup Dunzo is gearing up to test deliveries of medicines and Covid vaccine with drones. The Google-backed startup is part of the 'Medicine from Sky' initiative by Telengana government.

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### **17. Centre tells the Delhi High Court that Whatsapp pushing privacy policy before data law comes**

The Centre informed the Delhi High Court that Whatsapp is trying to get "trick consent" from its users for the messaging platform's updated privacy policy to ensure that the existing user base is made to accept the terms and conditions before the Personal Data Protection bill becomes a law.

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### **18. The flip-flop of Tesla in using Bitcoin as payment for its cars, demonstrates that cryptocurrencies are still not a replacement for regular currency**

The challenges was the intense volatility of the cryptocurrencies, and the example of a car company, allowing their cars to be bought using Bitcoins. So, a car would cost say 1 bitcoin when it is getting sold, but then a day later, the cost of the car can become half a bitcoin as the bitcoin prices surge, significantly upsetting the value of its car inventory. this would make accounting an impossible task, and it would be

even more difficult to compute whether the company had a profit or a loss.

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### **19. Exemption of UK immigration in Data Protection Act found unlawful**

The UK Court of Appeal has ruled that the government's "immigration exemption" in the Data Protection Act 2018 (DPA 18) is unlawful, overturning a High Court decision from 2019.

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### **20. "Broadcasting "white paper on the horizon as the DCMS considers tighter regulation of VOD services to boost UK's media landscape**

On 23 June 2021, the Department for Digital, Culture, Media & Sport ("DCMS") announced plans to consult on extending its existing regulatory remit and tighten regulations on video-on-demand services, including in respect of those based outside of the UK.

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### **21. L&T Tech partners with Mavenir for 5G automation services**

L&T Technology Services (LTTS) today announced a strategic partnership to deliver end-to-end 5G automation services with Mavenir, the Network Software Provider building the future of networks with cloud-native software that runs on any cloud," the company said in an exchange filing on Tuesday. LTTS will contribute to the acceleration of Mavenir's

cloud-native product roadmap driving increased market share in the 5G telecom landscape.

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