

# WRITE TO INFORMATION

Technology, Media, Telecommunication,  
January 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.



## TECHNOLOGY LAWS

### 1. **Elon Musk's Starlink to refund pre-orders for satellite internet service in India after government order**

Starlink has begun emailing users in India offering refunds on their pre-orders. The satellite internet division of the billionaire Elon Musk's SpaceX says that it has been directed by the Department of Telecom to refund pre-orders until the company's Internet service is licensed in India. The statement issued mentioned that several issues must be resolved within the licensing framework before its service can be operational in India.

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### 2. **ICMR approves India-made kit to detect Omicron**

The Indian Council of Medical Research (ICMR) has approved a testing kit for detecting the Omicron variant of the SARS-CoV-2 coronavirus. The kit is manufactured by Tata Medical and Diagnostics and is named OmiSure. The kit currently in use to detect Omicron in India has been developed by the U.S.-based scientific instrumentation company Thermo Fisher.

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### 3. **OECD releases Pillar-II model rules for domestic implementation of 15% global minimum tax**

The Organisation for Economic Co-operation and Development (OECD) published detailed rules to assist in the implementation of new international tax system, which will ensure all multinational enterprises (MNEs) will be subject to a minimum 15 per cent tax rate from 2023. India is one among 137 countries that are signatory to this new global tax regime.

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### 4. **Google accuses Apple of 'bullying' with its blue and green iMessage bubbles**

Google vice president for Android, Chrome, Chrome OS, Play and Photos, Hiroshi Lockheimer, citing a Wall Street Journal report which pointed out that some youngsters feel the social pressure to own iPhones to use iMessage, tweeted that Apple is not accepting the RCS standard as it wants to keep its iMessage

lock-in system intact and thus indirectly is using peer pressure and bullying to sell its products.

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### 5. **Apple plans to allow alternative payment systems in South Korea**

South Korea's telecommunications regulator- Korea Communications Commission said Apple Inc has submitted plans to allow third-party payment systems on its app store, to comply with a new law banning major app store operators from forcing software developers to use their payments systems.

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### 6. **Tech Association lobbies Government to only allow Made in India crypto exchanges**

IndiaTech, a tech industry association whose members include Zebpay, CoinDCX, Coinswitch Kuber, and WazirX, through a letter, wants the Indian government to only let registered or founded-in-India cryptocurrency exchanges operate such businesses. IndiaTech also requested the Finance Ministry to clarify taxation around crypto assets in the upcoming Budget Session.

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### 7. **U.S. FAA to issue 5G wireless aviation impact notices**

The Federal Aviation Administration (FAA) said it will publish notices detailing the extent of the potential impact of new 5G wireless service on sensitive aircraft electronics.

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### 8. **Google offers to exclude Showcase from general searches in Germany**

Google has offered to remove Google News Showcase content from general search results in Germany in a bid to end a competition inquiry, as per a statement issued by Federal Cartel Office.

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**9. Delhivery gets SEBI's nod for Rs 7,460-crore IPO**

Logistics startup Delhivery received the Securities and Exchange Board of India's (Sebi) approval to raise Rs 7,460 crore through an initial public offering (IPO). The company had filed its draft prospectus in November 2021. The

IPO consists of a fresh issue of shares worth Rs 5,000 crore and an offer for sale (OFS) by existing investors amounting to Rs 2,460 crore, as per the company's draft red herring prospectus (DRHP).

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## MEDIA/INTELLECTUAL PROPERTY LAWS

**10. Walmart tries to block Vans shoe injunction bid**

Walmart has asked a California court to deny shoemaker Vans' request to block sales of the supermarket giant's own-brand shoes that it claims infringes its designs.

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**11. The Delhi High Court grants interim relief in Trademark & Copyright Infringement suit Fake 'Kajaria Tiles' Dealership**

The High Court in '*Kajaria Ceramics Limited v. Godaddy.com LLC & Ors.; CS(COMM)35/2022*' has restrained the Defendant No.5 from infringing the Plaintiff's registered trademarks, Kajaria and variations thereof, copyright in its brand logo and website content and from using any domain names, website, emails Ids, business paper, corporate stamps, business listings, social media accounts etc. or any other similar business identification."

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**12. FIR against Google CEO Sundar Pichai, YouTube MD Gautam Anand in copyright case by filmmaker Suneel Darshan**

Suneel Darshan had approached a Mumbai Court in a private complaint regarding his 2017 film 'Ek Haseena Thi Ek Deewana Tha' claiming that it was illegally uploaded on YouTube even though he had not given film rights to anyone.

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**13. No one can claim copyright over Cricket: Delhi High Court refuses to stay Legends League Cricket**

The Delhi High Court in '*Samir Kasal v Prashant Mehta and Ors*'. held that no one can claim copyright on the game of cricket and there can be no copyright on the evolution of the game from five-day test matches to the recent format of T-20 cricket either.

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**14. Parliamentary panel invites feedback on biodiversity bill**

A parliamentary panel has invited suggestions from all stakeholders regarding the contentious Biological Diversity Amendment Bill 2021. The panel headed by BJP member Sanjay Jaiswal on Sunday issued a communique seeking suggestions from the general public, experts, and other stakeholders within 15 days. The comments will become part of the minutes of the Panel's deliberations.

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**15. Sun TV Network Has Exclusive Broadcasting Rights Over 'Jilla' Movie: Madras High Court**

The Madras High Court has allowed a civil suit that sought a declaration of the exclusive copyright of Sun TV Network over the broadcast of 'JILLA' movie while granting permanent injunction against the defendants from exhibiting/ exploiting the movie in a similar manner.

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## TELECOMMUNICATION

### 16. NCLAT sets aside NCLT order dismissing Ericsson India's plea of Holding of shareholders', creditors' meeting

The National Company Law Appellate Tribunal (NCLAT) set aside the September 23, 2021, order of the National Company Law Tribunal (NCLT) that dismissed Ericsson India's plea to dispense with the holding of a shareholders' and creditors' meeting, in relation to the scheme of amalgamation with a subsidiary firm.

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### 17. Twin Star Technologies moves Supreme Court against NCLAT stay in Videocon case

Twin Star Technologies, a promoter entity of the Vedanta Resources group, has moved the Supreme Court against the National Company Law Appellate Tribunal (NCLAT) order, which set aside the approval granted by the Mumbai bench of the National Company Law Tribunal (NCLT) to the resolution plan put forward by the company for acquiring the Videocon Group.

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### 18. Hong Kong to Establish Plan for New Crypto Regulation by July

Hong Kong's de facto central bank plans to have a new regulatory regime for crypto assets ready by July, as the city vies with Singapore to become a key hub for the burgeoning sector while at the same time containing risks.

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### 19. Pakistan's Central Bank Decides to Completely Ban Cryptocurrency

The State Bank of Pakistan (SBP), the country's central bank, has reportedly come to a decision to ban the use of all cryptocurrencies within the country. The central bank has also asked the Sindh High Court to ban "unauthorized operations" of crypto exchanges and impose penalties on them.

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### 20. Education institutes ordered to cut ties with EdTech firms

In a red-letter notice issued by University Grants Commission and the All-India Council for

Technical Education, both the bodies have asked higher education institutes to annul agreements with EdTech companies. Officials said the higher education secretary had flagged advertisements offering educational degrees through EdTech firms. The educational institutes that join hands with EdTech companies to offer online or conventional programmes, both the bodies have warned such institutes of derecognition.

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### 21. European Parliament approves Digital Services Act

European Parliament voted 530-78 in favour of passing the Digital Services Act, setting up trilogue negotiations with the European Commission and the Council of the European Union before final passage. The text passed by Parliament includes provisions for "more transparent and informed choice" around targeted advertising, including clear opt-outs and tracker-free versions of online platforms. The draft also includes a full ban on serving targeted ads to minors.

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### 22. CNIL launches 'sandbox' supporting digital innovation in education

France's data protection authority, the Commission Nationale de l'Informatique et des Libertés (CNIL), launched a new "sandbox" supporting digital innovation in the education sector. The five winning digital tools will receive enhanced support from the CNIL in 2022. It is expected that the implementation of this 'sandbox' will allow for improved appropriation, by the education sector, of the GDPR compliance issues, necessary for the development of offers that respect privacy in the context of public contracts.

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### 23. Federal bill cracks down on surveillance advertising

Congresswomen Anna G. Eshoo, Jan Schakowsky and Senator Cory Booker introduced the Banning Surveillance Advertising Act, legislation that prohibits advertising networks and facilitators from using personal data to target advertisements,

with the exception of broad location targeting to a recognized place, such as a municipality. The bill also prohibits advertisers from targeting ads based on protected class information, such as race, gender, and religion, and personal data purchased from data brokers.

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**24. India and UK may start formal negotiations for Free Trade Agreement this month.**

India and the UK are likely to launch formal negotiations for a free trade agreement (FTA) in the second week of this month followed by the first round of talks after a week. The two sides plan to put in place an interim agreement by March 2022 followed by a comprehensive agreement. The interim trade pact would involve early tariff or market access concessions

on certain key high priority products and services

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**25. MIB orders blocking of 35 YouTube channels & 2 websites**

The Ministry of Information & Broadcasting (MIB) has ordered the blocking of 35 YouTube-based news channels and 2 websites that were involved in the spreading of anti-India fake news in a coordinated manner over digital media. The YouTube accounts had a total subscriber base of over 1 crore 20 lakh and their videos had over 130 crore views.

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## SPORTS LAW UPDATES

**26. Hockey India challenged CIC's decision before the Delhi High Court.**

National Sports Federation, Hockey India, approached the Delhi High Court challenging an order of the Central Information Commission (CIC) directing to disclose information such as list of its members' and employees' salaries. CIC's decision came ahead of an RTI application filed by Mr. Subhash Agrawal, whereby he was not provided with the requested information and approached the CIC for relief. It was claimed by the representatives of Hockey India that CIC's order was arbitrary, illegal and unreasoned and contrary to Section 8(1) of the RTI Act (exemption given from disclosing information). However, no interim relief was granted to Hockey India.

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**27. Battlegrounds Mobile India to ban devices of players permanently who are caught cheating.**

Krafton, the developer of Battlegrounds Mobile India (BGMI) game, has revealed that it will start banning devices used by gamers cheating in BGMI in India. The device ban is applicable starting December 24. This step was initiated considering that, when an account is banned, the offender can bypass it by creating additional accounts on the same device; whereas a device ban would be much more difficult to bypass.

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**28. BCCI has roped in KPMG to advise the board on the next IPL media rights tender.**

The BCCI has hired accounting firm KPMG to advise them on the tender process for the next IPL media rights. The BCCI is expecting around Rs 30,000 crore from media rights for the next five-year cycle from 2023-2027. The current IPL media rights with Star India, TV and digital, is worth Rs 16,347.50 crore, which expires next year.

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**29. All India Football Federation (AIFF) Disciplinary Committee (DC) suspended FC Goa's Jorge Ortiz for 2 matches for violent conduct.**

FC Goa player, Jorge Ortiz has been handed a 2-match suspension and a fine of INR 50,000/- by the AIFF DC for committing a violent conduct during the ongoing Indian Super League against Bengaluru FC. Ortiz has already served his automatic one-match suspension as a result of his red card suspension.

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**30. A Differently-Abled Cricket Committee has been formed by the Board of Control for Cricket in India (BCCI).**

The BCCI Apex Council had recognised the

Differently Abled Cricket Council of India (DCCI) as the only body to promote cricket among physically challenged, deaf, blind and wheelchair participants in April, 2021. A committee, Differently Abled Cricket Committee (DACC), has been formed and approved by BCCI for differently-abled cricketers of the country clearing the road for them to compete under BCCI's aegis.

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**31. FICCI Gaming Committee urges the government to bring progressive gaming law.**

In response to the recent statement made by the Hon'ble Chief Minister of Tamil Nadu about bringing an end to online gaming in the state, the FICCI Gaming Committee urges the government to adopt enabling gaming policy protecting players while ensuring a secure and reasonable gaming environment, instead of a blanket ban.

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**32. KFC India partnered with OR Esports as its official sponsor.**

OR Esports announces KFC India as the team's **'Winner Winner Chicken Dinner'** sponsor for 2022. As the official sponsor of the team, KFC will support streaming of gaming events, provide unique jerseys and digital avatars for players.

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**33. Microsoft to acquire Activision Blizzard for \$68.7 billion**

Microsoft Corp to acquire 'Call of Duty' maker Activision Blizzard for \$68.7 billion to become the 3rd largest gaming company with gaming market share of 10.7%. Numerous sexual harassment claims are ongoing against Activision by various authorities; yet Microsoft is confident in obtaining the anti-trust approval as it has committed a \$3 billion break fee.

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**34. Novak Djokovic: Tennis star deported after losing Australia visa battle**

During court hearing before a three-judge panel, Djokovic's defence unsuccessfully argued that the grounds given by the government were illogical because to deport the star also risked fanning anti-vaccine sentiment. However, the Judges of the Australian court rejected a challenge by the unvaccinated tennis star after the government cancelled his visa on "health and good order" grounds. Novak Djokovic has been deported from Australia after losing a last-ditch court bid to stay in the country.

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