

WRITE TO INFORMATION

Technology, Media, Telecommunication,
April 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. EU, India launch Trade and Technology Council

The President of European Commission, Ursula von der Leyen and Indian Premier Narendra Modi jointly announced the creation of the EU-India Trade and Technology Council. The council represents a “strategic coordination mechanism” that will allow for “the political steer and the necessary structure” to address emerging issues in the areas of trade and technology. The preceding partnerships have included dialogue on data flows and artificial intelligence.

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2. MEPs finalized draft artificial intelligence proposal

In April 2021, the European Commission revealed its proposal to regulate artificial intelligence. This month, the European Parliament finalized the Artificial Intelligence draft report. The lawmakers agreed on certain points, including broad definitions for AI and governance. The definition was kept largely unchanged, but the specification that AI must pursue humanly defined objectives was removed. Issues that still need to be resolved and not included in the draft report are biometric recognition technologies and regulatory sandboxes among other topics. The draft is slated for parliamentary discussion in May with the final voting to take place in November.

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3. European Parliament and Council sign the Digital Services Act

The European Parliament and Council reached a provisional political agreement on the Digital Services Act, which aims to protect the fundamental rights of the users, while also protecting the digital space against spreading of illegal content. The text will need to be finalized at technical level and verified by lawyer-linguists, before both Parliament and Council give their formal approval. Once this process is completed, it will come into force 20 days after its publication in the EU Official Journal and the rules will start to apply 15 months later.

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4. European Parliament approves Data Governance Act

European Parliament announced its vote to approve the proposed Data Governance Act. The legislation aims to give companies and startups better access to more data for the purpose of developing new products and services. The proposal needs final approval from the Council of the European Union before becoming law.

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5. Connecticut Senate passes comprehensive privacy bill

The Connecticut Senate voted 35-0 to advance Senate Bill 6, an act concerning personal data privacy and online monitoring, to the House. The bill features provisions for “dark patterns,” recognition of global opt-out mechanisms, explicit children’s privacy measures, a right to cure in the form of a sunset provision, and has prescribed July 1, 2023, as effective date.

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6. Central African Republic adopts bitcoin as an official currency

The Central African Republic has adopted bitcoin as their official currency, becoming the second country in the world to do so. The bill governing the use of cryptocurrency was adopted unanimously by parliament. As one of the nations using a regional currency, the Central African CFA Franc, there is a slight disconcert amongst former premiers with regards to the reaction of the Bank of Central African States.

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7. RCS-UDAN-Small Aircraft Sub-Scheme ("SAS")

MoCA has introduced a special sub-scheme for operationalizing regional routes with a focus on small aircraft operations, the Small Aircraft Sub-Scheme ("SAS") under the aegis of the National Civil Aviation Policy, 2016. The primary objective of SAS is to facilitate / stimulate regional air connectivity through creating a growth-oriented framework with a specific focus on operations through small aircraft (including seaplanes). Under SAS, the airfare for a one-hour journey by a 'fixed wing aircraft' or half an hour's journey by a helicopter for about 500 km, has been fixed at Rs.2500/-.

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8. Bill to regulate online gaming introduced in the Lok Sabha

The Online Gaming (Regulation) Bill, 2022 (Bill) was introduced in the Lok Sabha by Member of Parliament, Adv. Dean Kuriakose as a Private Member's Bill. The Bill intends "to establish an effective regime to regulate online gaming industry to prevent fraud and misuse and for matters connected therewith or incidental thereto." The Bill proposes the establishment of a licensing regime for online gaming service providers who offer Online Gaming. Online Gaming has been broadly defined within the Bill, seemingly with the intent to scope in real money games and casual games being offered/ played for free online.

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9. National Health Authority releases revised draft of Health Data Management (HDM) policy

The National Health Authority (NHA) has published the Health Data Management (HDM) Policy with few revisions, based on feedback received from various stakeholders and learnings from the pilot and national rollout of the Ayushman Digital Bharat Mission (ABDM). The HDM Policy intends to facilitate digitization of the entire healthcare ecosystem of India by enabling creation of digital health records, maintenance of registries for healthcare professionals and health facilities furthering interoperability within the ecosystem.

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10. Delhi High Court grants interim relief to EXCHANGE22 in dispute with MYFAB11:

The Hon'ble Delhi High Court granted an ex parte ad-interim injunction in favor of sports fantasy platform Exchange22 in a copyright battle with another gaming app, MyFab11. MYFAB11 was thus restrained from making available for download or in any manner using without authorization, the copyrighted works of EXCHANGE 22 through its app or any other similar app. The suit was brought upon the launch of an identical game by MyFab11, which cloned the gaming interface, front-end analytics gaming data, including player prices, etc from Exchange22.

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B. MEDIA

11. Viacom18 launched a new sports-dedicated channel: Sports18

Reliance-backed Viacom18 made a formal announcement to launch a new dedicated sports broadcasting channel, which will host some valuable sports properties this year including the 2022 FIFA World Cup, the NBA, La Liga, Seria A, alongside other mainstream sports. The pay-TV channel, available in SD & HD, will be available on leading DTH service providers across the country.

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12. Rainshine Entertainment, Animasia Studio launch Web 3.0 multi-format franchise.

Rainshine Entertainment and Animasia Studio have partnered to co-produce 'Young Captain Nemo', a new franchise for young adults and families. Anchored by RainBlox, Rainshine's proprietary blockchain platform, 'Young Captain Nemo' will create a vibrant fan community that will enable investors and consumers to help build the web 3.0 multi-format content franchise beyond just an animation feature film trilogy; ancillary content will include a spinoff series, NFTs, video games, merchandise, and an original soundtrack.

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13. WarnerMedia, Discovery complete merger, become Warner Bros. Discovery

Discovery, Inc. and AT&T Inc. announced that they have closed their transaction to combine the Warner Media business with Discovery. The combination creates a premier standalone global media and entertainment company, Warner Bros. Discovery, Inc, which will integrate Warner Media's premium entertainment, sports and news assets with Discovery's leading non-fiction and international entertainment and sports businesses, including Discovery Channel, discovery+, Warner Bros. Entertainment, CNN, DC, Eurosport, HBO, HBO Max.

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14. News broadcasters raise concerns over anomalies in BARC's viewership ratings

Members of the News Broadcasters and Digital Association have pointed to alleged glitches and irregularities in BARC India's viewership ratings, days after the television audience measurement company resumed ratings for individual news channels. Citing sudden and 'unnatural growth' in the ratings of two channels, TV9 Bharatvarsh and Republic Bharat, the NBDA raised concerns about the sanctity and integrity of data collected by BARC.

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15. Prasar Bharti asks BARC to take action against 9 channels

Prasar Bharati has asked BARC India to take necessary action against nine channels linked to the Zee Network airing its channels free to air without paying slot fee to the public broadcaster. The channels include Zee Madhya Pradesh/Chhattisgarh, Zee Bihar/Jharkhand, Zee Uttar Pradesh/Uttarakhand, Zee Salaam, Zee Rajasthan, Zee 24 Kalak, Zee Punjab/Haryana/Himachal Pradesh, Zee 24 Taas and Zee Odisha have been in violation of free to air rules.

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16. Bombay High Court refuses to stay the release of “Jersey”

The Hon’ble Bombay High Court refused to stay the release of the film ‘Jersey’, while hearing a copyright infringement suit against its producers and Bollywood actor Shahid Kapoor. The case had been filed by writer Rajneesh Jaiswal who alleged that the story of the film belonged to him. Upon appeal to the division bench, the Hon’ble Bombay High Court has asked the film makers to consider crediting the writer for his contribution to the story of the film.

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C. TELECOMMUNICATIONS

17. OneWeb to receive landing rights, market access approvals in India

Bharti-backed OneWeb is set to receive the crucial landing rights and market access approvals from the government to deploy its global satellite systems for launching broadband from space services in India later this year. OneWeb had recently acquired the GMPCS (global mobile personal communications by satellite services) license from the Department of Telecommunications, and had applied to In-SPACE for the aforementioned statutory clearances.

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18. Airtel acquires minority stake in Cnergee Technologies

Airtel has acquired a strategic minority stake of 7% in cloud-based networking solutions provider Cnergee Technologies under the Airtel Startup Accelerator Program. Cnergee specializes in integrated networking solutions over cloud for business of all sizes and has developed a range of 5G ready software tools for Network as a Service, that can be deployed at scale to enable management of connected devices with a host of real time analytics.

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19. BT and Toshiba launch first commercial trial of quantum secured communication services

Britain’s BT and Japan’s Toshiba launched the first commercial trial of a quantum-secured network that will block vulnerabilities in encryption that will emerge when quantum computing becomes mainstream. The infrastructure will be able to connect numerous customers, helping them to secure the transmission of valuable data and information between multiple physical locations over standard fibre optic links using quantum key distribution (QKD). QKD is an important technology, playing a fundamental role in protecting networks and data against the emerging threat of cyber-attack using quantum computing.

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20. TRAI releases the Telecom Tariff (68th Amendment) Order, 2022

The 68th amendment to the Telecom Tariff Order was promulgated, on the basis of a stakeholder consultation in 2021, and seeks to protect the interests of the USSD users and to promote digital financial inclusion, rationalization of USSD charges is required. Accordingly, the Order mandates that subscribers will not be charged for USSD for mobile banking and payment service. TRAI will continue to keep a watch on the progress of service and may review the charge after a period of two years.

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21. 5G Vertical Engagement and Partnership Program

In order to multiply the 5G opportunities across the usage verticals, the DoT has constituted an Inter-Ministerial Committee with relevant vertical Ministries to facilitate collaborative efforts across stakeholders. Under its umbrella, a digital communications collaborative initiative, “5G Vertical Engagement and Partnership Program” is being offered to industry verticals which have potential as testing cum breeding grounds for innovative 5G use cases. The Department of Telecommunications has released the application format for stakeholders looking to build strong collaboration partnerships across 5G Use-cases.

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22. TRAI releases recommendations on ‘Auction of spectrum in frequency bands identified for IMT/ 5G’

The Telecom Regulatory Authority of India (TRAI) has released recommendations on ‘Auction of spectrum in frequency bands identified for IMT / 5G’. The recommendations have been finalized based on the comments received by TRAI from the stakeholders in response to a consultation Paper on ‘Auction of spectrum in frequency bands identified for IMT/5G’ published on 30th November 2021 providing the background information on the spectrum requirements of captive 5G applications in the industry. The recommendations deal with the quantum of spectrum to be auctioned, band plans, preferable block-size for auction, roll-out obligations, spectrum cap, eligibility conditions for participating in the auction, terms and conditions for surrender of spectrum etc.

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23. TRAI releases Consultation Paper on “Issues Relating to Media Ownership”

The Telecom Regulatory Authority of India (TRAI) has today released a Consultation Paper on “Issues Relating to Media Ownership”. The Authority has received a reference from Ministry of Information and Broadcasting seeking reconsideration of its 2014 Recommendations and issuance of a fresh set of recommendations in the light of the emerging changes in the media and entertainment industry, particularly with the advent of new digital technologies such as Over-the-top platforms (OTT). The Consultation Paper seeks views of the stakeholders on need, nature, and levels of safeguards with respect to issues relating to media ownership, particularly cross-media ownership and vertical integration in the broadcasting sector.

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24. Government Blocks 16 YouTube Channels For Spreading Disinformation

The Ministry of Information and Broadcasting (MIB) has banned 16 YouTube channels for spreading disinformation related to India’s national security and foreign relations. In total, 10 India-based and six Pakistan-based YouTube news channels were blocked during the exercise. The decision was taken using emergency powers under Rule 18 of the Information Technology Rules, 2021.

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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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