

# WRITE TO INFORMATION

**Technology, Media, Telecommunication,  
August 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. Indian Ride-Hailing Firm Ola to Start Producing Electric Cars in 2024

Softbank Group backed Ola Electric has set its eyes on penetrating the Indian electric vehicle (EV) ecosystem by introducing its own line of electronic cars and competing against industry rivals such as Tata Motors and Mahindra Electric Mobility. Ola Electric plans on developing a 'full- EV hub' by expanding the company's 'Futurefactory' to produce 1 million cars, 10 million e-scooters and 100-gigawatt hour of cells each year. The EV industry in India could reach \$206 billion by 2030 provided steady progress and investment in the production and charging infrastructure is maintained.

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### 2. Facebook Testing Encrypted Chat Backups

Meta, formerly Facebook to test new secure storage features for backups of users' end-to-end encrypted chats on Messenger. Meta's announcement comes on the heels of the use of Messenger chat histories as part of a law enforcement investigation in the United States. Meta plans to rollout default end-to-end encryption for personal messages and calls by 2023 by integrating security features such as code verify that ensures that one's web code hasn't been tampered with or altered.

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### 3. Meta's WhatsApp to Introduce New Privacy Features

WhatsApp is set to launch new product features aimed at protecting user privacy which includes permitting users to leave without notifying other members. Other features introduced by WhatsApp include users' ability to hide their online status and screenshot blocking for 'view once messages' thereby providing interlocking layers of protection and control over messages.

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### 4. India's Data Privacy Bill, 2021 Withdrawn

The Indian Government has withdrawn the Data Protection Bill, 2021 (Bill) that had been in the making for nearly five years stating that it will be replaced by a comprehensive legal framework designed to address all of

the contemporary and future challenges of the digital ecosystem. Minister for Electronics and IT, Ashwini Vaishnaw commented that the decision for withdrawal of the pending Bill was taken to protect the digital privacy of individuals and that a new bill will be presented for public consultation. The Bill drew significant backlash from technology corporations and start-ups for its high compliance requirements which was one of the reasons cited by the Indian Government for the withdrawal of the Bill.

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### 5. United States' Consumer Protection Financial Bureau Issues Interpretive Rule for Digital Marketing Providers to Comply with Federal Consumer Finance Protections

The U.S. Consumer Financial Protection Bureau (CFPB) announced an interpretive rule for digital marketing providers' advertising targeting practices in the financial sector. The rule defines "material services" provided by digital marketers that require compliance measures and explains potential enforcement scenarios by CFPB or other relevant agencies. United States' CFPB has further stated that other consumer protection enforcers can sue digital marketers to stop violations of consumer financial protection law when they act as service providers.

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### 6. Court of Justice of the European Union Rules on Interpretation of European Union's General Data Protection Regulation's Special Categories of Data

The Court of Justice of the European Union (CJEU) rendered a decision clarifying how indirect disclosure of sexual orientation data is protected under Article 9 of the European Union's General Data Protection Regulation (GDPR). The court explained such data disclosure falls under the special categories of personal data in Article 9 after consulting Article 4(15) provisions for 'data concerning health.' The ruling by the CJEU will have major implications concerning the processing of personal data when it comes to data operations wherein sensitive inferences can be made about individuals.

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7. **Chinese Internet Giants Share Algorithm Details with Beijing for the First Time**

Cyberspace Administration of China, Beijing's powerful internet regulator has released a list describing 30 algorithms that firms including Alibaba and Meituan employ to gather data on users, tailor personal recommendations and serve up content. The disclosure requirement comes after China's adoption of regulations in March 2022 that requires internet firms to disclose such tools which will enable to address complaints about data abuse. The regulations further mandate that companies ought to submit non-public information such as self-appraisal on the security of the algorithms, data collected, and categorization of the same.

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8. **Karnataka High Court Dismisses Intel Plea Against CCI Order for Probe into Abuse of Dominant Position**

The Karnataka High Court dismissed a petition filed by Intel Corporation challenging a 2019 order of the Competition Commission of India (CCI) calling for an investigation into allegations of abuse of dominant position in the market for micro-processors. Matrix Info Systems (Matrix) approached the CCI when Intel amended its warranty policy for India for its micro-processors which resulted in Intel only entertaining warranty requests for Intel boxed micro-processors when they were purchased within the country from its authorized Indian distributor. Matrix claimed that such separate warranty terms were arbitrary and unfair towards the Indian market limiting choice of customers and resulted in denial of market access to parallel importers. The CCI observed that Intel's dominant position in the market of micro-processors for desktops and laptops is prima facie established, hence the unfair warranty policy amounted to an abuse of dominant position. (Intel Technology India Pvt Ltd. & Anr. v. CCI & Anr).

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9. **Karnataka High Court Directs 17 Media Outlets to Temporarily Block Articles Displaying Names of Two Acquitted of Alleged Crimes**

The Karnataka High Court directed 17 media outlets to temporarily block articles, videos and comments displaying names of two petitioners

herein in connection with a criminal case registered against them, for which they stand acquitted. The petitioners contended that despite the acquittal of charges, the display of news articles, videos and comments on websites adversely affected the petitioner's privacy, employment opportunities causing mental trauma. The High Court passed an order granting interim protection directing media outlets including Facebook, Twitter, YouTube, Google, Yahoo, and Indian Kanoon to temporarily block articles displaying the names of the petitioners.

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10. **WhatsApp's New Privacy Policy Shares Sensitive Data with Facebook, Forces Users into Agreement by Providing Mirage of Choice**

The Delhi High Court, while dismissing the appeals filed by WhatsApp, has observed that "The 2021 Policy places its users in a take it or leave it situation, virtually forcing its users into agreement by providing a mirage of choice, and then sharing their sensitive data with Facebook Companies envisaged in the Policy" upholding the proposed investigation of Competition Commission of India (CCI) into WhatsApp's privacy policy. The instant messaging platform along with its parent company, Meta had filed appeals against an earlier order of the single judge rejecting their challenge to a probe ordered by CCI into WhatsApp's controversial privacy policy. The Delhi High Court held that WhatsApp cannot take direct and immediate benefits of the data sharing mechanism envisaged by its policies and that Facebook is a proper party in the investigation pertaining to the 2021 Policy (WhatsApp LLC vs CCI).

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11. **European Data Protection Board to Release Final Decision on Complaint Against Instagram's Handling of Children's Data in the European Union**

The Ireland-led GDPR inquiry on Instagram's handling of kids data which began in September 2020 is set to reach a conclusion following the completion of a procedural mechanism to resolve regulatory dispute over how to enforce the bloc's GDPR. Meta's Instagram has been under investigation over complaints that

social media platform was leaking the contact information of minors by letting them set up business accounts on its platform thereby making their contact information public by default.

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## B. MEDIA

### 12. NDTV Says Adani Group Needs Regulator's Nod after Hostile Bid

Gautam Adani - led Adani Group announced an indirect acquisition of a 29.2% in the media broadcaster 'New Delhi Television' (NDTV) and an offer to purchase another 26 % from the open market. NDTV has released a statement that neither the company and its founders were aware of the transaction nor was consent provided for this stake sale. The news broadcaster further stated that the hostile takeover bid shall require approval from SEBI, India's market regulator on account of the latter's ban in November 2020 against Adani group promoters for two years preventing them from buying or selling shares. Lawmakers further raised concern over the takeover citing concerns of concentration of 'economic and political power' and a brazen move to control and stifle the independent media outlets in the country.

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### 13. Delhi High Court Grants Interim Relief to Star India, Restrains Rogue Websites from Streaming Asia Cup, 2022

The Delhi High Court has restrained various rogue websites from streaming and broadcasting cricket matches or events in relation to the Asia Cup 2022, scheduled to commence from August 27, 2022 to September 11, 2022. The Court was dealing with a suit filed by Star India Pvt. Ltd and Novi Digital Entertainment Pvt. Ltd. seeking an injunction to restrain the illegal and unauthorized dissemination of the Asia Cup Cricket matches and associated content by the rogue websites. (Star India Private Limited and Anr vs MHDTV.World and Ors.).

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### 14. YouTube Faces Suit by Grammy Awards Winner Over Rights Protection

Grammy award winner Maria Schneider claimed in her suit that YouTube's two-tiered copyright policing system only protects "powerful copyright owners," such as large movie studios and record labels, while leaving small producers to essentially fend for themselves. YouTube's argument in the matter was that the alleged claims are not plausible and that the phrase "these works as millions of other works" in the suit are merely an attempt to allege claims for unidentified works. The US District Judge James Donato noted in her order that YouTube's contentions in its motion to dismiss the suit are "unavailing".

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### 15. Vimeo Must Pay \$8.6MM In Copyright Infringement Fines Rules Italian Court

An Italian court has fined video streaming platform Vimeo over \$8.6MM for copyright infringement. The ruling comes after Italian broadcast company Mediaset alleged Vimeo failed to remove copyrighted content from its platform. The verdict was handed down in 2019, but Vimeo appealed the decision. The appellate court upheld the initial ruling. The Court has ruled that, in addition to removing all the infringing content in question, Vimeo must also prevent new uploads of unauthorized content. Failure to do so will result in a fine of €1,000 for each offense, plus an additional penalty of €500 for each day the video remains accessible on Vimeo's website. Vimeo also lost its safe harbour provision in the ruling.

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## C. TELECOMMUNICATIONS

### 16. Airtel to begin rollout of 5G network in India by August 2022.

Telecom giant, Airtel will deploy a 5G network in India by the end of August, this announcement comes on the heels of Airtel's 5G network agreements with Ericsson, Nokia, and Samsung. Airtel was part of the 5G spectrum auctions conducted by the Department of Telecommunications and was the first amongst the three telecom companies in India to test 5G network.

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### 17. Spectrum Acquisition: Four Companies pay Rs. 17, 876 crores upfront to Department of Telecommunications

The Department of Telecommunications (DoT) has received payment from four telecom operators participating in the 5G auction pursuant to the DoT's issuance of demand notice for their spectrum payment. Jio emerged as the largest spender in the 5G spectrum auction acquiring airwaves worth Rs. 88,078 crores followed by Bharti Airtel, Vodafone Idea and Adani Data Networks.

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### 18. SpaceX and T-Mobile Team Up to Use Starlink Satellites to 'End Mobile Dead Zones'

SpaceX and T-Mobile are working towards ending mobile dead zones by launching a new mobile service enabled by Starlink second generation satellites. Starlink comprises of a network of satellites launched by SpaceX that

are designed to deliver high-speed internet in remote locations globally. SpaceX intends that other carriers will join in to expand the service across the globe as the system is designed to work without the need to modify existing handsets.

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### 19. New Rules Allow Telcos to Lay Infra on Private Properties without Approval

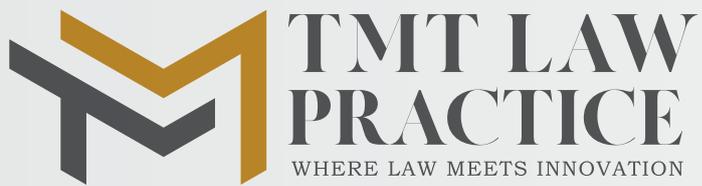
The amendments to the Indian Telegraph Right of Way Rules, 2016 (Rules) does not require telecom operators to seek approval from authority for the establishment of overground telegraph infrastructure over any private property. The amendment to the Rules for telecom operators is timely as India is poised to rollout 5G services in the country in the upcoming months.

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### 20. United States' Federal Communications Commission Announces Nearly \$42 million in Emergency Connectivity Funding

United States' Federal Communications Commission (FCC) has committed nearly \$ 42 million in two new funding rounds through the Emergency Connectivity Program that provides digital services for students across the country. The latest round of funding is to ensure that approximately 100,000 students get online access to a successful education bridging the homework gap.

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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"...

Get In Touch:

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

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

[www.tmtlaw.co.in](http://www.tmtlaw.co.in)