

WRITE TO INFORMATION

Technology, Media, Telecommunication,
November 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. MeitY introduces new data protection bill "THE DIGITAL PERSONAL DATA PROTECTION BILL, 2022"

The draft bill seeks to establish a comprehensive legal framework governing digital personal data protection in India. This Bill is a significant departure from the earlier iterations and appears to be a deliberate attempt to simplify the data protection regime for the convenience and understanding of all stakeholders. Comments have been elicited from the stakeholders on or before December 17, 2022.

[Read more](#)

2. IP Chapter of the leaked India - UK draft FTA proposes Patent Evergreening:

A clause allowing patent evergreening under the leaked intellectual property chapter of the draft Free Trade Agreement between India and UK indicates that it may cause major damage to the Indian generics industry and the UK's healthcare services that are highly dependent on Indian drugs. Evergreening is the practice of filing for patent extensions by making minor changes to patented drugs just before the expiry of the patent. The draft further proposes to prohibit pre-grant opposition making it impossible to defend weak/invalid patents until they have been granted protection.

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3. Amazon plans to invest over \$ 1 billion in production of original films intended for theatrical release:

Despite being in cost-cutting mode (Amazon ed-tech service, 'Amazon Academy' to shut operations in India from August, 2023 and layoffs have begun in multiple divisions), a report by Bloomberg revealed that Amazon intends to spend over \$ 1 billion in the production and theatrical release of films making it one of the biggest commitments to the film industry by a tech company and boosting cinema stocks. The report added that the company plans to release over 12-15 films annually putting it at par with studios like Paramount Pictures.

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4. Online gaming in India may potentially attract 28% GST:

A group of state finance ministers have proposed to hike the tax rates applicable for the online gaming industry by 10% without making a distinction between games of skill and those of chance. If formally approved by the federal GST Council headed by finance minister Nirmala Sitharaman, the online gaming industry will be hit by 28% GST in place of the current 18%.

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5. Apple sued over alleged unauthorised collection of data:

Elliot Libman, a New York resident filed a class action suit against Apple for unauthorised collection of data despite opt-outs by users. Relying on research by app developers Tommy Mysk and Talal Haj Bakry, Libman stated in his petition, that Apple is in breach of the California Privacy Laws.

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6. Alphabet's Google to pay \$391.5 million to settle allegations over mal tracking practices:

Google has agreed to settle with 40 states in connection with an on-going investigation into how the company repeatedly violated several state and federal privacy laws by tracking users' locations illegally despite the users opting out of the option making this settlement the largest multistate privacy settlement in U.S. history.

[Read more](#)

7. CNIL fines tech giant Discord Inc. €800,000 for failure to comply with GDPR obligations:

The software developer was fined by the French Data Protection Agency, the Commission Nationale de l'informatique et des libertés, on account of its failure to comply with General Data Protection Regulation requirements on data retention periods and personal data security.

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8. Meta unveils updated privacy policy for teenage users on Facebook and Instagram:

The company has launched several safety

features and is focused on creating a more encompassing ecosystem pertaining to privacy for teenagers below the ages of 16 or 18, depending on their country of residence. Teen users will now be defaulted into more private settings when they join Facebook and will not be shown suspicious adults in the “People You May Know” section amongst other safety features.

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9. U.S. court awards VLSI almost \$949 million in computer chip trial:

Ruling in favour of VLSI Technology, a federal jury in Texas ordered Intel Corp. to pay the former \$948.8 million in damages for infringing a VLSI patent for computer chips. During the six-day trial, VLSI argued that Intel’s Cascade Lake and Skylake microprocessors violated its patent.

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10. L&T Infotech and Mindtree merger gets approved by NCLT:

LTIMindtree, the combined entity will be the 5th largest IT company in India by market capitalisation. Mumbai and Bengaluru Benches of NCLT have approved the scheme of amalgamation and arrangement between the two companies and their respective shareholders and creditors under section 230-232 and other applicable provisions of the Companies Act, 2013.

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B. MEDIA

11. Delhi High Court rules in favour of Amitabh Bachchan in relation to protection of his personality rights:

The actor initiated a suit in Delhi High Court against the ‘world at large’ seeking protection of his personality rights, image, voice or all of his attributes against unauthorised use thereof. The court passed an interim ex-parte injunction in the actor’s favour, restraining anyone from utilising his publicity or personality rights and any other attribute exclusively identifiable with him, for any commercial or personal gain.

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12. Delhi High Court issues notices to 5 news channels in the Delhi Liquor Scam:

In a plea moved by one of accused, Vijay Nair, it was alleged that sensitive and confidential information that did not form a part of the ED and CBI press releases had been broadcasted by the news channels. The Delhi High Court issued notices to five leading news channels and ruled that said channels were obligated to ensure that their reporting in respect of scam is in accordance with the official press releases issued by the CBI, ED and in compliance of the guidelines or directives which govern the news broadcasting.

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13. Ashwin Gidwani Production Private Limited files an FIR against Weirdas Comedy Private Limited and Netflix over copyright infringement:

The complainant alleged that the show “History of India VIRitten (2010)” broadcasted by Netflix and performed by Vir Das (director of Weirdas Comedy Private Limited) infringed the complainant’s rights in a show called “VirDas for India”. Additionally, an FIR was also filed by ‘Hindu Janajagruti Samiti’ on the grounds that the show hurt the religious susceptibilities of the public.

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14. Government to propose a new bill to regulate digital media:

The Information and Broadcasting minister confirmed that the government is likely to enact a new law replacing the Press and Registration of Books Act, 1867 so as to simplify the registration process for newspapers. Additionally, the Union Cabinet has approved the ‘Guidelines for Uplinking and Downlinking of Television Channels in India, 2022’, making it mandatory for channels to telecast at least thirty minutes of content in national and public interest each day.

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15. Bombay High Court restrains Saregama from claiming copyright in film ‘Disco Dancer’:

Ruling in favour of Shemaroo, the court temporarily enjoined Saregama from claiming copyright in the film “Disco Dancer”.

However, the court still allowed the company from running a play based on the film in London provided that it deposits all receipts from the play with the court.

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16. Steve King not held personally liable for copyright infringement of the ‘Success Kid’ meme:

While affirming that Steve King would not be held personally liable for the infringement of the photo in the meme used in a fund-raising ad for his campaign, the jurors ruled that the King’s campaign, ‘King for Congress’, was guilty of copyright infringement and have ordered it to pay \$750 in damages to the photo’s owner, Laney Griner.

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17. Delhi High Court blocks ‘PikaShow’ over infringement suit:

In the case of Star India Pvt Ltd & Anr v. PikaShow Application and Ors., the court ordered outright blocking of mobile streaming application ‘PikaShow’ after Star India filed a suit for copyright infringement. The court observed that the sole purpose of the application was to illegally stream copyrighted content. The mobile application is known to provide pirated versions of various OTT content on its platform for free.

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C. TELECOM

18. US bans Chinese telecom devices citing security concerns:

The United States Federal Communications Commission (FCC), basis a unanimous vote, announced its decision to ban telecommunications and video surveillance equipment from various Chinese brands like Huawei and ZTE, stating that the same pose an “unacceptable risk to national security”.

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19. TRAI considers the need for separate regulations for broadcast and communication OTTs:

The Telecom Regulatory Authority of India

(TRAI) is set to determine if there is a need to address broadcasting and communication OTT players separately or together as it starts the consultation process in January to frame a regulatory mechanism. A senior official has stated that should TRAI decide that broadcasting OTTs need to be dealt with separately, the consultation paper will only deal with streaming apps like Amazon and Netflix.

[Read more](#)

20. TRAI releases recommendations on ‘Regulatory Framework for Promoting Data Economy Through Establishment of Data Centres, Content Delivery Networks, and Interconnect Exchanges in India’ dated November 18, 2022:

TRAI recommended that the trusted source procurement approach i.e. no equipment can be acquired by telecom networks that is not notified as trusted sources by the National Cyber Security Coordinator Further, TRAI has also suggesting making registration of content delivery networks (CDNs) mandatory amongst other recommendations.

[Read more](#)

21. TRAI notifies amendments to the regulatory framework for broadcasting and cable services:

Based on the responses received in relation to the consultation paper on the implementation of the New Regulatory Framework, 2020, vide its press release dated November 22, 2022, TRAI has notified amendments to Tariff Order 2017 and Interconnection Regulations 2017.

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22. TRAI releases consultation paper on display of caller ID on mobile phones:

Telecom Regulatory Authority of India (TRAI) on November 30 released consultation paper on ‘introduction of calling name presentation in telecommunication networks’, which deals with the technology required to display caller ID on mobile phones. Written comments have been sought from the stakeholders by December 27, 2022.

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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