

WRITE TO INFORMATION TECHNOLOGY MEDIA AND TELECOMMUNICATION, APRIL 2024

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A. TECHNOLOGY

Indian Government to Introduce New AI Law to Safeguard Rights of News Publishers and Content Creators

In a recent announcement, Mr. Ashwini Vaishnaw, the Union Minister for Electronics and Information Technology, revealed that the Indian government is working on a new legislation focused on artificial intelligence (AI). This law is specifically designed to protect the rights of news publishers and content creators in the digital age.

The proposed AI law aims to strike a delicate balance between the interests of publishers, creators, and emerging AI technologies. It seeks to create a regulatory framework that fosters innovation while ensuring fair treatment and protection for those involved in the creation and distribution of digital content. [READ MORE](#)



Yahoo Expands AI Capabilities with Acquisition of Artifact, Instagram Co-Founders' News Platform

Yahoo has announced its acquisition of Artifact, a news platform developed by the co-founders of Instagram. This strategic move is part of Yahoo's broader strategy to strengthen its artificial intelligence (AI) capabilities and enhance the overall user experience across its web services.

Artifact utilizes AI-driven algorithms to curate and deliver personalized news content to users, making it a valuable addition to Yahoo's portfolio of digital services. With this acquisition, Yahoo aims to leverage Artifact's advanced technology to improve content discovery, recommendation systems, and news aggregation across its platforms. [READ MORE](#)



WhatsApp Challenges Indian Government's First Originator Rule and IT Regulations, Citing Privacy Concerns

WhatsApp LLC., along with its parent company Meta (formerly Facebook Inc.), has filed a petition in the Delhi High Court to challenge the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules of 2021. These rules mandate social media intermediaries to trace chats and establish mechanisms to identify the first originator of information shared on their platforms.

The move by WhatsApp and Meta comes in response to concerns over user privacy and the potential impact on end-to-end encryption. Both companies argue that complying with the traceability requirement could compromise user privacy and the security of communications on their platforms. [READ MORE](#)



House Committee Introduces American Privacy Rights Act of 2024

The House Committee on Energy and Commerce, led by Chair Cathy McMorris Rodgers, along with Senate Committee on Commerce, Science and Transportation Chair Maria Cantwell, has introduced a discussion draft for the American Privacy Rights Act of 2024 (APRA). This draft legislation represents a significant step towards establishing comprehensive data privacy laws at the federal level in the United States.

The APRA aims to address various challenges and concerns surrounding data privacy, including the establishment of national consumer data privacy rights and the implementation of standards for data security. Notably, certain entities such as small businesses, governments, those operating on behalf of governments, and the National Center for Missing and Exploited Children (NCMEC) are exempted from the legislation. [READ MORE](#)



President Biden Signs Bill, Giving ByteDance One Year to Divest TikTok Ownership or Face Ban

Following President Joe Biden's signing of the bill, TikTok's parent company, ByteDance, is under pressure to divest its ownership of the popular social media platform within the next year. Failure to do so could result in TikTok being banned in the United States. The bill, which received bipartisan support in Congress, targets Chinese-owned companies like ByteDance amid concerns over national security and data privacy. It requires ByteDance to sell its ownership stake in TikTok to a U.S.-based entity, effectively severing ties with the Chinese parent company. [READ MORE](#)

B. MEDIA AND ENTERTANMENT

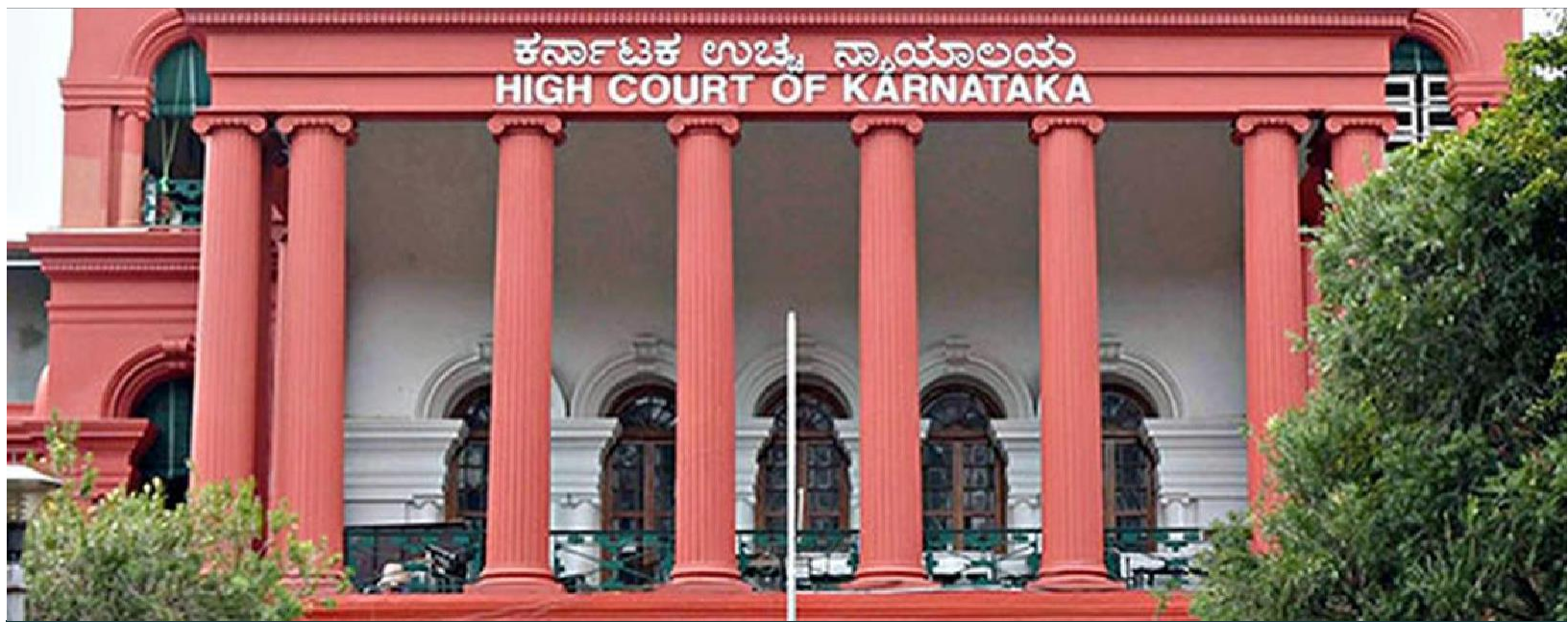
Linkin Park Resolves Legal Dispute with Former Bassist Over Hybrid Theory

Linkin Park has announced the resolution of a legal dispute with their former bassist, Kyle Christner, regarding his contributions to their album Hybrid Theory. The band has released a statement stating that they had reached an amicable resolution with Christner, who had filed a lawsuit in November claiming he contributed to demos and tracks featured on a reissue of Hybrid Theory. The statement was accompanied by a joint court filing to formally end the lawsuit, signed by attorneys representing Christner, Mike Shinoda, and other Linkin Park members. As of Monday, Christner's attorneys had not responded to requests for comment. [READ MORE](#)



SAG-AFTRA And Major Record Labels Strike Deal to Protect Artists

SAG-AFTRA, a prominent union representing actors and media professionals, has recently struck a tentative deal with leading record labels. The deal involves major record labels such as Warner Music Group, Sony Music Entertainment, Universal Music Group, and Disney Music Group. It marks a significant milestone following the union's successful negotiations with production studios last year, which led to groundbreaking AI protections for creators amidst growing concerns about the technology's impact on the workforce. The protections secured by SAG-AFTRA are part of ongoing efforts to safeguard artists' rights and interests in an increasingly digital and technologically driven industry landscape. [READ MORE](#)



Karnataka High Court Allows for the Screening of Maidaan

The Karnataka High Court has allowed for the screening of the Hindi movie 'Maidaan' by staying the order of the Mysuru Civil Court, which had issued a temporary injunction due to alleged copyright infringement. Justice S.R. Krishna Kumar's bench was considering Writ Petition filed by Mr. Boney Kapoor of Bayview Projects Private Limited, Mumbai, challenging the temporary injunction imposed by the lower court. The bench after hearing the counsel for the Petitioner stayed the lower court's order and has now listed the matter for further hearing. [READ MORE](#)



Producer Not Held Liable If Movie Trailer Content Excluded From Film; Court Clarifies Trailer Not A Binding Promise

The Supreme Court recently ruled that excluding content from a movie that was part of its promotional trailer does not constitute a 'deficiency of service' under consumer protection laws. The Court emphasized that a promotional trailer is not an offer or promise, and purchasing a movie ticket is solely for watching the movie, not based on expectations set by the trailer.

Yash Raj Films Pvt. Ltd. appealed against a National Consumer Disputes Redressal Commission (NCDRC) order that found them liable for 'deficiency of services' for not including a song shown in the trailer of the movie 'Fan.' The Court clarified that promotional trailers do not create rights regarding movie content, and payment for a movie ticket is unrelated to the trailer's content. The Court also examined the complaint in the context of 'unfair trade practice' under the Consumer Protection Act, 1986. It determined that the trailer did not make false statements or intend to mislead viewers, thus not constituting an unfair trade practice.

Ultimately, the Court allowed the appeal, rejecting claims of deficiency of service and unfair trade practice. [READ MORE](#)

C. TELLECOMMUNICATIONS

Government to Sell Remaining 15% Stake in Bharti Hexacom, TCIL to Benefit from IPO Proceeds

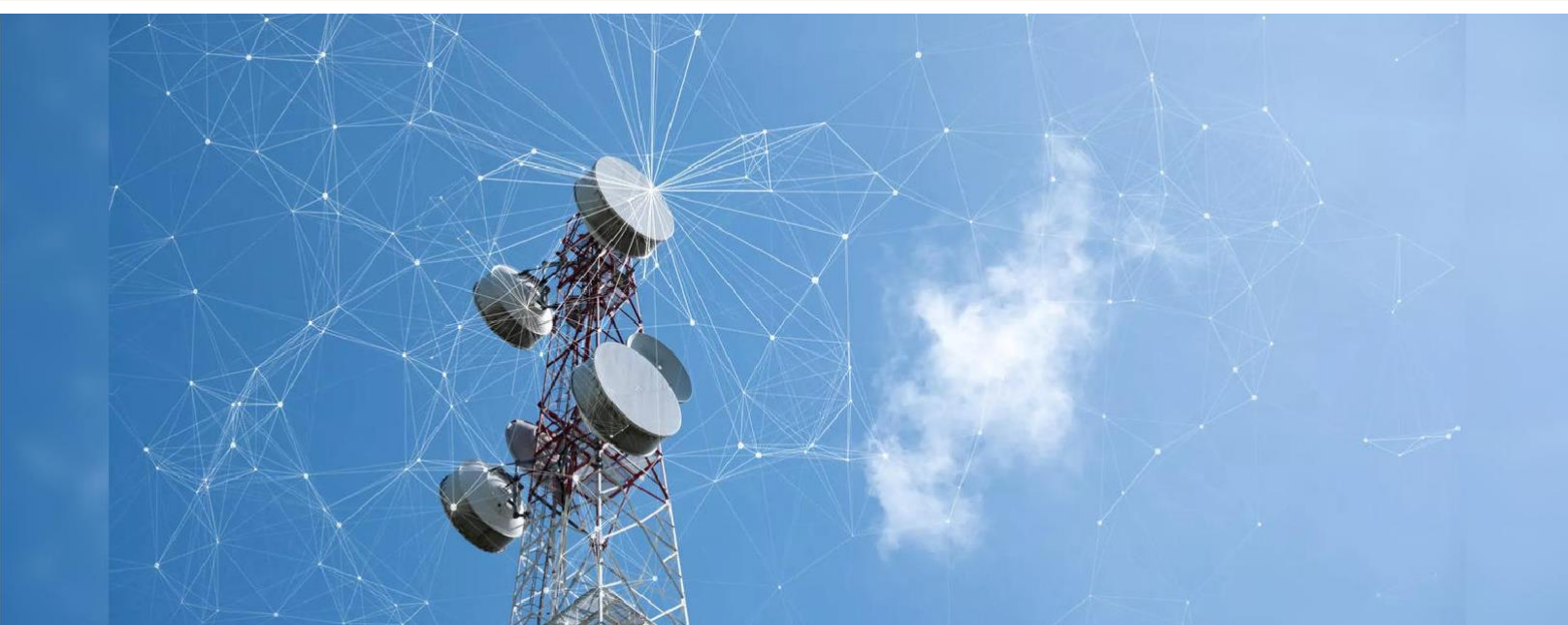
The Indian government is contemplating selling its remaining 15% stake in Bharti Hexacom in multiple tranches. The Telecom Consultants India Limited (TCIL) is set to receive a share of the proceeds from Bharti Hexacom's debut initial public offering (IPO) in the form of a special dividend. Bharti Hexacom, a subsidiary of Bharti Airtel led by Sunil Mittal, recently completed the allocation of shares to investors following its public issue in early April. The offering witnessed a significant response from qualified institutional investors (QIBs), with the portion being oversubscribed by an impressive 48.57-fold. [READ MORE](#)



Supreme Court Registry Rejects Government's Request for Clarification in 2G Spectrum Case

In a recent development, the Supreme Court registry has declined to list the Union government's application seeking clarification on a verdict from 2012 related to the 2G Spectrum case. The registry termed the government's action as "misconceived" and viewed it as an attempt to review the previous judgment rather than seeking additional information.

The 2G Spectrum case, which dates back to 2008, involves allegations of corruption in the allocation of telecom licenses. In 2012, the Supreme Court cancelled several licenses and ruled that the allocation process had been unfair. [READ MORE](#)



Telecom Operators' Group Calls for Ban on Wi-Fi 6E Routers

The Cellular Operators Association of India (COAI), representing major telecom players including Reliance Jio, Airtel, and Vodafone Idea, has urged the government to ban the sale of Wi-Fi 6E routers utilizing the 6 GHz spectrum band. This appeal comes as the government has yet to determine the specific utilization of these frequencies.

In a letter addressed to the Department of Telecommunications (DoT) dated April 15, COAI expressed concerns over the legality of selling equipment utilizing the 6 GHz band in the absence of clear regulatory guidelines. The association stressed the need for prompt nationwide prohibition to ensure compliance with regulatory frameworks and prevent potential spectrum-related conflicts. [READ MORE](#)



UK Competition Authority Launches Probe into Vodafone and Three Merger

The Competition and Markets Authority (CMA) has initiated a comprehensive investigation into the proposed merger between Vodafone's UK division and Hutchison's Three UK. The move comes after concerns raised by the regulator regarding potential competition issues in the telecommunications sector.

The proposed merger, valued at \$19 billion and announced last year, aims to combine the operations of Vodafone UK and Three UK. However, the CMA has expressed worries about the implications of reducing the number of major network operators from four to three in the UK market.

One of the key concerns highlighted by the CMA is the potential impact on consumer prices. With fewer major players in the market, there is a risk of price hikes for consumers, which could negatively affect competition and consumer choice. The outcome of the investigation will be closely monitored by industry stakeholders, investors, and consumers. It has the potential to shape the future of the telecommunications market in the UK, impacting areas such as pricing, service quality, and innovation. [READ MORE](#)

D. INTELLECTUAL PROPERTY

Delhi High Court Orders Lava to Pay Rs 244 Crore in Damages to Ericsson for Patent Infringement

The Delhi High Court has ruled that smartphone manufacturer Lava must pay Rs 244 crore in damages to Swedish company Ericsson for violating its 2G and 3G patents. The decision, delivered by Justice Amit Bansal, found that seven of the eight Standard Essential Patents (SEPs) claimed by Ericsson were valid. Ericsson had filed a lawsuit against Lava, alleging infringement of eight patents based on SEPs. These included patents related to Adaptive Multi-Rate (AMR) speech codec, Enhanced Data Rates for GSM Evolution (EDGE), and features in 3G technology. [READ MORE](#)



Delhi High Court Rules in Favor of PM Diesels, Bars Thukral from 'Fieldmarshal' Trademark Use

The Delhi High Court has disposed of a long-standing legal dispute over intellectual property rights spanning four decades. The case involved PM Diesels Private Limited and Thukral Mechanical Works, with the court ruling in favour of PM Diesels and prohibiting Thukral from using the 'Fieldmarshal' trademark. The court recognized PM Diesels' substantial investment in protecting the 'Fieldmarshal' mark and prior use claim. [READ MORE](#)



Apple Appeals US Import Ban on Watches, Citing Regulatory Overreach

Tech giant Apple has opted for an appeal against a recent import ban imposed by the US International Trade Commission (ITC) on specific models of its watches. Apple filed an appeal with the US Court of Appeals for the Federal Circuit on April 5, asserting that the ITC had overstepped its legal authority and that its patent decisions were flawed. In the appeal, Apple argued that the ITC went beyond its jurisdiction by issuing an injunction in a case where the necessary domestic industry was absent. [READ MORE](#)



Delhi High Court Recognizes Haldiram as a Well-Known Trademark

The Delhi High Court has declared Haldiram as a well-known trademark. This decision comes after an evaluation of the brand's reputation, distinctiveness, and extensive use in the market. The judgment, delivered by Justice Pratibha M Singh, acknowledges Haldiram standing as a prominent and widely recognized name in the food and beverage industry. The judgment not only affirmed Haldiram's domestic presence but has also recognized its reach across the globe, surpassing geographical, cultural, and national barriers. [READ MORE](#)



Supreme Court transfers the patent infringement suits concerning Chlorantraniliprole (CTPR) to Delhi High Court

A Supreme Court Bench of Justices MM Sundresh and SVN Bhatti recently decided a transfer request made by Natco Pharma and transferred the patent infringement cases brought by FMC Corporation against Natco Pharma Ltd. to the Delhi High Court. The Court ordered the prompt transfer of all case records from the Chandigarh district commercial court to the Delhi High Court. Due to the similarities in the cases and the parties appearing in different courts, the Court found it appropriate to approve the transfer requests and combine the three pending cases before the District Court (Commercial), Chandigarh. [READ MORE](#)



Delhi High Court Fines Google ₹1 Lakh for Misrepresentation in Patent Application Appeal

The Delhi High Court imposed a fine of INR 1 lakh on Google LLC while dismissing its appeal, citing the tech giant's failure to disclose crucial information regarding the refusal of a patent by the European Patent Office (EPO). Justice Pratibha M Singh presided over the case and dismissed Google's appeal against the Assistant Controller of Patent and Design's order rejecting its application. The patent in question was for a system titled- Managing Instant Messaging Sessions on Multiple Devices. The fine of ₹1 lakh was as a penalty for Google's failure to disclose relevant information and for its misrepresentation in the patent application appeal process. [READ MORE](#)



Pfizer and BioNTech Sued by GSK Over COVID-19 Vaccine Patents

GSK, a leading pharmaceutical company in the UK, has initiated legal action against Pfizer and BioNTech. The lawsuit claims that these firms violated GSK's mRNA vaccine technology patents during the creation of the Comirnaty COVID-19 vaccine. The lawsuit is another addition to the existing legal disputes in U.S. courts concerning patent royalties for vaccine technology involving Pfizer, BioNTech, and Moderna. [READ MORE](#)