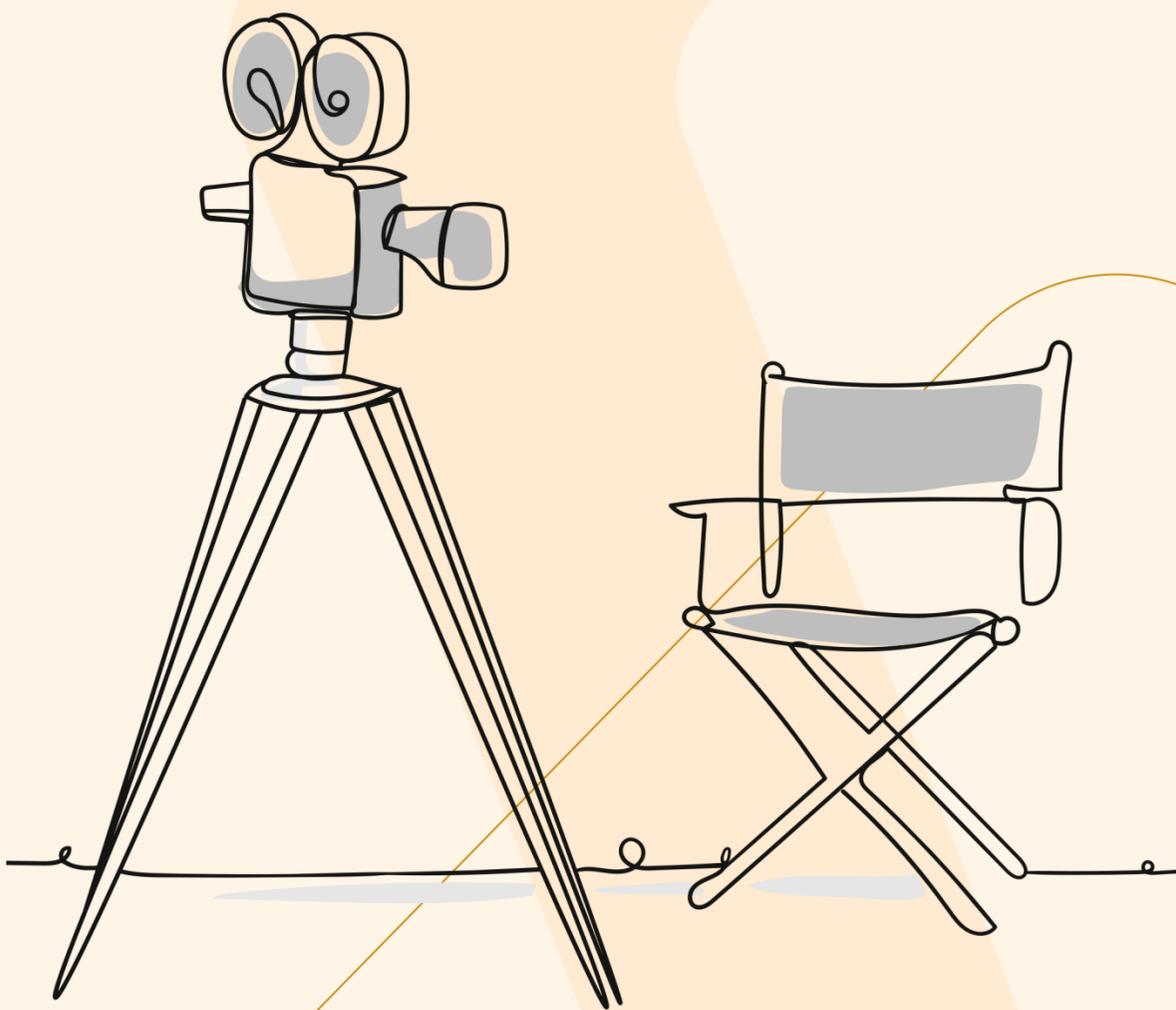


WRITE TO INFORMATION

WHERE LAW MEETS INNOVATION

MEDIA & ENTERTAINMENT



MEDIA & ENTERTAINMENT

» Supreme Court issues recommendations on portrayal of persons with disability for visual media.

Recently, the Supreme Court of India, while hearing a matter pertaining to the depiction of characters with disabilities in a movie, underscored the crucial need for sensitive and respectful portrayal of marginalized communities in films and other media. The Court noted that inaccurate and derogatory representations of disabilities reinforce harmful stereotypes and prejudice against persons with disabilities. The judgment examined the provisions of the Cinematograph Act, 1952, and the Rights of Persons with Disabilities Act, 2016, emphasizing the necessity for compliance with guidelines designed to prevent offensive and insensitive content.

Notably, the Supreme Court made significant findings regarding the Central Board of Film Certification (CBFC) and the portrayal of persons with disabilities in visual media. Here are the key takeaways:

Non-Interference with Expert Bodies: The Court opined in favour of minimal interference with the decisions of expert bodies under the Cinematograph Act regarding film certification, emphasising that it is for the CBFC to determine the balance between permissible and impermissible portrayals of social issues.

Awareness Films: The Court denied the recommendation for Sony Pictures to create an awareness film under Section 7(d) of the Rights of Persons with Disabilities Act, 2016 (RPwD Act), noting that such obligation is directed at the government, not private entities and that compelling such speech would be inappropriate.

Subject Matter Experts: The Court further opined that the current framework, including the Cinematograph Act and certification rules, is adequate for involving subject matter experts in the film certification process without needing further interference.

Expert Committees' Fitness: The Court recognises the expertise of existing committees to assess films beyond the Cinematograph Act, citing previous cases where these bodies have effectively evaluated sensitive content.

Balancing Interests: The existing policy and Cinematograph (Certification) Rules, 2024, already emphasise expert consultation, and the Court cannot demand changes or additions based on potential improvements as long as the policy's legality remains intact. Additionally, the Court is not in a position to dictate the qualifications for statutory bodies' members or legislatively mandate such criteria.

Formulation of Guidelines: The Court rejected the need for additional guidelines to restrict content under the Cinematograph Act, as existing guidelines and the RPwD Act sufficiently cover the field without legislative gaps.

Recommendations for Portrayal of Disabilities: The Court outlines a framework for depicting persons with disabilities in visual media, stressing:

- a. Inclusive language that respects the dignity of persons with disabilities.
- b. Accurate representation of medical conditions.
- c. Diverse and multidimensional portrayals of persons with disabilities.
- d. Avoidance of stereotypes, whether negative or excessively positive.
- e. Participation of persons with disabilities in decision-making processes.
- f. Collaboration with disability advocacy groups.
- g. Training and sensitisation programs for media creators to ensure respectful and accurate portrayals.

The judgment is an apt reminder of the role media plays in shaping societal attitudes and the responsibility it holds in fostering an inclusive environment for all.

[\[Nipun Malhotra v. Sony Pictures Films India Private Limited & Ors. 2024 INSC 465, Supreme Court of India\]](#)

» The Rise and Withdrawal of the 2024 Broadcasting Bill:

The introduction of the Broadcasting Services (Regulation) Bill, 2024, appears to be a response to the growing influence of independent content creators, particularly in the context of the 2024 Lok Sabha elections. During the election period, several independent creators published content on platforms like YouTube and social media that was critical of the government and its leaders. These videos, which often contained sensational claims, highlighted the power of online creators to shape public opinion outside the traditional media landscape. The government perceived this as a potential threat to the electoral process and the stability of public discourse, prompting the need for regulation to ensure accountability and a level playing field between mainstream media and independent creators. [Read More](#)

However, the draft Bill faced significant backlash from industry stakeholders, civil society, and advocates of free speech, who viewed it as an attempt to curb freedom of expression and impose undue restrictions on digital platforms. The concerns centered around the broad definitions, heavy penalties for non-compliance, and the potential for government overreach. Due to these widespread concerns, the Ministry of Information and Broadcasting decided to withdraw the Bill and is expected to go back to the drawing board to work on a new proposal, indicating a need to strike a balance between regulation and the protection of fundamental rights. The withdrawal suggests that while the government acknowledges the need for some regulation in the digital space, it also recognizes the importance of refining the approach to avoid stifling free expression and innovation. [Read More](#)

TECHNOLOGY & PRIVACY



TECHNOLOGY & PRIVACY

» NCPCR to Recommend KYC for Age Verification Under DPDP Act

The National Commission for Protection of Child Rights (NCPCR) is expected to recommend Know Your Customer (KYC) as the method for age verification under the Digital Personal Data Protection Act, 2023, to the Ministry of Electronics and Information Technology (MeitY). In a meeting with social media companies on August 13, NCPCR emphasized the need for platforms to use KYC to verify children's ages. Additionally, NCPCR plans to advise MeitY to mandate that the U.S.-based National Center for Missing and Exploited Children (NCMEC) report child sexual abuse material (CSAM) online in real-time to Indian authorities. [Read More](#)

» RBI Unveils SRO Framework with Stringent Compliance and Revocation Powers

The Reserve Bank of India (RBI) has introduced its Framework for Recognition of Self-Regulatory Organisations (SROs) in Financial Markets, building on the earlier released 'Omnibus Framework.' The SROs are tasked with enhancing their sectors, setting industry standards, and establishing professional conduct conventions. They must also work closely with the RBI to ensure regulatory compliance and identify early warning signals. However, the regulator retains the authority to revoke an SRO's recognition if the operations are deemed detrimental to the public interest or if it engages in activities that deviate from its stated objectives. [Read More](#)

» US Court Rules Google a Monopolist in Search and Ads Market

In a landmark decision, the United States District Court for the District of Columbia found Google guilty of monopolistic practices in both the Search and digital advertising markets. The Court determined that Google engaged in anti-competitive behavior through exclusive contracts with various devices and operating systems, violating US antitrust laws.

The ruling held that Google exploited its monopoly, secured through agreements with companies like Apple and Mozilla, to engage in exclusionary practices in breach of Section 2 of the Sherman Act. The Court noted that Google's lucrative revenue-sharing agreements with partners stifled competition in the Search market, creating a cycle where Google remains the default search engine, hindering competitors from entering the market. [Read More](#)

» DPDP Rules Expected Within a Month!

As per publicly available reports and published statements by experts, the much-awaited rules for the Digital Personal Data Protection (DPDP) Act, 2023, are expected to be unveiled within the next month. Once the DPDP Act rules are released, a public consultation period of 45 to 60 days will commence, which may be extended to ensure thorough feedback is collected. Reports also suggest that key issues like the implementation of 'verifiable parental consent' have also been resolved by the Ministry. However, there is no official confirmation yet. [Read More](#)

» SEBI Introduces New CyberSecurity Framework: SOCs Required for All Regulated Entities by 2025

The Security and Exchange Board of India has introduced a new cybersecurity framework requiring all regulated entities to implement appropriate security monitoring mechanisms, with phased implementation starting in January 2025. The framework will replace the existing cybersecurity guidelines for SEBI-regulated entities. Under the new framework, all entities must establish Security Operations Centers (SOCs) to ensure continuous monitoring of security events and prompt detection of anomalous activities. SOCs can be onboarded through the entity's own or group SOC, a market SOC, or any third-party managed SOC. [Read More](#)

» Advertiser's Dilemma! Who needs to self-declare?

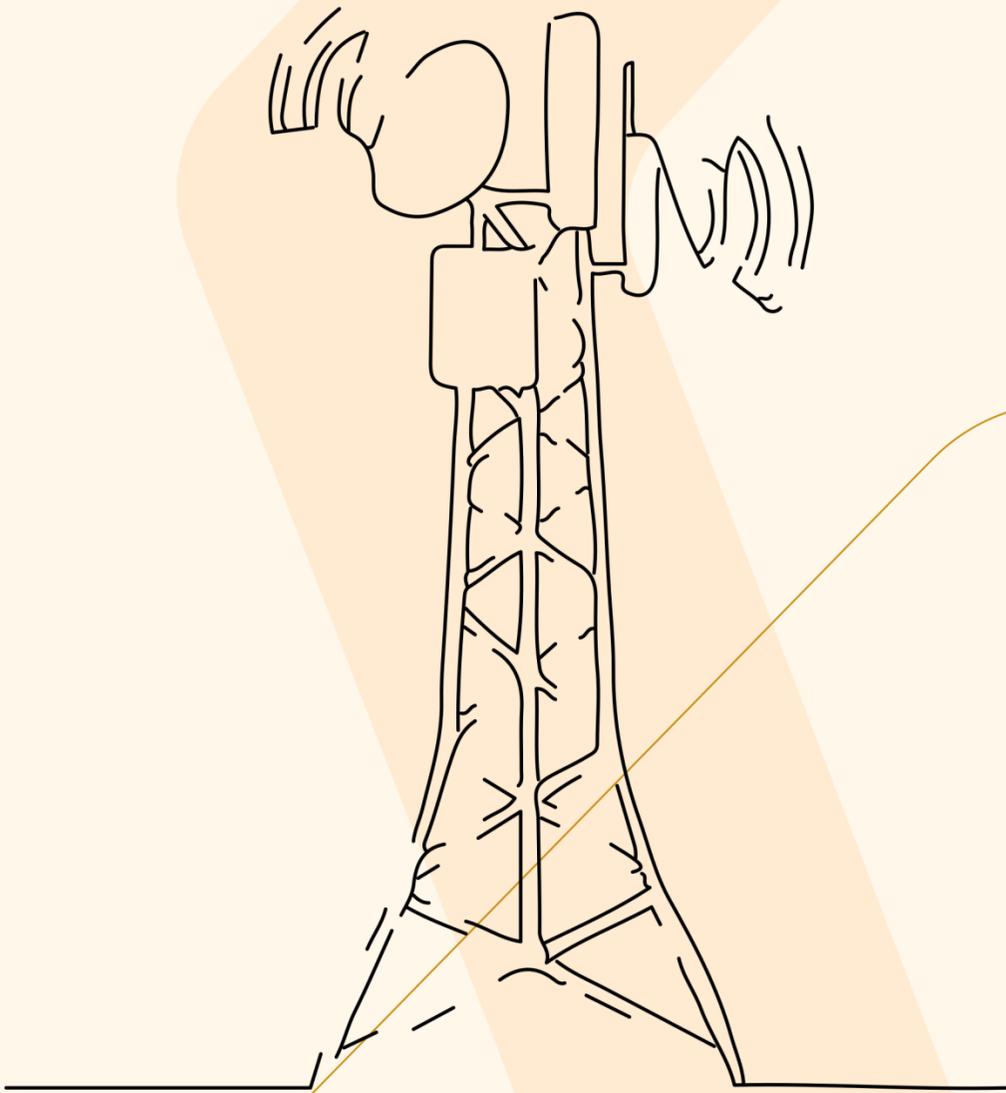
On July 3, 2024, the Ministry of Information and Broadcasting (MIB) issued an advisory, superseding its previous advisories from June 3, 2024, and June 5, 2024, regarding the requirement for advertisers and advertising agencies to upload self-declaration certificate before advertising. The advisory places responsibility on advertisers and advertising agencies to ensure that every advertisement they issue complies with Indian laws. The requirement to upload a self-declaration certificate now applies only to products and services related to the Food and Health sectors. The advertisers and advertising agencies issuing advertisements in these sectors must annually upload a self-declaration certificate on the Broadcast Seva Portal for TV/Radio Advertisements and on the Press Council of India's Portal for print/internet advertisements. Furthermore, the advertisers and advertising agencies are required to make available the proof of uploading the self-declaration to the concerned media stakeholders handling the publication of the advertisement for their records. [Read More](#)

» **RBI's New Fraud Buster Rules: Fair Play, Red Flags, and Smart Surveillance!**

The Reserve Bank of India (RBI) has issued revised Master Directions on 'Fraud Risk Management' for Regulated Entities (REs) following a thorough review of previous guidelines. These updated directions emphasize a principle-based approach, enhancing the governance and oversight responsibilities of the Boards in managing fraud risks. Key elements include the requirement for a robust internal audit and controls framework.

A significant addition is the explicit requirement for REs to adhere to the principles of natural justice before labeling individuals or entities as fraudulent. This aligns with the Supreme Court's March 27, 2023, judgment in the case of State Bank of India & Ors. vs. Rajesh Agarwal & Ors., ensuring a fair and timely process. [Read More](#)

TELECOMMUNICATIONS



TELECOMMUNICATIONS

» DoT Unveils Draft Rules for Lawful Interception, Suspension, Cybersecurity, and Critical Infrastructure

The Department of Telecommunications has released four sets of draft rules under the Telecommunications Act, 2023. The draft Telecommunications (Procedures and Safeguards for Lawful Interception of Messages) Rules, 2024 propose to allow interception orders by union or state home secretaries, specifying authorized agencies and reasons such as national security or public order. Orders are valid for up to 60 days but can be renewed, not exceeding 180 days. The draft Temporary Suspension of Telecommunication Services Rules, 2024 introduces a requirement to publish suspension orders with reasons and details, capped at 15 days while maintaining the current review committee structure. [Read More](#)

Furthermore, the Telecommunications (Telecom Cyber Security) Rules, 2024 mandate telecom entities to adopt cybersecurity measures, including appointing a chief security officer, conducting audits, and reporting incidents within six hours. The rules also prohibit tampering with IMEI numbers and require registration of these numbers. Finally, the Telecommunications (Critical Telecommunication Infrastructure) Rules, 2024 require networks identified as critical infrastructure to allow government inspections of their systems, with oversight by the chief security officer. The public has 30 days to provide feedback on these draft regulations. [Read More](#)

» DoT Publishes Draft Telecommunications (Adjudication and Appeal) Rules.

On July 18, 2024, the Department of Telecommunications (DoT) has released the draft Telecommunications (Adjudication and Appeal) Rules for public consultation. These draft rules outline a new framework for resolving disputes and adjudicating issues under the Telecommunications Act, 2023. Key features include the appointment of an Adjudicating Officer (AO) and a Designated Appeals Committee (DAC) by the Central Government. The AO is empowered to initiate inquiries on breaches and complaints, while the DAC will handle appeals against AO orders. The draft introduces a fee of INR 5,000 for filing complaints and a fee of INR 10,000 for appeals, with penalties collected going to the Consolidated Fund of India. Additionally, the rules allow for the submission of voluntary undertakings to resolve disputes and include provisions for digital implementation to streamline the process. Stakeholders have 30 days to provide feedback on these proposals. [Read More](#)

» DoT Unveils Draft Right of Way Rules

On July 11, 2024, the Department of Telecommunications (DoT) published the draft Telecommunications Right of Way Rules, 2024 in the Official Gazette. These rules aim to streamline the process for establishing telecom networks by reducing regulatory hurdles and introducing new procedures. Key features include the establishment of a web-based portal for applications and permissions, the appointment of nodal officers by public entities, and provisions for compensation and restoration in case of damage during network installation. [Read More](#)

The draft rules also address the establishment of both underground and overground telecom networks, with specific guidelines for temporary setups and property access. Notably, the rules mandate open access to common ducts and cable corridors for telecom infrastructure projects. With a 30-day period for public comments, these rules are set to facilitate faster deployment of telecom networks, potentially enhancing network coverage and supporting advancements such as 5G technology. [Read More](#)

» DoT Introduces Draft Digital Bharat Nidhi Rules to Revamp Telecom Funding

On July 4, 2024, the Department of Telecommunications (DoT) released the draft Telecommunications Act (Digital Bharat Nidhi) Rules, 2024 in the Official Gazette. The new rules, framed under the Telecommunications Act, 2023, aim to replace the existing Universal Service Obligation Fund (USOF) with the Digital Bharat Nidhi (DBN), expanding its focus to include research, development, and support for underserved populations. [Read More](#)

The Draft Rules outline the administration of DBN by an appointed Administrator and detail the process for selecting DBN implementers, including bidding and nomination procedures. They emphasize funding for startups and sustainable technologies and mandate the open, non-discriminatory sharing of telecom networks by funded entities. The public has 30 days to submit feedback before the rules are finalized, with the new framework expected to enhance access to telecom services in remote areas and foster innovation in the sector.

[Read More](#)

» TRAI's New QoS Rules: Out with the Old, In with the New Standards!

The Telecom Regulatory Authority of India (TRAI) has released revised regulations setting new standards for the quality of service (QoS) for telecom and internet service providers with over 10,000 subscribers. The new regulations, known as the Standards of Quality of Service of Access (Wireline and Wireless) and Broadband (Wireline and Wireless) Service Regulations, 2024, replace three older sets of rules: (i) The Standards of Quality of Service of Basic Telephone Service (Wireline) and Cellular Mobile Telephone Service Regulations, 2009, (ii) Quality of Service of Broadband Service Regulations, 2006, and (iii) The Standards of Quality of Service for Wireless Data Services Regulations, 2012. Service providers are now required to publish their QoS performance on their websites, covering parameters such as downtime, mean time to repair, latency, packet drop rate, and voice quality. [Read More](#)

» TRAI's New Consultation Paper Aims to Level the Playing Field in Telecom Audits

In a move to foster a fair and transparent environment, the government introduced a consultation paper on Friday addressing audit-related provisions in telecommunications regulations. The Telecom Regulatory Authority of India (TRAI) released the paper focusing on the 'Audit Related Provisions of Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulations, 2017' and the 'Telecommunication (Broadcasting and Cable) Services Digital Addressable Systems Audit Manual.' This initiative seeks to implement a trust-based system through third-party auditors to harmonize the interests of broadcasters, distributors, and consumers. [Read More](#)

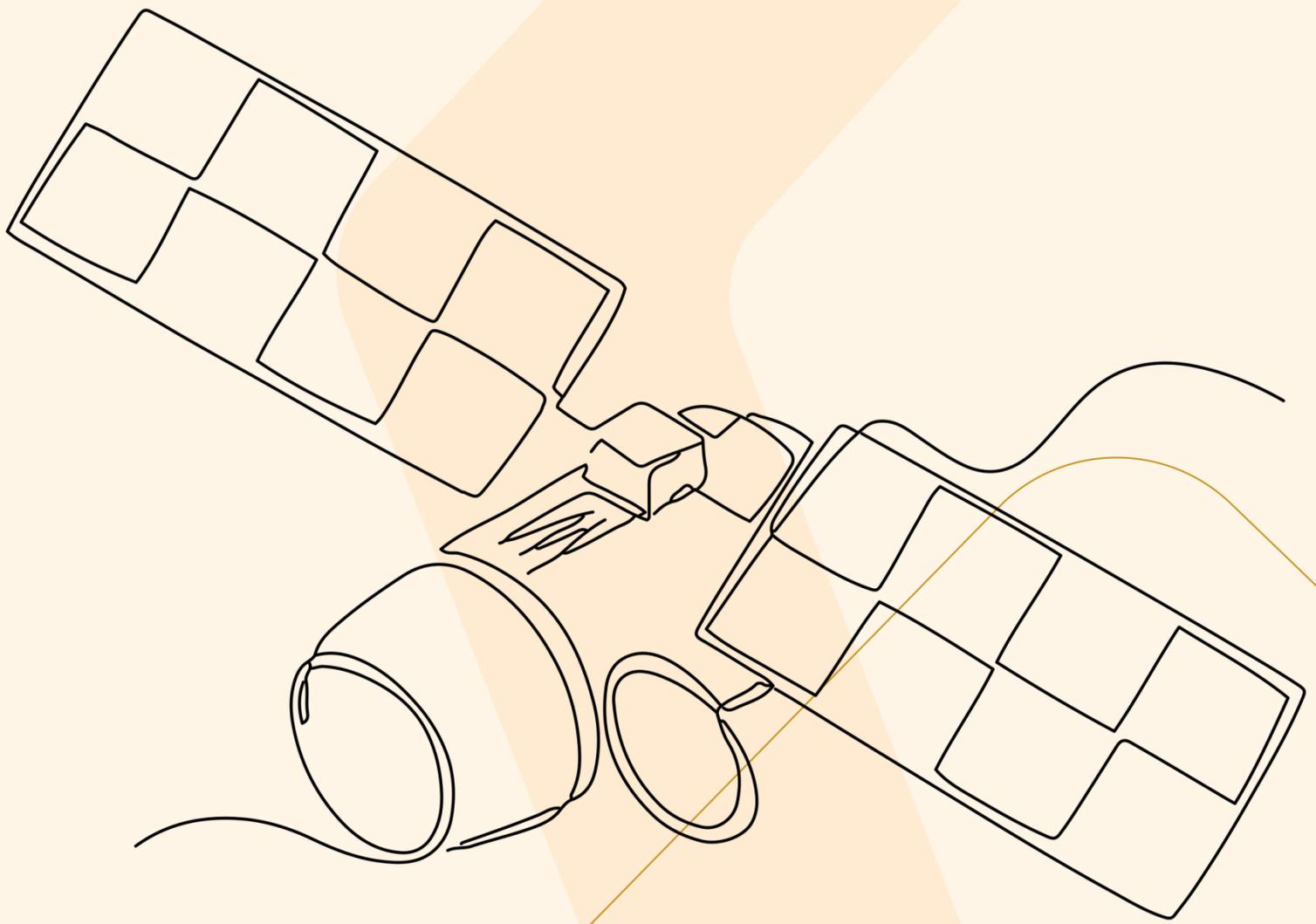
» TRAI Seeks Public Input on Updating Rules for Unwanted Commercial Messages

The Telecom Regulatory Authority of India (TRAI) has released a consultation paper inviting public feedback on a review of the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR-2018). Initially implemented in February 2019 to tackle Unsolicited Commercial Communications (UCC), these regulations were designed to shield consumers from unwanted promotional calls and messages while permitting businesses to communicate with customers who have opted in. The paper highlights issues encountered during the regulations' implementation that require prompt attention and may necessitate amendments. [Read More](#)

» TRAI Orders Blacklisting of Telecom Resources for Spam Callers; Enforces Industry-Wide Ban for Up to Two Years

In a move to combat spam calls, the Telecom Regulatory Authority of India (TRAI) has directed all Access Service Providers to disconnect and blacklist the telecom resources of entities engaged in spam activities. Under the new directive, any entity found using their SIP (Session Initiation Protocol) or PRI (Primary Rate Interface) lines for spam calls will be blacklisted, and this information will be shared with other telecom operators to enforce a comprehensive industry-wide blacklist for up to two years. During this blacklisting period, no new telecom resources will be allocated to the affected entity by any service provider. Additionally, unregistered senders must migrate to the DLT platform within a month and submit a compliance report within seven days. [Read More](#)

COMMERCIAL SPACE & DEFENSE



COMMERCIAL SPACE & DEFENSE

» Ministry Reveals Tax Concessions for the Space Sector

In response to an unstarred Lok Sabha question, the Minister of State for Finance disclosed that the space industry had sought GST exemptions, a Production Linked Incentive (PLI) scheme, and additional funding for the sector's growth. The response revealed that, effective July 27, 2023, all satellite launch services, including private launches, are fully exempt from GST, following the GST Council's recommendation. The government is also considering a PLI scheme and has preliminarily approved ₹600 crore for greenfield manufacturing and component production. Additionally, the space sector will receive full customs duty exemptions and concessional GST rates of 5% on satellites, payloads, ground equipment, and testing. [Read More](#)

» MIB Grants Extension for Non-Indian Satellites: IN-SPACE Approval Required by March 2025

The Ministry of Information and Broadcasting (MIB) has issued an advisory on July 10, 2024, extending the use of satellite capacity from non-Indian satellites until March 31, 2025. After which, only non-Indian Geosynchronous Orbit (GSO) and Non-Geostationary Orbit (NGSO) satellites authorized by IN-SPACE will be allowed to provide space-based communication and broadcast services in India. Authorization applications must be submitted through the IN-SPACE platform by an Indian entity, which could be a subsidiary, joint venture, or authorized dealer of the satellite operator. [Read More](#)

» Budget Supercharges Space Sector for Ambitious Space Goal!

In the Union Budget for 2024-25, the Central Government allocated ₹13,042.75 crore to the space sector, up from ₹12,543.91 crore last year. Additionally, a ₹1,000 crore venture capital fund was announced to drive growth and innovation in India's space industry, supporting both public and private sector initiatives. The establishment of 12 industrial parks across India is also said to significantly boost the space and satellite manufacturing industry, addressing a long-standing call for dedicated space parks. [Read More](#)

» Simplifying Ease of Doing Business by Amending FEMA Non-Debt Instrument Rules

The Department of Economic Affairs (DEA) has recently updated the Foreign Exchange Management (Non-debt Instruments) Rules, 2019, in line with the Union Budget 2024-25. The amendments are designed to streamline cross-border share swaps and facilitate the exchange of Indian company equity for foreign company equity. Under the recently revised Foreign Direct Investment (FDI) policy, upto 100% FDI is permitted under automatic route for the manufacturing of components and systems/sub-systems for satellites, ground segments, and user segments. Additionally, automatic route is permitted upto 74% for Satellite-Manufacturing and Operations, Satellite Data Products and Ground and User Segment, and upto 49% for Launch Vehicles and associated systems and the Creation of Spaceports for Spacecrafts, beyond which government approval will be required for the investments. The broader aim behind these liberalization policies is to attract global investors to Indian space companies. The increased private sector participation is anticipated to create job opportunities, integrate advanced technology, and enhance sector self-reliance, positioning Indian firms within global value chains. [Read More](#)

» Karnataka Government to Introduce Independent Space Policy Focused on Startups and MSMEs.

The state government plans to launch an independent space policy by the end of December, with a particular emphasis on startups and micro, small, and medium enterprises (MSMEs). As per IT Minister Priyank Kharge, the policy will concentrate on four main areas: skill development, incubation, innovation, and research. Notably, the 2022-27 aerospace and defence policy of the state had a separate chapter on space. That said, the specific of this new policy are still unclear. [Read More](#)

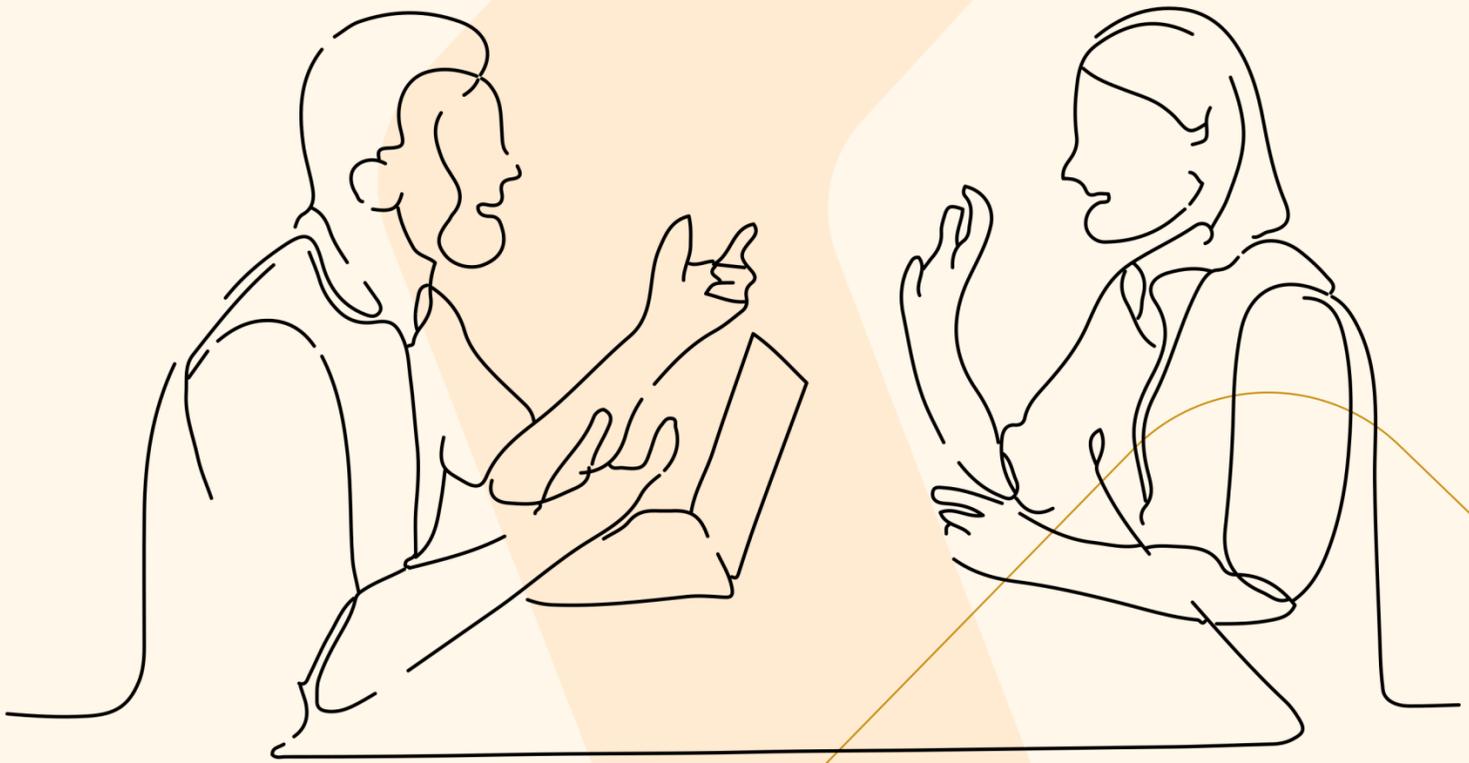
» India and US Forge Agreement to Enhance Defence Supply Chain Cooperation

India and the United States have signed an agreement to facilitate the mutual supply of defence goods and services, aimed at securing the industrial resources needed to address unexpected supply chain disruptions and meet national security demands, according to the Pentagon. The agreement enables both countries to request priority delivery of goods and services from each other's defence firms for contract execution. Additionally, the two nations signed a memorandum of agreement to assign liaison officers, further strengthening defence cooperation, improving interoperability, and enhancing information sharing on mutual interests, the Defence Ministry announced on Friday. [Read More](#)

» Defene Meets Finance: NSE and Ministry Team Up to Supercharge Defence MSMEs

The Defence Ministry and the National Stock Exchange (NSE) signed an agreement aimed at assisting Micro, Small, and Medium Enterprises (MSMEs) and emerging companies within the defence sector. This initiative is designed to help these businesses scale their operations, explore new markets, and fund research and development. The Memorandum of Understanding (MoU) will facilitate access to capital markets for MSMEs, enabling them to raise growth capital efficiently and transparently through the NSE platform, 'NSE Emerge,' according to the Defence Ministry. [Read More](#)

COMMERCIAL DISPUTE



COMMERCIAL DISPUTE

» NCLAT clarifies on what constitutes as an act of oppression under Section 241 & 242 of the Companies Act, 2013

Recently, the NCLAT was presented with a matter alleging oppression and mismanagement in a company owned and operated by two brothers, having equal shareholding in the company. While adjudicating several issues, the NCLAT clarified on the meaning of oppression and mismanagement under Section 241 & 242 of the Companies Act, 2013 (Act).

Key Takeaways

An application for oppression and mismanagement can be preferred by a member/shareholder of the company and not by a director of the company when the company affairs are being conducted prejudicially, which is oppressive to the members of the company or are not in the best interest of the company.

The term 'oppression' has not been defined under the statute and the same can be conferred on a case-to-case basis. The scope of 'oppression' is quite wide and an action which is pre-judicial to a member, or the company is adequate to seek relief under Section 241 of the Act.

In the absence of a definition of the term oppression, material changes by a company which are detrimental to the interests of the company or interests of its members/creditors/ debenture holder or any class of shareholder by way of taking place in the management or control of the company including by way of alteration in the Board of Directors or ownership of the company shareholders, etc., shall be deemed to be activities covered under "oppression and mismanagement".

Lastly, once the NCLAT is satisfied that the company affairs are being conducted in manner oppressive to any members and then, NCLAT may pass an appropriate order under Section 241 & 242 of the Act, including order for winding up of the company.

[\[Venus Petrochemicals \(Bombay\) Pvt. Ltd. and Ors. v. Sunil M. Thakkar and Ors. - NCLAT New Delhi Comp. App. \(AT\) No. 65 of 2022\]](#)

» Jurisdictional Clarity on Applications Under Section 29-A(4) of the Arbitration and Conciliation Act, 1996

On account of a disagreement between two Single Judges of the High Court regarding the question of whether the appropriate jurisdiction to adjudicate an application under Section 29-A of the Arbitration and Conciliation Act, 1996 (Act), for extension of time for arbitral proceeding lies with High Courts or Civil Courts was referred to a larger bench for a definitive resolution.

Key Takeaways

The question before the Reference Court was whether the application for extension of time for arbitral proceedings lie before the concerned High Court or the Principal Civil Court of original jurisdiction whether the arbitral tribunal was constituted under Section 11(6) and Section 11(2) of the Act respectively.

The Court held that the term “Court” under Section 29-A(4) of the Act should be interpreted as the Court that appointed the Arbitrator(s) under Section 11(6) of the Act. Therefore, for an Arbitral Tribunal appointed by the High Court, applications under Section 29-A(4) should be filed with the concerned High Court and similarly, for a tribunal appointed with the agreement and consent of the parties, such applications would lie before the Principal Civil Court of the original jurisdiction, which includes the High Court in its ordinary original jurisdiction.

The Court emphasised the need for a contextual interpretation of the law, affirming the High Court's authority to extend the time for an arbitral tribunal appointed by it, and recognising the Principal Civil Court's role in cases where the tribunal was appointed with party consent.

[\[Sheela Chowgule v. Vijay V. Chowgule & Ors. \(Writ Petition No. 88 of 2024\) before High Court of Bombay at Goa\]](#)

» **Appropriate remedy for breach of undertaking lies at the time of enforcement of arbitral award; Contempt not maintainable rules Delhi High Court**

In a recent case, the decree holder of a final award, emanating from a consent terms arrived at between parties, approached the Delhi High Court in a contempt petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 for breach of undertaking given by the judgement debtor before the arbitral tribunal.

Key Takeaways

The Delhi High Court opined that any breach of undertaking made before a Court or an Arbitral Tribunal should not be pursued under the Contempt of Courts Act, 1971 as the appropriate action would lie under Section 36 of Arbitration and Conciliation Act, 1996 (Act) for enforcement of the arbitral award. The court observed that while factually the Petitioner had presented a case plausible on the face of it for initiating contempt proceeding, the correct course of action lies within Section 36 of the Act.

Thus, the contempt petition was dismissed with directions to pursue the proper legal procedures specified in the Act for the enforcement of the arbitral award.

[\[Index Hospitality Limited v. Contitel Hotels and Resorts Pvt Ltd & Ors, Cont. Case \(C\) 1218 of 2024 Delhi High Court\]](#)

GAMING AND SPORTS



GAMING

» Leveling Up: AIGDF and IGAP Call for India-Centric Age-Rating System in Gaming Industry.

The All-India Game Developers' Forum (AIGDF), in partnership with the Indian Governance and Policy Project (IGAP), has released a report emphasizing the need for an age and content rating system tailored to India's rapidly expanding gaming industry. Despite having 425 million gamers, India lacks a standardized age-rating framework, unlike other digital content sectors. The report reviews international systems like the ESRB and PEGI for insights and proposes a domestic framework that considers India's unique cultural and legal context.

[Read More](#)

» ED Intensifies Scrutiny on Offshore Betting Platforms Amidst India's Rapidly Growing Online Gambling Market.

The Enforcement Directorate (ED) is ramping up its investigation into offshore betting platforms in India, focusing on over two dozen gambling apps linked to issues like fund remittance and round-tripping. These platforms have reportedly caused gamblers to lose over INR 1 Lakh Crore. Despite the absence of explicit laws against online gambling in India, the industry is booming. Statista data indicates that India is a global leader in online gambling, with the market expected to reach \$2.9 billion by 2024. Furthermore, the IMARC Group projects that the market will grow to \$5.49 billion by 2032, with a compound annual growth rate (CAGR) of 8.10% from 2024 to 2032. [Read More](#)

» Meta's Updated Policy for WhatsApp Business Messaging on Real Money Gaming and Gambling in India.

In the context of Real Money Gaming and Gambling in India, Meta's updated policy stipulates that WhatsApp Business messaging related to online gambling and gaming must strictly adhere to all relevant local laws, industry codes, guidelines, and licensing requirements. Additionally, such messaging must comply with age restrictions and country-specific regulations in accordance with applicable local laws. Importantly, promotional messages must not be sent to individuals under 18 years of age. Furthermore, the policy highlights that state-specific restrictions will apply to Real Money Gambling and Gaming in India.

[Read More](#)

» **Government Eyes FDI Boost to Turn India into a Global Gaming Hub.**

The government is considering liberalizing and promoting foreign direct investment (FDI) in the rapidly expanding online gaming industry, in response to Prime Minister Narendra Modi's vision of making India a "global gaming hub" by leveraging local talent for game design and development, according to official sources.

The proposed liberalization may include moving FDI in the sector to the automatic approval route, potentially allowing 100% foreign ownership of locally incorporated gaming companies if desired by overseas investors. [Read More](#)

SPORTS

» Phogat's wrestle with United World Wrestling & International Olympic Committee

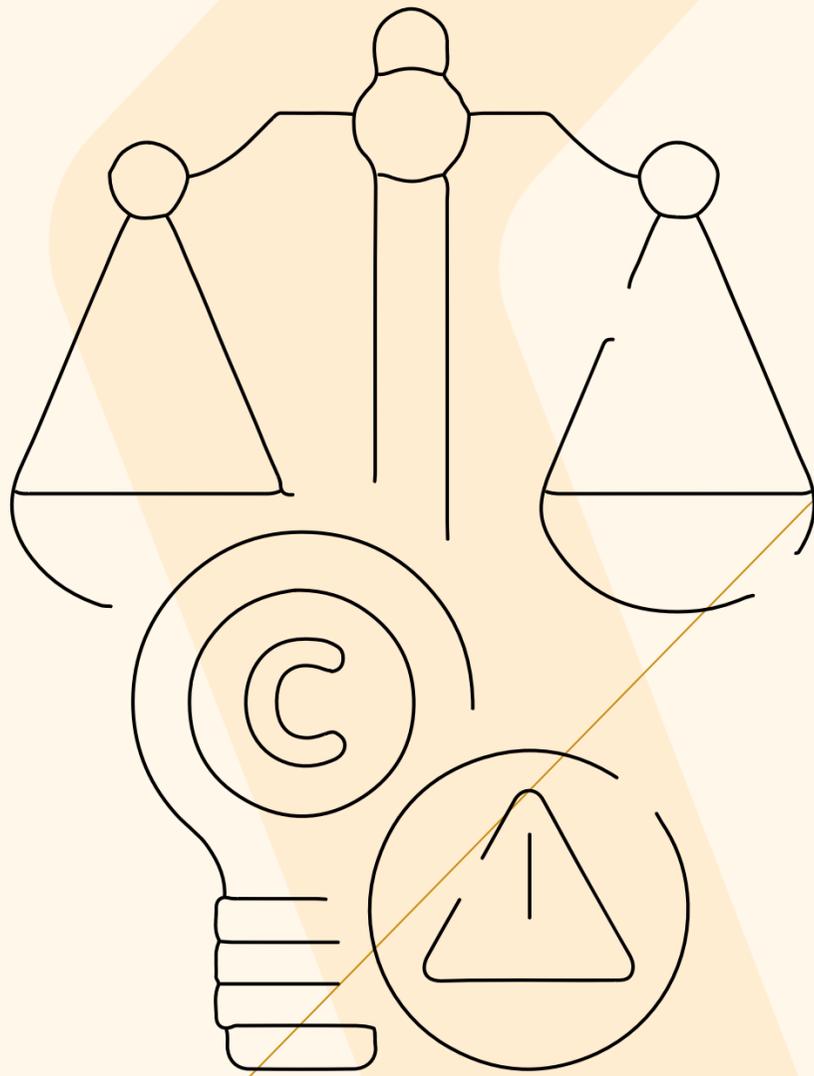
After securing a win, Vinesh Phogat was set to compete in the Women's Freestyle 50 kg finals at the 2024 Olympic Games in Paris on August 7, 2024. She successfully passed her initial weigh-in, and competed in three rounds on 6 th August, 2024 which positioned her to win either a gold or silver medal. However, during the mandatory second weigh-in on the morning of August 7, 2024, she was found to be 100 gms over the 50 kg limit, which led to her disqualification from the final match according to the United World Wrestling International Wrestling Rules 2023. Phogat appealed to the Court of Arbitration for Sport (CAS), initially seeking to overturn the disqualification and participate in the finals. She later modified her appeal to request that the disqualification be lifted while retaining eligibility for the silver medal.

The CAS ruled against Phogat, emphasizing that the rules were explicit in their prohibition of any weight tolerance during the weigh-in process. The CAS concluded that the rules applied strictly, with no discretion for leniency based on individual circumstances, including physiological factors as all experienced. Further, Phogat's failure to meet the weight limit, even by 100 grams, necessitated her disqualification and elimination from the competition. The CAS also opined that the awarding of medals is the sole prerogative of the International Olympic Committee, based on the established rankings, and therefore falls under the powers of International Olympic Committee.

Thus, Phogat's appeal was dismissed, and the original decision to disqualify her from the finals was upheld. Consequently, she was ranked last, without a rank, and was not eligible for any medal in the competition.

[Vinesh Phogat v. United World Wrestling & International Olympic Committee (CAS OG 24/17)]

INTELLECTUAL PROPERTY RIGHTS



INTELLECTUAL PROPERTY RIGHTS

Insights from recent Intellectual Property Law developments

» Courts Defend Personality Rights Against Unauthorized AI Use.

In recent legal actions, both Jackie Shroff and Arijit Singh have sought to protect their personality rights from unauthorized commercial exploitation. The Delhi High Court intervened in Shroff's case, issuing an injunction against Peppy Store & Ors for using his name, voice, and image without consent, including against an unlicensed AI chatbot of Shroff, emphasizing the need to safeguard individuals from unauthorized use of their personal attributes for profit. Similarly, the Bombay High Court granted an interim injunction in favor of Arijit Singh, restraining Codible Ventures LLP & Ors from exploiting his personality through AI-generated content, merchandise, and other commercial ventures without his permission. The Bombay HC highlighted the particular vulnerability of performers like Singh to unauthorized generative AI content, which can cause severe economic harm and potential misuse by unscrupulous individuals.

[[Jaikishan Kakubhai Saraf v. Peppy Store and Ors, Delhi High Court](#)] and [[Arijit Singh v. Codible Ventures LLP, Bombay High Court](#)]

» Re-evaluation of the authority of Trade Marks Officers hired on contractual basis.

In a recent judgment dated 02.08.2024, the Calcutta High Court ruled that contractual Associate Managers at the Trade Marks Registry, hired through the Quality Council of India (QCI), lacked the authority to issue quasi-judicial orders. The Court found that these orders were issued after the officers' terms had expired and remanded the cases for fresh consideration by the Registrar of Trade Marks. Following the judgment, the Controller General initiated a re-validation process for affected trade mark applications. This process includes IT system modifications and multi-level reviews to ensure compliance with legal standards, raising uncertainty for stakeholders about their registrations.

[[Visa International Ltd. v. Visa International Service Association and Ors. and Garden Silk Mills Private Limited v. Rajesh Mallick and Ors., Calcutta High Court](#)] and [[Office Order dated 13.08.2024](#)]

- » **The Delhi High Court addresses whether a generic artistic work can infringe the copyright of another.**

The Delhi High Court granted a permanent injunction in favor of Lacoste against Crocodile International, restraining the latter from using the infringing mark, i.e., a device of a left facing crocodile, as the trade mark was deemed deceptively similar to Lacoste's well-known crocodile logo, i.e., a device of a right facing crocodile. Lacoste argued that the defendants' logo closely resembled its own right-facing crocodile logo, likely confusing consumers. The Court agreed, finding the visual and conceptual similarities between the marks sufficient to constitute trademark infringement. However, the Court did not find evidence to support Lacoste's claims of passing off or copyright violation, as the defendants independently conceptualized their logo. However, the Court found the defendants' crocodile logo to be an expression of a generic idea with restricted means of expression, thereby not holding the defendants artwork in violation of Lacoste's copyright. [[Lacoste and Anr. v. Crocodile International Ptd. Ltd. and Anr., Delhi High Court](#)]

- » **Pune Court Dismisses Burger King Trade Mark Suit Against Local Eatery.**

Burger King Corporation led a case against a local Pune eatery also named 'Burger King,' concluding a 13-year legal battle. The U.S.-based fast food chain argued that it had adopted the 'Burger King' mark in 1954, while the defendants started using the same name around 1992. The Court ruled in favor of the defendants, stating that the plaintiff failed to prove trademark infringement. The Court reasoned that the defendants had been using the name 'Burger King' since 1991-92 in Pune, long before the plaintiff began operations in India in 2014. Currently, an interim stay on the order of the District Court has been passed by the High Court of Bombay in the appeal led by Burger King Corporation.

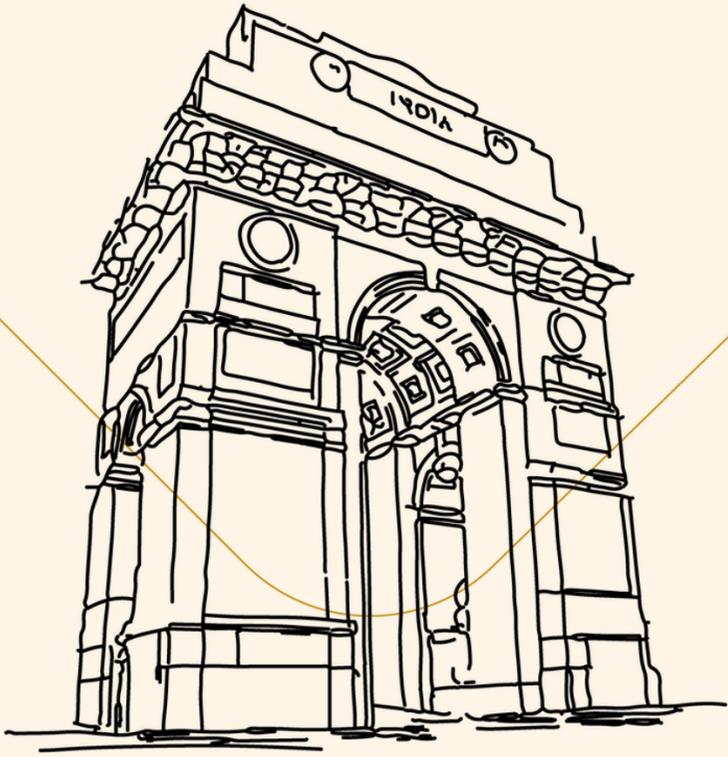
[[Burger King Corporation v. Anahita Irani and Another Civil Suit No. - 02/2011, Pune District Court](#)] and

[[Burger King Corporation v. Anahita Irani and Anr., Comm. F.A. No. 23989/2024, Bombay High Court](#)]

» **Boroline declared as a well-known trade mark by Delhi High Court.**

The Delhi High Court recently declared 'BOROLINE' as a well-known trade mark while issuing a permanent injunction against the use of the mark 'BOROBEAUTY' for identical products. The Court found that the defendant's use of 'BOROBEAUTY' infringed upon the plaintiff's trade mark and trade dress, leading to potential consumer confusion. The Court ruled that 'BOROLINE' has been a widely recognized brand since before India's independence and ordered the defendant to cease using the mark 'BOROBEAUTY' and any similar name or packaging that could be confused with 'BOROLINE', including the prefix 'BORO'. The defendant was also required to change its trade mark and packaging and pay ₹2 lakhs in costs to the plaintiff.

[\[G.D. Pharmaceuticals Private Limited v. Cento Products \(India\), Delhi High Court\]](#)



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