

WRITE TO INFORMATION TECHNOLOGY MEDIA AND TELECOMMUNICATION, DECEMBER 2023

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A. TECHNOLOGY

Central Government notifies guidelines focused on preventing and regulating dark patterns :

To safeguard consumer interests, the government has implemented a prohibition on the use of "dark patterns" on e-commerce platforms. These manipulative design techniques, aimed at deceiving customers or influencing their choices, are now subject to guidelines outlined in a gazette notification issued by the Central Consumer Protection Authority (CCPA) on November 30. These regulations are applicable to all platforms that provide goods and services in India, extending their reach to encompass advertisers and sellers as well. [READMORE:](#)



The New York Times sues Microsoft and OpenAI for copyright infringement

The New York Times has filed a lawsuit against Microsoft and OpenAI, asserting that the companies violated its copyright by using NYT articles without authorization to train models like ChatGPT. This legal action marks the first instance of a major American media entity taking tech giants to court over the use of copyrighted material in training large language models. The complaint targets both Microsoft and OpenAI, highlighting Microsoft's involvement in OpenAI and pointing out alleged instances where Microsoft 365 Copilot and Bing Chat displayed content from The Times in generative outputs. The lawsuit claims that these outputs include "memorized" copies or derivatives of NYT works and synthetic search results closely resembling Times content generated from copies stored in Bing's search index.

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Twenty-eight cryptocurrency and Virtual Digital Asset (VDA) platforms have registered with FIU-India to adhere to the Prevention of Money Laundering Act (PMLA) norms.

A total of 28 Virtual Digital Assets (VDA) service providers, such as WazirX, Coin DCX, and Coinswitch, have officially enrolled with the Financial Intelligence Unit-India (FIU-IND), as stated by the Finance Ministry on Monday. In March, the Finance Ministry had declared that entities involved in Virtual Digital Assets (VDAs), including crypto exchanges and intermediaries, would be categorized as "reporting entities" under the Prevention of Money Laundering Act (PMLA). Consequently, crypto exchanges and intermediaries engaged in VDAs were mandated to conduct Know Your Customer (KYC) procedures for both clients and platform users. [READMORE:](#)



Dawn of the EU's AI Act: political agreement reached on world's first comprehensive horizontal AI regulation

On Friday, December 8, 2023 – after months of intensive trilogue negotiations – the European Parliament and Council reached political agreement on the European Union's Artificial Intelligence Act ("EU AI Act"). Hailed by European Commission President Ursula von der Leyen as a "global first",¹ this "historic" Act positions the EU as a frontrunner of AI regulation, being the "very first continent to set clear rules for the use of AI". With this landmark piece of legislation, the EU seeks to create a far-reaching and comprehensive legal framework for the regulation of AI systems across the EU – with the aim of ensuring that AI systems are "safe" and "respect fundamental rights and EU values", while looking to encourage AI investment and innovation in Europe. Once the consolidated text is finalized in the coming weeks, the majority of the EU AI Act's provisions will apply two years after its entry into force.

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Finance ministry issues notice to 9 offshore crypto platforms, writes to MeitY to block URLs.

The Financial Intelligence Unit (FIU) has issued show cause notices to nine offshore platforms dealing with cryptocurrency and virtual digital assets, including Binance and Kucoin, due to their failure to comply with anti-money laundering laws.

Additionally, the FIU has communicated with the Ministry of Electronics and Information Technology, requesting the blocking of URLs associated with these nine entities that are operating in violation of the Prevention of Money Laundering (PML) Act in India. Among the virtual digital assets service providers (VDA SP) receiving notices for non-registration as reporting entities with FIU-India are Huobi, Kraken, Gate.io, Bittrex, Bit-stamp, MEXC Global, and Bit-fenex, in addition to Binance and Kucoin. [READMORE:](#)

Appeals court stays the ban on the import of Apple Watches found to infringe on patents.

Apple (AAPL.O) has been granted a temporary permission to recommence the sales of its primary smartwatches. This comes after a U.S. appeals court, on Wednesday, temporarily halted a government commission's import ban on the devices imposed during a patent dispute involving its medical monitoring technology. In response to a ruling from the U.S. International Trade Commission (ITC) stating that Apple had violated the patents of Masimo (MASI.O), based in Irvine, California, the tech giant submitted an emergency request to the U.S. Court of Appeals for the Federal Circuit, seeking to suspend the order. [READMORE:](#)

B. MEDIA AND INTELLECTUAL PROPERTY

AI is not an Inventor rules UK Supreme Court:

The UK Supreme Court has ruled that Artificial Intelligence (AI) cannot be acknowledged as the inventor in a patent registration, emphasizing that an actual person must be designated as the inventor. This decision brings to a close an extensive legal dispute that began in 2019 when the UK Intellectual Property Office informed Dr. Stephen Thaler that, in accordance with UK patent law, only a natural person or a corporate entity could be recognized as inventors, not software. The UK Supreme Court's ruling concludes Thaler's appeal against the dismissal of his efforts to register patents for innovations created by his AI software, referred to as "DABUS." Interestingly, Thaler has received similar rulings in jurisdictions such as the US and Australia. [READMORE:](#)

Delhi High Court cautions against the tendency to monopolise common words as trademarks: Institute of Directors v. Worlddevcorp Technology and Others

The Delhi High Court has raised concerns about the use of common words as trademarks in the case of Institute of Directors v Worlddevcorp Technology & Ors (2023). The plaintiff, the Institute of Directors, claimed that the defendants used the term "Directors' Institute" to confuse their mark and create confusion. The plaintiff's mark, "Institute of Directors," is registered under the Trademarks Act, 1999, covering various aspects such as printed matter, management services, personal development, and organizing conferences.

The defendants argued that the plaintiff's statement to the Trademark Registry acknowledged the descriptive nature of the words used in their device mark, asserting that such usage cannot protect the rights of a single proprietor. The court dismissed the plaintiff's application for interim injunction, stating caution against the monopolization of common words and emphasizing the importance of fair disclosure in trademark applications. The case serves as a warning to other trademark applicants, underlining the need for consistency in representations made at the time of registration and demoralizing attempts to monopolize common language. The ruling can impact strategies imposed by trademark holders or professionals to choose distinctive elements or words or device marks not common in everyday use. [READMORE:](#)

Delay in approaching the court is not a sufficient reason to deny an injunction- Delhi HC

The plaintiff, Van Tibolli, claims that K. Srinivas Rao, a Luxembourg-based company, has infringed on their trademark "GK WELLNESS" and its logo. The plaintiff, an exclusive distributor in India, began marketing hair care products under the "Global Keratin" mark in 2007. The plaintiff claims that the mark and logo have gained substantial reputation and goodwill. The defendants are accused of manufacturing and selling hair care products bearing the contested marks. The plaintiffs claim that the defendants have replicated the trade dress in which the plaintiffs package and sell their "GK WELLNESS Keratin Serum," potentially causing confusion among consumers. The plaintiff also claims that the defendants' domain names, specifically gkwellness.com and gkwellness.business, infringe upon the plaintiff's registered trademarks. The court has issued an order restraining the defendants and their representatives from using the mark "GK WELLNESS" in any form, including the logos, pending resolution of the suit. [READMORE:](#)



'No copyright in ideas': Delhi HC rejects interim plea against broadcast of Yash Raj Films' 'Shamsher'

The Delhi High Court has dismissed an application for interim relief against Yash Raj Films for broadcasting and distributing the film Shamsher in theatres, television channels, or on OTT platforms. The court ruled that the film infringes on the copyright in Bhullar's script, 'Kabu Na Chhadein Khet' (KNCK). Justice Jyoti Singh argued that the treatment of the story in Shamsher differs significantly from Bhullar's script. The court found that the KNCK script revolves around fights between Afghans and Sikhs in the 18th century, while the film is a story of oppression of the lower caste by the upper caste. The court found that the oppression of the lower caste is intertwined throughout the film, from the outcaste into the desert to the jungle, and the looting of the upper caste in retaliation. [READMORE:](#)



Delhi HC refuses to direct TRAI to furnish tapping info to mobile user under RTI Act:

The Delhi High Court has ruled that the Central Information Commission's (CIC) order to telecom regulator TRAI to collect and provide information about alleged tapping of a mobile user's phone under RTI proceedings has been overturned. The court, led by Justice Vibhu Bakhru, ruled that such surveillance is carried out under government directives and in the interest of the user. [READMORE:](#)

C. TELECOM

TELECOMMUNICATIONS ACT, 2023

Telecommunication Act 2023: New telecom law comes into effect with President's assent.

On Sunday, December 24, the President granted assent to the Telecommunications Bill, 2023, officially enacting it into law. The new act repeals the Indian Telegraph Act of 1885, the Indian Wireless Telegraphy Act of 1933, and The Telegraph Wires (Unlawful Possession) Act of 1950. The legislation empowers the government to assume temporary control of telecommunications services for national security reasons. Additionally, it establishes a non-auction approach for allocating satellite spectrum. Furthermore, the law enables the government to seize control of a telecommunications network in situations of public emergencies or for the interest of public safety. [READMORE:](#)



Alert subscribers about fake SMS in regulator's name: TRAI to Telcos

The Telecom Regulatory Authority of India (Trai) has asked telecom service providers to warn subscribers against messages being sent by fraudsters in the name of the telecom regulator. "Nowadays, in the name of Trai, many messages are being sent and the public are being defrauded," Trai secretary V Raghunandan told ET. "In order to create awareness and advise the public at large, we want to send an advisory and a cautionary message to all subscribers." [READMORE:](#)