

# WRITE TO INFORMATION

# TECHNOLOGY MEDIA AND TELECOMMUNICATION, JANUARY 2024

## NEW DELHI

C-2/39  
SAFDARJUNG DEVELOPMENT AREA  
NEW DELHI - 110016 | INDIA

## MUMBAI

604, 6TH FLOOR, CHAMBERS,  
208, NARIMAN POINT,  
MUMBAI-400021 | INDIA

## BENGALURU

316, 3RD FLOOR RAHEJA CHAMBERS,  
NO. 12, MUSEUM ROAD,  
BENGALURU - 560001 | INDIA

## A. TECHNOLOGY

### New EU Digital Law Compels Apple to Relax Control Over App Store Regulations.

Apple, since its inception has maintained a strong control of the apps and services allowed on the iPhones and iPads. However, with the introduction of new law in European Union called the Digital Markets Act, 2022 which will come into force in March 2024, the Tech Giant is forced to allow users from the EU member countries to use alternative app stores to download games, productivity tools and other apps, marking an end to Apple's long sustaining monopoly. Interestingly, Apple has also chosen to hit back by announcing a Core Sustainability Fee that would be levied on EU developers. [READMORE:](#)



### Microsoft and OpenAI Face Another Lawsuit Over Alleged Misuse of Writers' Work to Train AI Models

Days after the New York Times sued OpenAI and Microsoft for the alleged use of journalists' work, the tech majors are hit with another lawsuit by a pair of non-fiction writers in Manhattan Federal Court. The proposed class action suit alleges that the companies misused their work to train the artificial intelligence models used by ChatGPT and other AI based services. This lawsuit follows several writers such as Comedian Sara Silverman to 'Game of Thrones' writer George RR Martin alleging copyright infringement by companies missing their work to train AI models and has emerged as a major hurdle in the development and training of AI. [READMORE:](#)



### Italian Regulator Accuses ChatGPT of Breaching Data Protection Rules

The Italian Data Protection Authority, Granate, has found that OpenAI's AI-powered chatbot, ChatGPT, violates the Nation's data protection regulations. This comes after Italy initiated an investigation against OpenAI in March 2023 for the alleged violation of EU's data protection regulations. OpenAI has been given 30 days to reply to the said accusation before Italy takes any action into the Microsoft-backed AI chatbot. [READMORE:](#)



### Google Settles \$1.67 Billion Suit involving AI related Patent

Google has reached a settlement in a patent infringement suit over the chips used to power the tech giant's AI technology. The 2019 lawsuit alleged that Singular's Joseph Bates shared his inventions with the company between 2010 and 2014 and Google's Tensor Processing Units copied Bates' technology and infringed two patents. The settlement comes the same day that the scheduled arguments were supposed to begin in Singular Computing's lawsuit seeking \$1.67 Billion for the alleged misuse of its computer processing technologies by Google. [READMORE:](#)



### DSCI Set to Introduce Data Protection Seal (DPS) for Secure Use of People's Data by Platforms in India.

The Data Security Council of India (DSCI) is introducing a pioneering Data Protection Seal (DPS) to ensure secure and responsible use of individuals' data by platforms nationwide. Currently in a pilot phase with partner organizations, the DPS aims to provide users clarity on data handling practices aligned with privacy standards. Similar to the ISI mark for product conformity, the DPS will serve as an assurance mechanism, verifying organizations' data processes for transparency. This move is expected to aid companies in complying with the Digital Personal Data Protection (DPDP) Act and upcoming regulations. [READMORE:](#)

## US lawmakers introduce Bill to regulate AI Vendors Serving the US Government

A group of bipartisan lawmakers introduced a bill on Wednesday, outlining regulations that would require the federal agencies and their AI suppliers to adhere to best practices for managing risks associated with artificial intelligence. Should the bill receive approval, federal agencies would be obligated to embrace AI guidelines introduced by the Commerce Department last year. In line with President Joe Biden's executive order from October, developers of AI systems with potential risks to U.S. national security, the economy, public health, or safety would need to share safety test results with the U.S. government before public release [READMORE:](#)



## B. MEDIA AND INTELLECTUAL PROPERTY



### Nokia and Oppo End Patent Feud, Sign a Global Cross-License Agreement

Marking an end to a long-standing feud between China's Oppo and Finnish Nokia over patent licensing which led to a ban on Oppo selling their devices in Europe and prolonged global litigation including in India, Nokia and Oppo have signed a global cross-license agreement covering standard essential patents in 5G and other cellular communication technologies. While the terms of the deal remain confidential, Nokia said that it continues to advocate for reasonable royalty fees and a long-term approach to intellectual property where the disputes can be resolved through amicable negotiations.

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### Centre Rejects Incorporation of IPR Defence in Competition Law, Dealing a Blow to Big Tech

The Italian Data Protection Authority, Granate, has found that OpenAI's AI-powered chatbot, ChatGPT, violates the Nation's data protection regulations. This comes after Italy initiated an investigation against OpenAI in March 2023 for the alleged violation of EU's data protection regulations. OpenAI has been given 30 days to reply to the said accusation before Italy takes any action into the Microsoft-backed AI chatbot.

Despite persistent requests from tech companies for such inclusion, the Corporate Affairs Ministry (MCA) rejected the proposal to incorporate this defence within Section 4 of the Competition (Amendment) Bill, 2022. The Ministry cited concerns about the potential for abuse by dominant tech companies as the primary reason for refusing to include IPR as a permissible defence mechanism. [READMORE:](#)



### Natera Awarded \$96.3 Million in Infringement Verdict Against CareDx over DNA Test

Natera, Inc. a leader in cell-free DNA testing was awarded \$ 96.3 million by a jury in the U.S. District Court for the District of Delaware in an IP infringement case against CareDx, Inc. The award included \$83.7 million in lost profits and \$12.6 million in past royalties as the jury found two products of CareDx, AlloSure and AlloSeq to be infringing one of the two patents asserted by Natera. Previously, Natera successfully invalidated all three of CareDx's patents that were asserted by CareDx against Natera in a separate lawsuit and the same was asserted in Appeal. [READMORE:](#)



### Sony Scraps \$10 Billion Indian Merger With Zee Entertainment

Sony has abandoned a \$10 billion merger plan with Zee Entertainment, its Indian arm, following two years of negotiations. The termination of the deal was attributed by Sony to Zee's inability to fulfill financial conditions, while Zee countered by accusing the Japanese company of acting in bad faith. Sony has initiated emergency arbitration at the Singapore International Arbitration Center, while Zee has taken legal action, setting the stage for a protracted legal battle in the days ahead. [READMORE:](#)

## Audi Prevails in ECJ Case Upholding Trademark Rights against Polish Car Parts Trader

Audi emerged victorious in a case against Polish car parts trader GQ at the European Court of Justice (ECJ). The court ruled that a car manufacturer, such as Audi, can prohibit the use of a sign similar to its trademark for spare parts. The case centred around GQ's sale of non-original radiator grills featuring a component resembling Audi's four-ring badge. Audi sought to prevent the sale of these grills with logo-bearing designs. The ECJ's decision, affirming Audi's trademark rights, sends the case back to Poland for a final ruling. [READMORE:](#)



## Organizations Without Copyright Society Registration Can Still Grant Licenses, holds Bombay High Court

A Single Bench of the Bombay High Court held that it is not mandatory for an organisation to be registered as a Copyright Society to be able to issue licenses. It clarified that even organisations such as Novex and Phonographic Performance Ltd (PPL) have the right to issue licenses as owners of the music copyrights, even if they are not registered as Copyright Societies under Section 33(1) of the Copyrights Act, 1957. The Court relied on Section 30 of the Act which allows the owner to confer interests in copyrights through licensing. [READMORE:](#)



## Lays Wins IP Dispute Involving Potato Variety FL 2027

In an appeal preferred by PepsiCo India Holdings (P) Ltd. under the Protection of Plant Varieties and Farmers' Rights Act, 2001, challenging the order of revocation that annulled the registration granted to PepsiCo for the plant variety FL 2027, a Division Bench of the Delhi High Court has overturned the decision of the Single Judge. The Division Bench nullified the Single Judge's ruling, stating that the Respondent failed to demonstrate that PepsiCo's legal actions were vexatious or part of any predatory tactics. The Court, recognizing the merit in PepsiCo's claim, ruled in favor of PepsiCo. [READMORE:](#)



## Delhi High Court Grants 'Premier League' Mark to Football Association Premier League Ltd.

In a recent ruling on the case of Premier SPG And WVG Mills Pvt Ltd v. The Football Association Premier League Ltd & Anr, Justice Anish Dayal of the Delhi High Court dismissed an appeal filed by Premier Mills, an Indian textile company. The decision upholds the registration of the Premier League trademark in favour of The Football Association Premier League Limited, the entity overseeing the football competition.

Justice Dayal emphasized that the appellant, Premier Mills, cannot claim a monopoly over the common term 'PREMIER,' as it is a word of general use. He rejected the argument that 'PREMIER' was the dominant mark of the respondent's mark, asserting that it cannot be separated from its associated word 'LEAGUE.' According to the court, 'PREMIER' in the respondent's mark gains its significance within the context of being a special category of a League, particularly in the realm of football, where it has garnered worldwide recognition, goodwill, and immediate recall. [READMORE:](#)



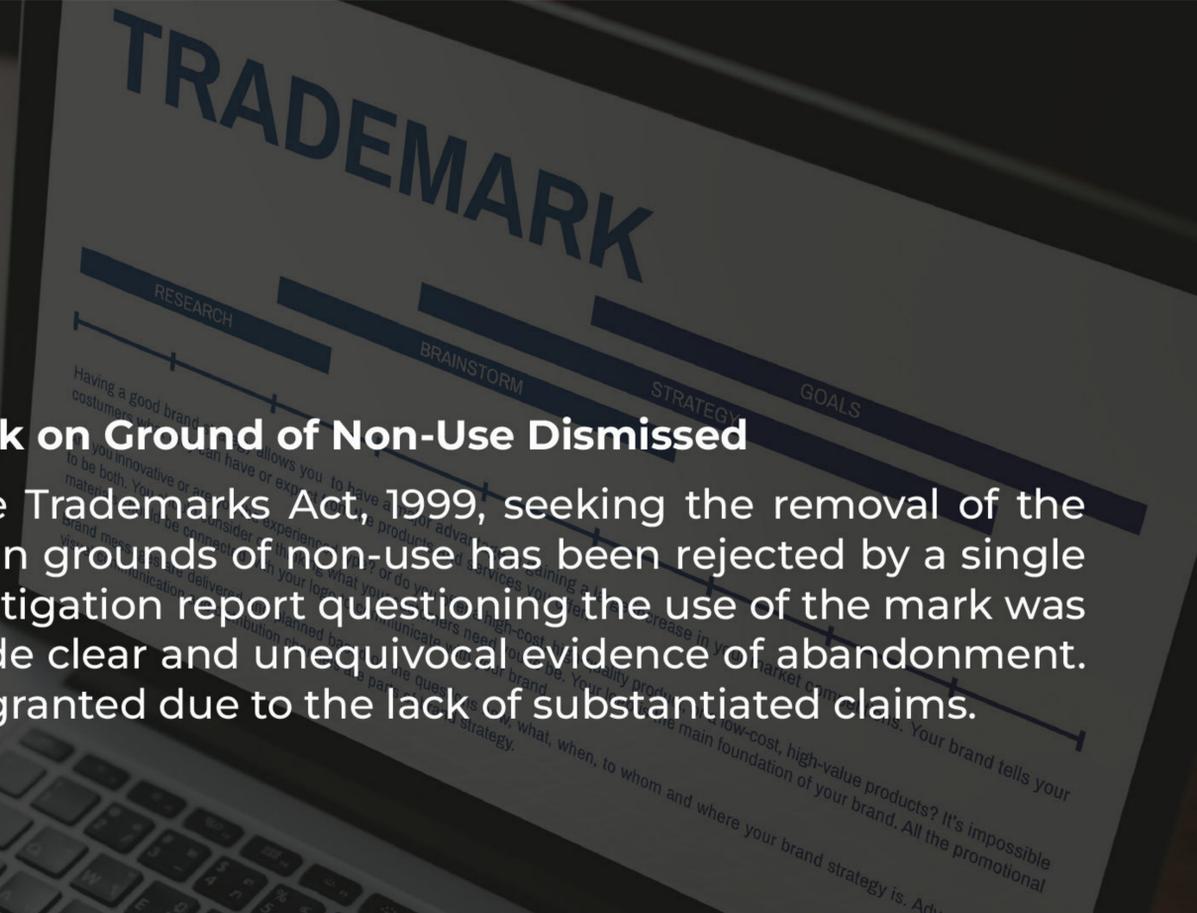
## Bohemia Restrained From Making Music with Third Party Without Approval of Saga Music

A recent order by the Delhi High Court has limited music artist Bohemia from engaging in collaborations with any third party without obtaining prior written consent from Saga Music. The Single Bench based its decision on the 'Exclusive Talent Engagement Agreement' previously executed between the parties, which explicitly prohibited Bohemia from entering collaborations with third parties in return for compensation. Considering the consistent breach of contract by the Defendant in multiple instances, the Court granted ex-parte ad interim relief against Bohemia. [READMORE:](#)

## Application Seeking Removal of 'Baoji' Mark on Ground of Non-Use Dismissed

An application under section 47(1)(b) of the Trademarks Act, 1999, seeking the removal of the 'Baoji' mark from the Trademarks Register on grounds of non-use has been rejected by a single judge bench. The Court noted that the investigation report questioning the use of the mark was disproven, and the petitioner failed to provide clear and unequivocal evidence of abandonment. Consequently, the application could not be granted due to the lack of substantiated claims.

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### C. TELECOMMUNICATIONS



#### Bharti Airtel Makes Prepayment of Rs. 8,325 Crore to Clear Deferred Liabilities for 2015 Spectrum Acquisition

In a recent development, Bharti Airtel has prepaid 83.25 billion rupees (\$1.00 billion) to the Indian government's telecom department, aiming to partially settle deferred liabilities related to the acquisition of airwaves in a 2015 auction. The payment, disclosed in a late Tuesday filing, carried a 10% interest rate. Bharti Airtel initially purchased spectrum valued at 291.29 billion rupees in the auction, with an upfront payment of 78.33 billion rupees. The telecom giant had previously prepaid 88.15 billion rupees in March 2022 and 80.24 billion rupees in July 2023. Despite these payments, Bharti Airtel still faces dues in the range of 100 billion rupees to 120 billion rupees for the 2015 auction, as highlighted in an investor meet in November 2023. [READMORE:](#)



#### Supreme Court Rejects Bharti Companies' Plea on Airtel Payments

The Supreme Court has dismissed the pleas of Bharti Airtel and Bharti Hexacom, which sought permission to deposit Rs. 112 crores into an escrow account with the court registry for the now-defunct telecom provider, Airtel. The amount was related to Spectrum Trade Agreements (STA) and other dues owed to Airtel. The court's decision is aimed at safeguarding the interests of Airtel until the approval of its resolution plan. The dispute arose from eight spectrum agreements, where Airtel agreed to transfer the right to use the spectrum in the 2300 MHz band to Airtel. Following Airtel's insolvency admission in 2018, Airtel retained a balance of Rs. 112 crores, seeking to offset it against Airtel's indebtedness, a request rejected by the Supreme Court. [READMORE:](#)



#### Marco Telecom Ordered To Pay \$636 Million to Inwi in Antitrust Case

Maroc Telecom, the leading telecom provider in Morocco, has been directed by a Commercial Court to compensate its competitor, Inwi (Wana Corporate), with a payment of 6.36 billion dirhams (\$636 million) for engaging in unfair competition practices. The substantial award, surpassing Maroc Telecom's 2022 turnover of 5.82 billion dirhams, resulted in a significant 9.99% drop in the company's stocks on the Casablanca stock exchange. Notably, this is the second instance of regulatory action against Maroc Telecom, as in 2020, Morocco's telecom regulator (ANRT) imposed a fine of 3.3 billion dirhams for a similar abuse of its dominant market position. [READMORE:](#)



#### DoT Set for Implementation of Telecommunication Act 2023 with Over 30 New Rules in the Pipeline

The Department of Telecommunications (DoT) is gearing up for the implementation of the recently enacted Telecommunication Act 2023 by working on a comprehensive set of over 30 rules. In alignment with the provisions of the new act, these rules are expected to cover various aspects, including spectrum pricing for administrative allocation to services such as satellite communication. Additionally, the rules will address crucial matters like establishing a lawful interception mechanism for carriers and outlining conditions for spectrum trading, sharing, and surrender. [READMORE:](#)