

WRITE TO INFORMATION

TECHNOLOGY MEDIA AND TELECOMMUNICATION, JULY 2023

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A. TECHNOLOGY

EU Commission Adopts EU-U.S. Data Privacy Framework Adequacy Decision

On July 10, 2023, the European Commission formally adopted a new adequacy decision on the EU-U.S. Data Privacy Framework (Adequacy Decision). The adoption of Adequacy Decision follows years of intense negotiations between the EU and the U.S., after the invalidation of the EU-U.S. Privacy Shield by the Court of Justice of the European Union in the Schrems II case. The Adequacy Decision will allow self-certified companies that adhere to the EU-U.S. Data Privacy Framework and commit to a set of privacy obligations to receive EU personal data without having to put in place additional transfer safeguards. [READMORE:](#)



GST Council imposes 28% tax rate on online gaming and casinos on full face value amount.

The Goods and Services Tax (GST) Council resolved to impose a uniform 28% tax on the face value of online gaming, gambling, and horse racing. The Council further intends to change the definition of an actionable claim, to clarify that the tax on online gaming companies will be levied without making any distinctions depending on whether the games qualified as a game of skill or otherwise. The decision will likely be challenged in the courts by the gaming industry, upon its formal notification into law. [READMORE:](#)



WhatsApp shifts legal basis for personal data processing in EU.

Following a 5.5 million euro fine by Ireland's Data Protection Commission in January, WhatsApp switched its legal basis for processing personal data under the EU General Data Protection Regulation. The regulator's decision followed a series of complaints by the digital rights NGO NOYB, led by Austrian activist Max Schrems. The DPC found WhatsApp's prior "contract" legal basis insufficient, and WhatsApp will now use the "legitimate interest" legal basis upon such instruction. [READMORE:](#)



The Union Cabinet approves draft data protection bill.

The Digital Personal Data Protection (DPDP) Bill 2023 was approved by the Union Cabinet and is slated to be introduced during the upcoming monsoon session of Parliament. For each instance of violating the bill's rules, businesses may be subject to fines of up to Rs 250 crores. Once the law is in place, people will have the right to request information about how personal data is collected, stored, and processed. [READMORE:](#)

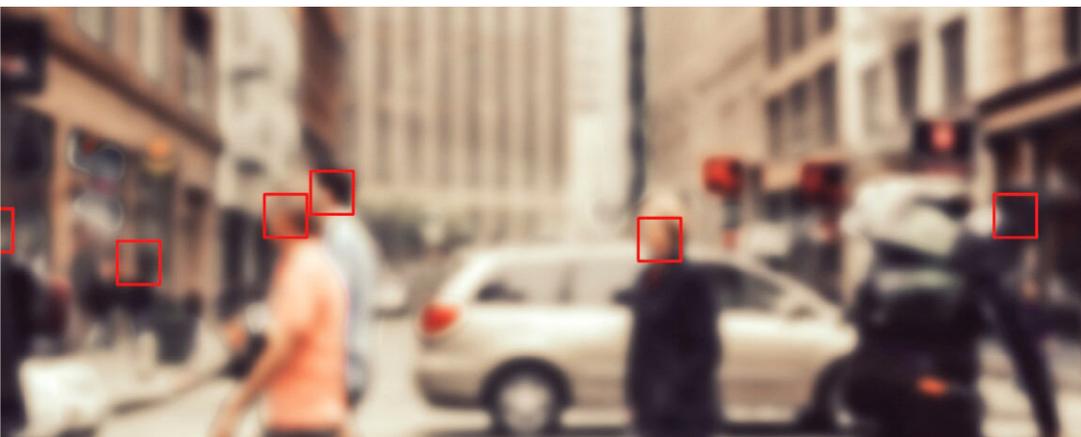


Blue Origin, Astrobotic, Varda Space and others win NASA funding to develop advanced space technology.

NASA has elected 11 American companies for joint sponsorship programs up to \$150 million, to develop technology that will facilitate long-term lunar and space exploration programmes. The technologies span from lunar surface power systems to in-space 3D printing tools, expanding industrial capabilities for Artemis and other NASA, governmental, and commercial missions that aim to sustain human presence on the moon. [READMORE:](#)

China finalizes generative AI rules.

The Cyberspace Administration of China (CAC), along with six other central government regulators, released finalised regulations on July 10, 2023, with the intention of restricting the distribution of ChatGPT and other generative AI services to the people of mainland China. These measures are not intended to apply to the development and implementation of generative AI technology that do not offer services to the general public. The finalised generative AI regulations will come into force on August 15, 2023. [READMORE:](#)



Montana Bill regulating police facial recognition use signed into law.

The Facial Recognition for Government Use Act (SB0397) was signed into law to regulate use of face recognition technology by state and municipal authorities, law enforcement, in Montana. Per B0397, Montana's law enforcement organisations are permitted to utilise face biometrics to find suspects, victims, or witnesses of serious crime. The new law in Montana allows for the use of facial recognition in conjunction with other methods to establish probable cause. The Act is effectively immediately, with existing contract arrangements having until January 1, 2024, to comply with the new requirements. [READMORE:](#)



New Biden rule to make government websites and apps more accessible to people with disabilities.

New regulations have been proposed by the Biden Administration to make state and local government websites and apps for services like libraries, parking, transit, and court records more accessible for people with disabilities. The White House announced that the new Justice Department rule seeks to launch certain accessibility touchstones for these websites and app-based services by providing text descriptions for images for the visually impaired who use screen readers, as well as captioning for government videos. [READMORE:](#)



Madras High Court restrains Google from delisting Disney+ Hotstar app from Play Store over failure to accept new payment policy

The Hon'ble Madras High Court has temporarily restrained Google from delisting the mobile applications of Disney+ Hotstar from its Play Store, for failure to comply with its updated payment policy. The Court also directed Google to deduct only a 4% fee for in-app purchases made on the app. This application is the latest addition to a series of challenges made against the new billing policy of Google wherein Google has fixed service fee at the rate of 11% and 26% in respect of payments made through the Alternate Billing System. [READMORE:](#)



Karnataka High Court Dismisses Twitter's Plea Against Centre's Account Blocking Orders:

The Hon'ble Karnataka High Court dismissed Twitter's petition challenging the Centre's banning orders, ruling that the government is not compelled to notify the individual account holders whose accounts are to be suspended. The Single Judge bench said notice to users of account in terms of Rule 8(1) of the Information Technology (Procedure and Safeguards for Blocking for Access of Information Public) Rules, 2009 is not required, and in any case, the omission of such notice cannot be used by an intermediary to challenge the Blocking Orders. [READMORE:](#)

B. MEDIA

Rajya Sabha passes Cinematograph Amendment Bill, 2023 aimed at curbing film piracy.

The Rajya Sabha on July 27 passed the Cinematograph (Amendment) Bill, 2023 that introduces stringent anti-piracy provisions, expanding the scope of the law from censorship to also cover copyright violations. The Bill proposes a jail term of up to three years and a fine up to 5% of a film's production cost for persons who "use any audio-visual recording device in a place licensed to exhibit films with the intention of making or transmitting ... an infringing copy of" a film, or trying to do so. [READMORE:](#)



DPIIT issues clarification on performance of copyrighted works in marriage ceremonies

The DPIIT, vide its Public Notice dated July 24, 2023 issued a clarification regarding the application of Section 52(1)(za) of the Copyright Act, 1957, which exempts royalty on performance of a literary, dramatic, or musical work or the communication of such work or of a sound recording in the course of, inter alia, bona fide religious ceremonies. The DPIIT, in its clarification has stated that the aforementioned sub-section is inclusive of marriage and other social festivities associated with marriage, and directed Copyright Societies to refrain from collection of fees for such utilization of works. [READMORE:](#)

ASCI Introduces New Guidelines for Advertisements for Charitable Causes, Will Now Require Crowdsourcing Platforms to Disclose Fees Charged by Them

The Advertising Standards Council of India released new guidelines for advertisements for charitable causes with emphasis on Chapters 1 & 2 which require ads to be truthful and avoid causing grave or widespread harm or offence respectively. The guidelines include prohibiting any form of shaming or guilt-tripping individuals who do not support the charity, and avoiding the use of graphic images that disrespect the dignity of those in need, especially children. Additionally, crowdsourcing platforms must transparently state any fees charged for managing or raising donor funds in the advertisements. [READMORE:](#)



Esports confirmed as official medal event for Asian Games 2026 in Aichi-Nagoya

The Aichi-Nagoya Asian Games Organising Committee (AINAGOC) has officially announced the inclusion of esports in the 2026 Asian Games schedule, which will take place in Japan. Esports had previously been showcased as a demonstration sport during the Jakarta Asian Games in 2018. However, this time around, it will make its official debut as a medal event at the Asian Games. The featured esports titles include Arena of Valour Asian Games Version, Dota 2, Dream Three Kingdoms 2, FIFA Online 4, League of Legends, PUBG Mobile Asian Games Version, and Street Fighter V: Champion Edition. [READMORE:](#)



Ministry of Information and Broadcasting Cancels Registration of 2 MSOs for Violating Cable TV Networks (Regulation) Act

The Ministry of Information and Broadcasting has issued an advisory directing satellite TV channels/broadcasters not to provide signals to two Multi-System Operators (MSOs), namely 9 Star Digital Cable Network and M/s Top Ten Cable Network. The registration of these MSOs has been cancelled due to violations of the Cable Television Networks (Regulation) Act, 1995. The MIB has already cancelled the registration of a total of 11 MSOs between April 12, 2023, and April 31. [READMORE:](#)

No Likelihood Of Confusion Between News 18's 'Bhaiyaji Kahin' And Times Now Navbharat's 'Bhaiya Ji Superhit': Delhi High Court

The Hon'ble Delhi High Court observed that prima facie, there is no likelihood of confusion between News 18's "Bhaiyaji Kahin" and Times Now Navbharat's "Bhaiya Ji Superhit" television shows. The suit was filed after News18 came to know that Times Now Navbharat was launching a show titled "Bhaiya Ji Superhit" using a similar mark where "newsworthy issues" are to be brought to light through humour and satire. Refusing interim relief to News 18, Justice Bansal said that the term "Bhaiyaji" is a word of common use in certain State like Uttar Pradesh and Bihar which translates to "brother" and therefore, the word is of a non-distinctive character. [READMORE:](#)



Publicity, privacy rights of Sushant Singh Rajput 'not inheritable': Delhi HC refuses to restrain streaming of film based on late actor.

A single judge bench of Justice C Hari Shankar dismissed the application to restrain streaming of a movie, based on the late actor Sushant Singh Rajput, in an order dated July 11. The father of the deceased actor had filed an application, claiming the film was based on defamatory statements and news articles, without any verification and without obtaining any report from any official agency to the said effect." Following his viewing of the film, Justice Shankar held that the rights of privacy, publicity, and individuality that belonged to SSR are not violated by the movie, for they are not inherited by family members. Furthermore, the information in the film was gleaned from items featured in the media and constituted publicly available information, which were not subject to protection under privacy rights. [READMORE:](#)

C. TELECOMMUNICATION



US announces smart device cybersecurity labelling program.

The Biden Harris administration introduced a new cybersecurity certification and labelling programme in order to make it easier for Americans to select smart gadgets that are safer and less susceptible to intrusions. The Federal Communications Commission (FCC) proposed a new "U.S. Cyber Trust Mark" programme that would raise the bar for cybersecurity across a variety of everyday devices, including smart refrigerators, smart microwaves, smart televisions, smart climate control systems, smart fitness trackers, and more.. [READMORE:](#)



TRAI released a Consultation Paper on "Regulatory Mechanism for Over-The-Top (OTT) Communication Services, and Selective Banning of OTT Services".

The TRAI, yet again, initiated a new consultation process to establish an appropriate regulatory framework for OTT services. The paper highlights the need to find an alternate solution against complete banning of Internet services in cases of public emergency which causes inconvenience to the general public and therefore proposes the method of selective banning of only those OTT services that are likely to be used by terrorists or anti-social elements. To that end, the paper analyses existing legislations like the Indian Telegraph Act 1885, the IT Act, 2000, read with allied rules as well as Parliament's Standing Committee on Communication and Information Technology to ascertain the way forward. The TRAI has invited stakeholders to share their comments by August 4, 2023. [READMORE:](#)



TRAI released recommendations on "Leveraging Artificial Intelligence and Big Data in Telecommunication Sector".

The Telecom Regulatory Authority of India (TRAI) has advised the Union government to work with foreign organisations and other nations to establish a global body for the appropriate use of artificial intelligence (AI). The telecom regulator also suggested creating a local statutory entity to oversee AI in India through the lens of a "risk-based framework" in a consultation document titled "Leveraging Artificial Intelligence and Big Data in Telecommunication Sector." Moreover, an independent statutory organisation called the Artificial Intelligence and Data Authority of India (AIDAI) ought to be established for the purpose of developing responsible AI and controlling use cases in India. [READMORE:](#)

DoT eases norms around shifting of wireless equipment.

In order to promote ease of doing business, the Department of Telecommunications (DoT) has allowed telecom firms to re-deploy or shift their wireless equipment from one service area to another, by giving an intimation to its Wireless Planning and Coordination (WPC) wing, while a formal approval would not be required. The DoT also added that till the time the online facility is made available, telecom operators can submit the details of shifting through e-mail. However, the telcos will have to provide an undertaking that these details will be updated regularly, as and when the online service is made available by the DoT. [READMORE:](#)

