

WRITE TO INFORMATION TECHNOLOGY MEDIA AND TELECOMMUNICATION, NOVEMBER 2023

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

Hon'ble Chhattisgarh High Court rules that phone conversations recorded without consent violate privacy and are not admissible as evidence:

The Hon'ble Chhattisgarh High Court has held that recording telephonic conversation without the knowledge and permission of the person concerned violates her 'right to privacy' under the Constitution. The court opined that the Family Court, Mahasamund, Chhattisgarh ('Family Court') had committed an error of law in allowing an application and thus, set aside the order passed by the family court that the right to privacy was an essential component of right to life envisaged by Article 21 of the Constitution. [READMORE:](#)



Government released the draft Broadcasting Services Regulation Bill, 2023:

The Ministry of Information and Broadcasting (MIB) released the draft Broadcasting Services Regulation Bill, 2023 (Bill). The Bill proposes to scrap the Cable Television Networks (Regulation) Act of 1995, which regulates the broadcast sector, in favour of unified regulation for broadcasting, over-the-top (OTT), Digital Media content and introduced contemporary definitions and provisions for emerging technologies. It seeks to provide content evaluation committees and a broadcast advisory council for self-regulation, different programme and advertisement codes for different broadcasting network operators, accessibility measures for persons with disabilities, and statutory penalties. [READMORE:](#)



Ministry of Information and Broadcasting issues order for banning of twenty-two betting apps:

The Ministry of Information and Broadcasting (MeitY) has issued an order for blocking of 22 illegal betting apps and websites. This includes the controversial application Mahadev Book Online, Reddyannaofficial and twenty other apps and websites. These apps were blocked following the investigations conducted on request from the Enforcement Directorate (ED) against illegal betting app syndicate and subsequent raids on Mahadev Book in Chhattisgarh, revealing the app's unlawful operations. [READMORE:](#)



Centre to frame regulations to tackle Artificial Intelligence generated deepfakes:

The Central government will soon frame regulations to tackle the challenge of deepfakes, said Minister for Electronics and Information Technology and Communications Ashwini Vaishnaw. Deepfake is a technique for manipulating audio, visual content with the help of artificial intelligence software to show people saying or doing things that they never said or did. The regulations are expected to have provisions that the safe harbor protections which are afforded to the social media platforms will not apply if they do not take steps to remove deepfakes. The government is planning new regulations that may impose penalties on both creator and platforms hosting such deepfakes. [READMORE:](#)



Merely liking an obscene social media post is not an offence:

The Hon'ble Allahabad High Court in the case of Mohd Imran Kazi v. State of U.P. and Another held that merely liking a post on Social Media like Facebook or X (formerly Twitter) would not amount to publishing or transmitting the said post and therefore, the act of the accused will not attract Section 67 of the Information Technology Act, 2000 which provides for punishment for publishing or transmitting obscene material in electronic form. The Court did not find any material which could connect the petitioner with any objectionable post, as there were no offensive posts available in the Facebook and WhatsApp accounts of the petitioner. [READMORE:](#)

Big tech alliance seeks two years extension for complying with the DPDP Act:

The Internet and Mobile Association of India (IAMAI), which represents over 550 Indian and multinational tech companies, has urged the government to provide a two-year extension for complying with certain provisions of the Digital Personal Data Protection (DPDP) Act, 2023. The industry association stated that putting the statute's provisions, and associated rules into action will demand structural alterations in organisations and business and make fundamental alterations to their platform's technology architecture and thereby urged the government to clearly indicate reasonable timelines by which the various provisions of the Act can be implemented by the companies. [READMORE:](#)

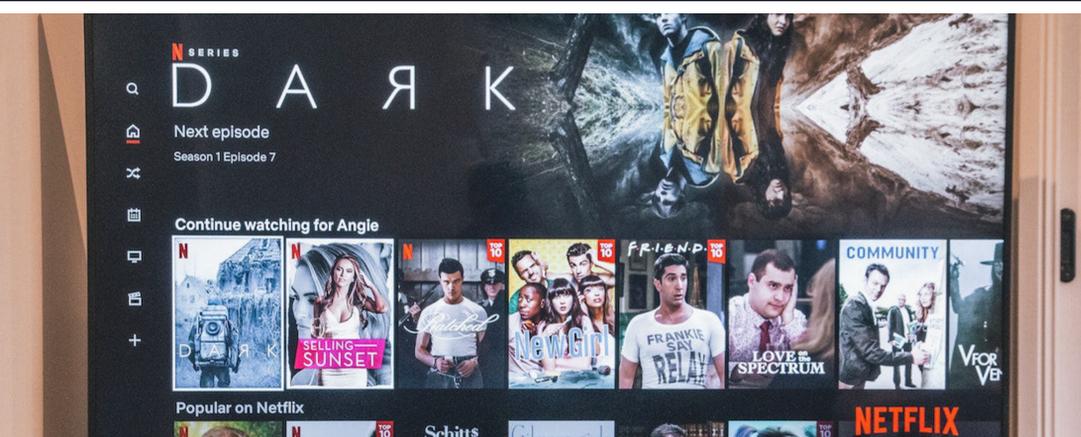


Central Government issues advisory to social media intermediaries to identify misinformation and deepfakes:

The Centre has issued an advisory to major social media companies to identify misinformation, deepfakes and other content that violates rules and remove those within thirty-six (36) hours after being reported. This development comes after a deepfake video of actress Rashmika Mandanna was found circulating on social media platforms. It required social media platforms to ensure expeditious action, well within the timeframes stipulated under the Information Technology Act and the Rules thereunder and disable access to such deepfake content or information. [READMORE:](#)

The Ministry of Information and Broadcasting has appointed nodal officers empowered to block any app or site for piracy:

The Ministry of Information and Broadcasting (MIB) has designated nodal officers who can directly instruct intermediaries such as YouTube and Facebook to take down copyright infringing content. These takedown orders will be limited to content that is certified by the Central Board of Film Certification, that is, movies in their entirety and not streaming platforms. The move is aimed at curbing piracy which costs the Indian film industry ₹20,000 crore annually, according to MIB. Twelve nodal officers have been appointed by MIB to receive the complaints. [READMORE:](#)



Ministry of Information and Broadcasting asked three online streaming platforms to remove obscene content:

The Ministry of Information & Broadcasting (MIB) has ordered three platforms — Hunters, Besharams and Prime Play for hosting obscene content and have ordered the said platforms to take down such content or face action in this regard. The notices were issued regarding violation of the IT Rules, 2021, and other laws related to obscenity and vulgarity, including Sections 67 for publishing or transmitting obscene material and 67A for publishing or transmitting of material containing sexually explicit act of the IT Act, 2000. The platforms were given five days to ensure compliance for the content to be taken down. [READMORE:](#)

OpenAI offers to pay any copyright disputes filed by ChatGPT subscribers:

OpenAI the company behind ChatGPT rather than removing copyright-infringing material from ChatGPT's training dataset, the chatbot's inventor Sam Altman, proposes paying its clients legal fees in case of copyright violation if the clients face legal claims around copyright infringement. The reimbursement option, dubbed Copyright Shield by OpenAI, is available to ChatGPT Enterprise users and developers that use ChatGPT's application programming interface. Users of the free ChatGPT or ChatGPT+ versions were excluded. [READMORE:](#)

B. MEDIA AND INTELLECTUAL PROPERTY

Nokia sues Amazon and HP Inc for patent infringement in video streaming technologies:

Nokia has moved against Amazon and HP Inc before the Delaware Federal Court accusing the companies of infringing on several Nokia patents relating to video streaming. Nokia claims that Amazon's Prime Video and Twitch streaming services, as well as HP laptops, infringe on its patents covering streaming video compression, delivery, and other technologies. According to the lawsuit, Amazon and HP declined to license the patents and used Nokia's technology to enable more efficient, high-quality video streaming. Nokia also stated that it had filed related actions against Amazon in Germany, India, the United Kingdom, and the European Unified Patent Court. [READMORE:](#)



Hon'ble Delhi High Court refuses relief to HULM Entertainment's online fantasy sports app in copyright infringement dispute:

Hulm Entertainment Pvt. Ltd (Hulm) filed the suit against the Defendants, Fantasy Sports Myfab11 Pvt. Ltd and Ors, (Fantasy Sports), alleging copyright infringement, unfair trade practice wherein the two entities in the gaming industry vied for their rights before the Hon'ble Delhi High Court. Hulm sought an injunction against Fantasy Sports from making available for downloads or in any manner unauthorizedly using their copyrighted work through the MYFAB11 app or any other app. The High Court, at the admission stage, granted an ex-parte injunction in favour of Hulm that is challenged by Fantasy Sports. Comparing the screenshots of the respective parties GUIs, the court was unable to come to a conclusion even on a prima facie basis, that there is a substantial copy by Fantasy Sports as the dissimilarities outweigh the trivial similarities. In light of the same, the court held that no copyright infringement is made out by Hulm and set aside the ex-parte injunction order granted in the matter. [READMORE:](#)



Nike sues Skechers and New Balance for patent infringement:

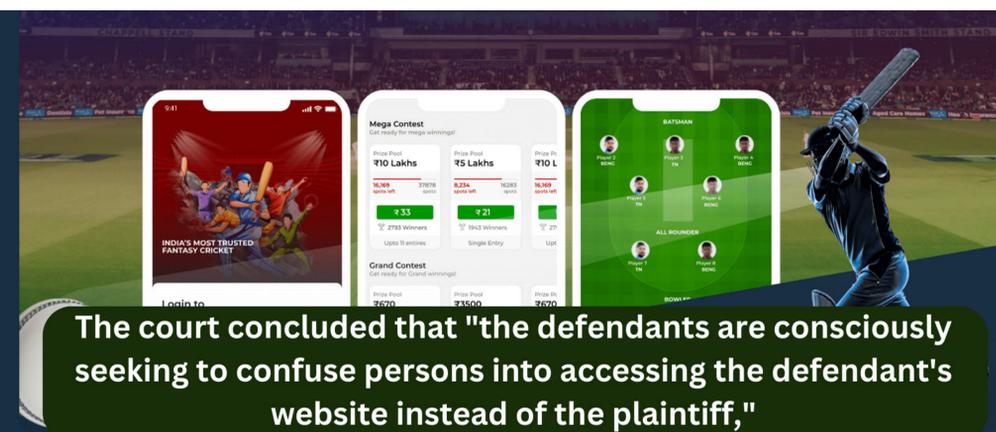
Nike has filed a patent infringement lawsuit against competitor shoemakers New Balance and Skechers in Massachusetts and Los Angeles respectively. The recent complaints claim that both firms duplicated Nike's "Flyknit technology," a strategy considered a game changer in the sneaker industry during the last four decades. Nike claims that the Flyknit method, which involved a decade of research and development, is a patented technology for crafting shoe uppers. Despite this patent protection, the business claims that New Balance and Skechers have illegally incorporated this technology into their shoes. Nike intends to take legal action on two fronts where they seek an injunction to prevent their competitors from exploiting Nike's patented technology in their products and monetary damages. [READMORE:](#)



Kerala furniture store from using 'IKEA' mark

Hon'ble Delhi High Court restrains Kerala based furniture store from using 'IKEA' mark in Trademark Infringement Suit:

The Hon'ble Delhi High Court in the matter of Inter Ikea Systems BV v. Ikea Luxury Furniture issued an injunction against Kerala-based furniture store "Ikea Luxury Furniture" in response to a trademark infringement suit filed by multinational furniture giant Inter Ikea Systems BV where it approached the court seeking protection for its trademark 'IKEA.' The plaintiff asserted that it had been using the mark globally since 1943 and in India since 2008. Ikea Luxury Furniture, the defendant was accused of infringing upon the plaintiff's trademark. The defendant, operating in Calicut Road, Thrissur, Kerala, allegedly used the mark 'IKEA' on various furniture items, inside hoardings, and product boxes. Despite a legal notice from the plaintiff, the defendant continued to employ the contested mark, leading to the initiation of legal proceedings. The court's observed that the plaintiff faced a genuine threat of irreparable harm due to the defendant's identical use of the mark in connection with similar goods and products and granted ad-interim injunction in favour of Inter Ikea. [READMORE:](#)



The court concluded that "the defendants are consciously seeking to confuse persons into accessing the defendant's website instead of the plaintiff,"

Hon'ble Delhi High Court Grants Trademark Protection to Dream11:

The Hon'ble Delhi High Court in the case of Sporta Technologies Pvt. Ltd. and Anr. v. Dreamz11 and Anr. where the court decreed a suit brought by owner of fantasy sports app 'Dream11', observing that the contesting defendants had a clear and transparent intent to imitate the plaintiffs. In light of the resemblances between the rival marks, their use for identical services, and the possibility of consumer misunderstanding which is a case of infringement under the Section 29(2)(b) of the Trademarks Act, 1999. The court concluded that the defendants, Dreamz11 are consciously seeking to confuse persons into accessing the Dreamz11 website instead of Dream11 and a case of passing off had been established. [READMORE:](#)

Hon'ble Delhi High Court restrains rogue websites from disseminating copyright content of Universal City Studios:

The Hon'ble Delhi High Court in the case of Universal City Studios LLC & Ors v. Fztvseries.Mobi & Ors. where Justice Prathiba M. Singh granted an ex-parte ad-interim injunction in favor of the plaintiff, content creators Universal, Warner Bros, Netflix, Paramount Pictures and Disney in a suit filed against rogue websites disseminating their copyrighted content including future works. The present suit was filed by the plaintiffs against various websites which permit the viewing, streaming, accessing, and downloading of such content without any license or authorisation from the plaintiffs. The court directed the defendants to block the websites and Department of Telecommunications (DOT) and Ministry of Electronics and Information Technology (MeitY) to issue blocking orders against the websites. [READMORE:](#)

MADRAS HIGH COURT MONTHLY DIGEST

Live
Law.in
ALL ABOUT LAW



Hon'ble Madras High Court restrains Sunfeast from selling Butter Cookies in blue colour wrapper, but allows sale of existing stock:

The Hon'ble Madras High Court in the case of ITC Limited v. Britannia Industries recently refused to interfere with an order of a single judge injuncting ITC Limited from selling their "Sunfeast Mom's Magic Butter Cookies" in a blue wrapper similar to that of Britannia Good day biscuits. Britannia had approached the court claiming that ITC was selling its products under the brand name "Sunfeast" in an identical blue colour trade dress/wrapper as that of Britannia and was thus trying to cash in on Britannia's goodwill and reputation and the court had injuncted ITC from marking their products in blue colour wrapper. The Court however, allowed the company to sell out its existing stock of products packed in the offending blue color wrap. [READMORE:](#)



Walmart settles trademark lawsuit with Vans:

Vans and Walmart have reached a settlement in a trademark case that pitted the iconic sneaker-maker against the retail titan wherein Vans had claimed that the retail giant had copied the design of one of the best-selling shoes of Vans. As part of the settlement, Walmart agreed for a permanent injunction from selling the alleged knockoffs. [READMORE:](#)



Minister for Commerce and Industry emphasis on single window for royalty payments:

Minister for Commerce and Industry emphasised the significance of equitable representation in Copyright societies and an inclusive approach must be there for women and smaller artists. The ministry also observed that there should be a single window for royalty payment to artists. [READMORE:](#)

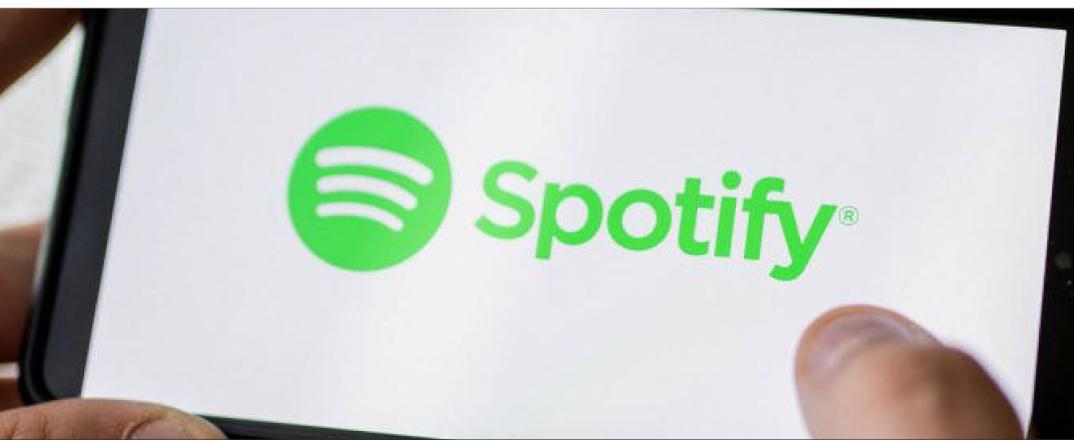


Meta embroiled in trademark battle for 'Threads':

Threads Software Limited, a United Kingdom based software developer company behind the innovative cloud-based intelligent hub, 'Threads' has sent a strong warning notice to Meta over the use of the name 'Threads' for its social media site. In a statement it was said that Meta was aware of Threads existence before launching its own platform with the same name. Meta made four offers to purchase the domain 'threads.app' from Threads Software starting in April 2023, but all were declined. Asserting ownership of the trademarked name, the British software firm has given Meta 30-days' notice to comply otherwise it will seek a court injunction. [READMORE:](#)

Hon'ble Bombay High Court refuses to stay the release of The Railway Men:

The Hon'ble Bombay High Court in the case of Satya Prakash Choudhry v. Yash Raj Films Pvt Ltd led by a single judge Justice Arif Doctor, declined to stay the release of the Hindi web series "The Railway Men – The Untold Story of Bhopal 1984". The court upheld the previous decisions of the Mumbai city civil court rejecting a stay on the series. Two former Union Carbide India Limited (UCIL) employees convicted in connection with the 1984 Bhopal gas leak incident had approached the High Court and filed appeals against the Mumbai court's rulings that refused ad-interim relief. They requested a stay, claiming that the web series would be detrimental to any legal proceedings challenging their conviction. The court rejected the argument of the employees and stated that the series would include a disclaimer stating that it was a "work of fiction" inspired by true events. [READMORE:](#)



Spotify to pull out of Uruguay after bill demanding fair pay to artists:

Spotify, the prominent music streaming platform, announced its intention to discontinue its services in Uruguay following the implementation of a new music copyright bill. This bill mandates 'fair and equitable remuneration' for various creative contributors such as authors, composers, performers, directors, and screenwriters. Spotify stated that it plans to phase out its service in Uruguay starting January 1, 2024, unless amendments are made to the 2023 law. The streaming giant intends to conclude its operations in the market by February 2024.

[READMORE:](#)

prime video

The Amazon Prime Video logo, featuring the word "prime video" in white lowercase letters on a dark blue background, with the white Amazon smile arrow underneath.

C. TELECOM

SUN

hoichoi

OTT platforms not under Telecom regulatory authority of India's (TRAI) jurisdiction:

Under an order dated October 4, 2023, the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) held that the over-the-top (OTT) platforms are not covered under the purview of TRAI as they are not a distribution platform in terms of Regulation 2(r) of The Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) Regulation, 2017. The TDSAT further held that OTT platforms are not a TV channel, as they require no license or permission from the Central Government to operate, and that the subject matter of the Information Technology Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 are also indicative of its exclusion from governance under The Telecom Regulatory Authority of India Act, 1997.

[READMORE:](#)



TRAI asks businesses to seek fresh consent before sending commercial text messages:

The Telecom Regulatory Authority of India (TRAI) has implemented Digital Consent Acquisition (DCA) system to tackle spam messages and calls. Principal Entities (PEs) such as banks, financial institutions and businesses must obtain fresh consent from users before making any commercial communication to users. The previous consent provided by the users is now null and void. This regulatory move is a significant step forward in the ongoing battle against unwanted commercial communications and spam messages. It empowers customers to have more control over the messages they receive and ensures a transparent and unified system for consent management. [READMORE:](#)



TRAI conveys to the Hon'ble Supreme Court that deactivated mobile numbers are not assigned to new user for 90 Days:

TRAI in the case of Rajeswari v. Union of India has communicated to the Hon'ble Supreme Court that once a cellular mobile telephone number is deactivated for non-usage or disconnected on the request of the subscriber, it is not allocated to a new subscriber for at least a period of 90 days. The court observed that it is for the earlier subscriber to take adequate steps to ensure that privacy is maintained. WhatsApp informed the apex court that in case of re-cycled phone numbers, WhatsApp monitors account inactivity. When an account is inactive for 45 days and then the account is activated on a different mobile device, the old account data is removed. Recording these observations, the Court disposed of the writ petition which raised concerns about misuse of mobile numbers after they are disconnected or deactivated.

[READMORE:](#)