

# WRITE TO INFORMATION TECHNOLOGY MEDIA AND TELECOMMUNICATION, OCTOBER 2023

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## A. TECHNOLOGY

### Ministry of Information and Broadcasting notifies amendments decriminalizing the Cable Television Networks (Regulation) Act, 1995:

The Ministry of Information and Broadcasting on **October 05, 2023**, notified amendments to the Cable Television Network Rules, 1994, in order to set out the operational mechanism for the implementation of the decriminalized provisions of the Cable Television Networks (Regulation) Act, 1995 ('**Cable Act**'), pertinently **Section 16** thereof, which laid down imprisonment as the for violation of the provisions of the Act.

The decriminalization of the provisions of the Cable Act has been brought about to ensure an educative approach which encourages compliance, rather than a punitive one, and was carried out through the Jan Vishwas (Amendment of Provisions) Act, 2023, which came into effect on **October 03, 2023**.

The imprisonment provision under **Section 16** of the Cable Act has now been replaced with monetary penalties, and measures such as Advisory, Warning and Censure, which shall be enforced by a designated officer. The order of the designated officer may also be appealed, increasing fairness and transparency in the adjudication process. [READMORE:](#)



### India re-elected as the Asia-Pacific Institute for Broadcasting Development's (AIBD) President for the third successive term:

In what is considered a remarkable achievement and unprecedented in the history of the Asia-Pacific Broadcasting Development ('**AIBD**'), India was re-elected as president for a third successive term in the AIBD.

The AIBD is a fifty year old intergovernmental organization established under UNESCO, and as on date, has 92 member organizations from all over the world. India's re-election as the president of the AIBD is indicative of the confidence that the broadcasting organizations in the Asia Pacific region have in India and is set to bolster India's growth in the broadcasting space on a global footing. [READMORE:](#)



### Ministry of Information and Broadcasting revises the CBC Advertisement Rates for FM Radios after 7 years:

The Ministry of Information and Broadcasting, after a lapse of 7 years, recently approved new rates for advertisements to be issued on private FM radio stations for Government policies and programs.

The said revision in rates was approved based on the recommendation of the Rate Structure Committee established by the Ministry and was prompted by the huge success and popularity evidenced by the said Ministry in the use of private FM Radio channels by members of the public, which, consequently led the said FM Radio channels becoming an invaluable platform for the Government to disseminate important information to the public.

The newly applicable rates have been approved to maintain parity with current market rates, and include a 43% hike in the base rate, which translates to the Gross Base Rate for FM Radio advertisements on private channels increasing from INR 54 to INR 72 for 10 seconds. [READMORE:](#)

## Legal publisher LexisNexis makes its Artificial Intelligence tool 'Lexis+AI' available to consumers

LexisNexis, on **October 25, 2023**, made its proprietary Artificial Intelligence tool '**Lexis+AI**' available to its consumers, making it the only legal publisher in the world offering a legal generative AI solution. The said AI tool was first announced on May 04, 2023, however, was not made available to the public until recently.

The **Lexis+AI** tool boasts of several features which are intended to increase efficiency while saving costs and time and has been developed by the publisher in collaboration with several users from leading global law firms, corporate legal departments, smaller law firms, and the U.S. Courts.

In addition to the above, the said **Lexis+AI** has been designed to take care of conversational searches, document drafting and uploading, as well as summarization of cases, and has been trained and developed using the largest repository of accurate and exclusive legal content from the publisher. Pertinently, **Lexis+AI** has been developed using the publisher's proprietary search technology Shepard's Citations and promises to deliver accurate citation-backed results in a matter of seconds. [READMORE:](#)



### Government to organize a Hackathon on 5G for problem-solving:

The Government of India recently announced the fifth iteration of the Smart India Hackathon to be held in 2023, a nationwide initiative undertaken by the Government to provide a platform to students in Indian schools and colleges to develop solutions towards some of India's most pressing problems.

For the purposes of the Hackathon, the Central and State ministries, PSUs, NGOs etc., published '**Problem Statements**' on the Smart India Hackathon portal, whereafter student registration commenced.

The themes outlined for the 2023 edition of the Hackathon range from **Smart Automation, MedTech/BioTech/HealthTech, Green Technology, Blockchain and Space Technology**. The said Hackathon shall be exploring applications that may help government agencies leverage 5G technology for better law enforcement through **360-degree surveillance** and **predictive policing**. The Grand Finale of the Hackathon is scheduled to take place tentatively around December 2023 and early 2024 [READMORE:](#)



### Ministry of Information and Broadcasting revises the CBC 6. Von Wobeser y Sierra Collaborates with Datasaur to Launch AI-powered chatbot, 'VonBot':

Von Wobeser y Sierra, a leading Mexican full-service law firm, on **October 20, 2023**, announced/launched an AI-powered large language model chatbot named '**VonBot**'. The said chatbot reported went through multiple test runs to obviate the occurrence of any 'hallucinations,' which are inaccurate outputs generated by the AI software, through the perception of patterns in the data fed to it.

The said chatbot was developed in collaboration with Datasaur and is intended to be an in-house legal assistant which shall take care of fielding questions from specific source documents, managing complex queries and summarizing content. The said chatbot has already been rolled out by the law firm and is predicted to enhance the efficiency of a team of 150 lawyers and is tailored to Mexican law [READMORE:](#)

## **MeitY is inviting public comments on the Draft National Strategy on Robotics (Deadline: 31.10.2023):**

The Ministry of Electronics and Information Technology ('MeitY') on **October 13, 2023**, released the **draft National Strategy on Robotics** ('Robotics Strategy') for public consultation. The said Robotic Strategy was developed and published to encourage robotic automation in the manufacturing space and equip India with cutting-edge technology in the robotics and AI arena, in order to promote the country's overall growth as a manufacturing hub.

The Government of India shall be implementing the Robotics Strategy through the establishment of a Robotics Innovation Unit, under the 'National Robotics Mission.' The deadline for public consultation shall lapse on **October 31, 2023**, and feedback may be submitted through the MyGov portal. [READMORE:](#)



## **Google announces that it shall protect its customers with generative Artificial Intelligence indemnification:**

Earlier in 2023, Google had announced the launch of Duet AI, Google's very own AI collaborator, which has been launched by Google across its products in the Google Workspace, and the Google Cloud Platforms. Furthermore, Google had also made considerable advancements with respect to Vertex AI, the mainstay of which was allowing users to employ the use of generative AI for the creation of tools/products with a generative AI foundation.

In its Press Release dated **October 13, 2023**, Google addressed one of its users' key concerns, being intellectual property indemnity pertaining to generative AI. Plainly put, Google shall be assuming the responsibility for potential legal risks, where one of its customers is challenged on copyright grounds, as a result of the use of Google's generative AI tool, across all of Google's applications. Google has bifurcated this indemnity into two heads. **Indemnity 1** shall cover any allegations to the effect that Google's use of the training data (i.e., the initial dataset used to teach a machine learning application to recognize patterns/ perform to certain criteria) to create any of Google's generative models utilized by a generative AI service, infringes a third party's intellectual property right. **Indemnity 2** shall be a Generated output indemnity, which shall cover any third-party intellectual property infringement claims received by Google's customers as a result of the use of Google's generative AI tools. [READMORE:](#)

## **B. MEDIA AND INTELLECTUAL PROPERTY:**

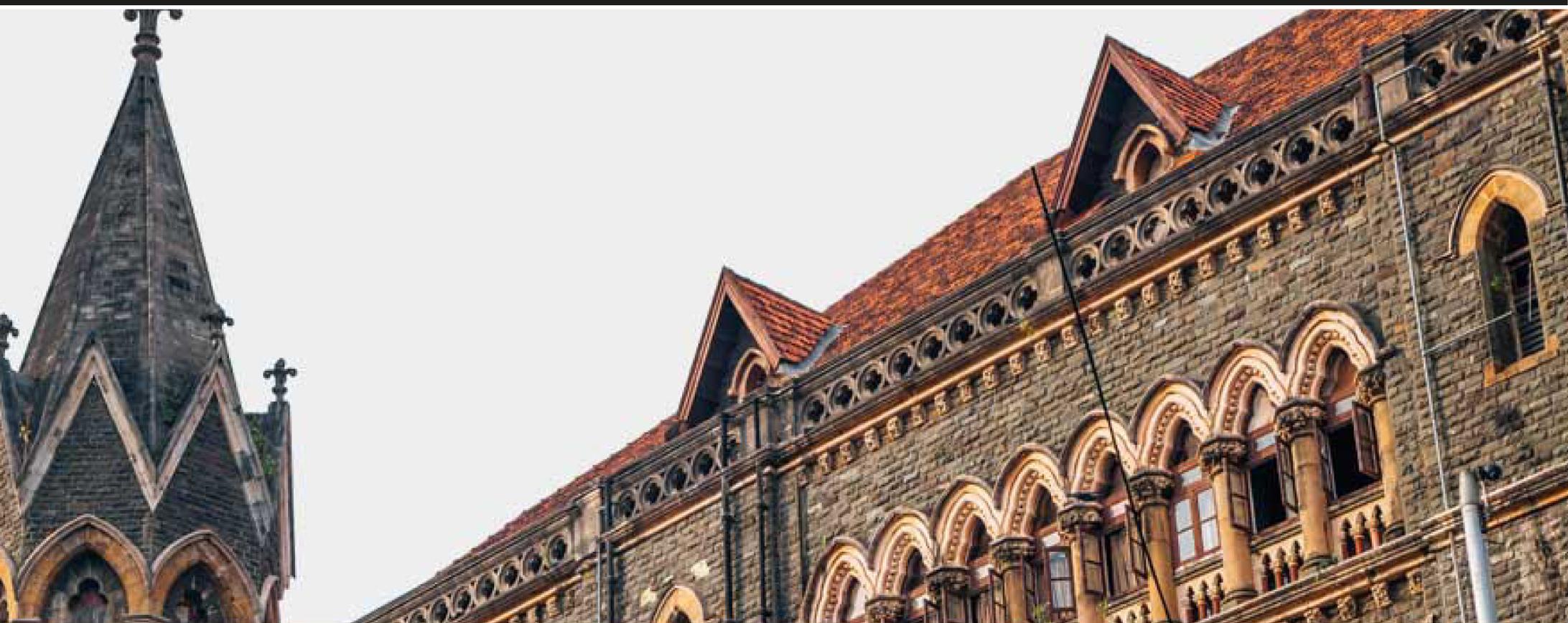
### **Bombay High Court – Internet-based music platforms not eligible for Compulsory Licenses under the Copyright Act, 1957:**

A Division Bench of the Hon'ble Bombay High Court, in the case of Wynk Ltd. & Anr. v. Tips Industries Ltd. recently held that Over-The-Top (OTT) cannot be afforded the same legal protection for broadcasting as conventional mediums of broadcast. The Division Bench's decision reaffirmed the finding of the single bench of the same Court in the case of Tips Industries v. Wynk Music Ltd. in the judgment dated **April 23, 2019**, which was under challenge before the Division Bench.

The disputes between Tips Industries Limited and Wynk Music Ltd. before the Bombay High Court revolve around the compulsory licensing provision envisaged under Section 31D of the Copyright Act, 1957, which, inter alia, states that any broadcasting organization desirous of 'communicating to the public any sound recording, may obtain a statutory license to do so, provided they pay the royalty rates to the copyright owners, at rates fixed by the erstwhile Intellectual Property Appellate Board.

In **2019**, the Single Bench had held that compulsory licensing provisions cannot be invoked by Wynk Music Limited, as the said platform was not merely broadcasting songs, but also allowing its users to download the said songs offline upon the payment of a subscription fee, which amounts to a commercial rental, and therefore does not fall within the purview of the compulsory licensing provisions under Section 31D of the Copyright Act, 1957. This has been upheld by the Division Bench, which also agreed that the purview of Section 31D was restricted to traditional broadcasting mediums/platforms like radio and TV, but not internet-based platforms, which, unlike traditional mediums, gave their users more control and choice over the content they accessed.

These judgements of the Bombay High Court would not only affect the profitability of internet-based streaming services but also raise questions about the efficacy and applicability of the Copyright Act, 1957 in the internet era. [READMORE:](#)



# **BOMBAY HIGH COURT**

## Music Publishers sue AI company for copyright infringement:

Music publishers Universal Music, ABKCO and Concord Publishing recently sued the AI company Anthropic before a Tennessee federal court for the misuse of several copyrighted song lyrics used by the Anthropic to train its chatbot 'Claude' and have requested the court to issue an injunction and damages against Anthropic.

In the said lawsuit, the music publishers have alleged that Anthropic violates publishers' rights in respect of at least 500 songs, and have alleged that Claude illegally reproduces the publishers' copyrighted materials without permission when prompted to write a song on a certain topic, or provide chord progressions for a given musical composition, or compose literary works mimicking the style of a certain songwriter. Anthropic's stand, however, is that Claude's use of the copyrighted material constitutes 'fair use,' being non-profit, non-commercial use, for educational purposes only. The said lawsuit against Anthropic is among the several other lawsuits filed by copyright holders in the States against generative IA tools developed by Meta, and Microsoft, for using copyright material to train their generative IA tools. [READMORE:](#)



### Anil Kapoor's personality rights:

The famous Bollywood actor Anil Kapoor (**the Plaintiff**), recently filed a suit before Justice Pratibha M Singh at the Delhi High Court, seeking protection of his name, image, likeness, persona, voice, and various other attributes of his personality against misuse over the internet.

The Delhi High Court granted an ex-parte injunction restraining 16 (sixteen) entities from using the Plaintiff's likeness, image, and technological tools such as artificial intelligence, machine learning, deep fakes, face morphing, and GIF for monetary gain or any other commercial purposes to protect his personality rights.

The Court recognized that unauthorized websites or platforms cannot deceive consumers by falsely claiming they have the right to charge fees for featuring the Plaintiff as a motivational speaker, and that illegally using a person's name, voice, dialogues, or images for commercial purposes is not allowed. The Court further held that the celebrity's endorsement rights are a significant source of income and cannot be allowed to be compromised by unlawful sale of merchandise bearing their likeness or attributes, such as t-shirts, key chains, etc. [READMORE:](#)



### Filmmaker Shaad Ali moves Mumbai court to register case over stolen script:

Filmmaker Shaad Ali (**Plaintiff**) filed a complaint in a Mumbai court regarding the alleged theft of his script by two former associates. He requested the court to instruct the police to initiate a case against these individuals. In his complaint, the Plaintiff stated that his former associates registered his script as their own with the Screen Writers Association and were presenting the story as their own to various production houses.

The counsel for the Plaintiff informed the court that the Plaintiff had been developing the script for several years and had shared his ideas with his former associates during the research process. It was argued that the entire script was the Plaintiff's creation, and his former associates had asked him to share it with the intention of contributing to its improvement.

Additionally, the Plaintiff's counsel mentioned that although the Plaintiff was not obligated to make any payments, he had made goodwill payments of Rs 90,000 (ninety thousand) to each of his former associates. The Plaintiff alleged that when he confronted the two associates, they reportedly threatened him and demanded Rs 5 (five) crore to resolve the matter amicably. After listening to the Plaintiff's counsel's arguments, the court indicated that it would likely decide on Ali's complaint on **October 12, 2023**. [READMORE:](#)

## The U.S. International Trade Commission bans the import of Apple Watches with pulse oximetry features in the Masimo patents case:

The United States International Trade Commission ('ITC'), on **October 26, 2023**, issued a limited exclusion order prohibiting the import of Apple Watches manufactured and/or imported by and/or on behalf of Apple Inc.

The said order was passed after the conclusion of an investigation pursuant to a complaint filed by Masimo Corporation, which holds five patents on a technology that measures blood oxygen levels through a smartwatch. Apple was found to violate two of the said five patents.

The said complaint filed by Masimo Corporation forms part of the slew of intellectual property litigations initiated by the parties, both of whom manufacture and sell watches with health tracking features. The patents in question involve, inter alia, a noninvasive method of measuring blood oxygen levels (known as pulse oximetry), using light passed through the body. Masimo Corporation is the owner and licensor of these patents and first filed a suit against Apple Inc. 2021, alleging that Apple Inc. had met with Masimo for the incorporation of its pulse oximetry technology in its devices, but shortly thereafter, began hiring Masimo's key engineers and technicians, who had access to Masimo's confidential and proprietary technical information. [READMORE:](#)



### The Indian IPO extends the deadline for submission of comments/suggestions for issuance of fresh manuals for IPs:

The office of the Controller General of Patents, Designs and Trade Marks had, on **August 30, 2023**, issued a Public Notice requesting comments/suggestions from stakeholders for the revision of existing manuals and guidelines applicable to Trade Marks, Patents, Designs and Geographical Indications, whereafter the said comments/suggestions would be placed before an expert committee. The initial deadline for the submission of these comments/suggestions was October 15, 2023.

However, the said deadline of October 15, 2023, has been extended to November 15, 2023. [READMORE:](#)



### Myanmar Copyright Law to come into effect on and from October 31, 2023:

On October 18, 2023, Myanmar's State Administration Council (SAC) issued official notifications setting October 31, 2023, as the effective date for the Industrial Design Law (**Industrial Design Law**) and the Copyright Law (**Copyright Law**), both of which were enacted in 2019. These notifications signal the commencement of a comprehensive legal framework for safeguarding industrial designs and copyrights in Myanmar.

The Ministry of Commerce had previously released the Industrial Design Rules (**Industrial Design Rules**) on September 29, 2023, outlining the procedures and guidelines for registering industrial designs in compliance with the Industrial Design Law. The impending step is the publication of requisite forms and official fees for administering matters related to industrial designs in Myanmar's intellectual property department.

In light of this development, rights owners are advised to evaluate their intellectual property portfolios and prepare the necessary documentation for registration, securing statutory protection for their industrial designs in Myanmar.

Copyright protection is conferred automatically without obligatory registration. However, with the advent of the new Copyright Law, rights owners will have the option to voluntarily record their copyrights within the framework established by the new law. This voluntary recordal process can substantiate ownership claims in potential disputes concerning copyrighted works. [READMORE:](#)

## Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2023:

On **October 20, 2023**, the Ministry of Commerce and Industry (MoC&I) issued the Draft Geographical Indications of Goods (Registration and Protection) (Amendment) Rules, 2023. This amendment aims to modify the Geographical Indications of Goods (Registration and Protection) Rules, 2002. The proposed amendment pertains to the first schedule, which outlines the fees for applications, oppositions, registration, renewal, and other matters under the Act or the rules.

The draft rules will be taken into consideration after a period of 30 (thirty) days from the date on which copies of the Gazette of India containing this notification are made available to the public. Any objections or suggestions should be submitted within this 30 (thirty) day period and addressed to the Secretary, Department for Promotion of Industry and Internal Trade, Ministry of Commerce and Industry, Government of India, Vanijya Bhawan, New Delhi - 110011, or via email at [anurag.saxena@nic.in](mailto:anurag.saxena@nic.in). [READMORE:](#)



### C. TELECOM:

#### TRAI kicks off public consultation on National Broadcasting Policy:

The Telecom Regulatory Authority of India, or the TRAI, had made available to be public a pre-consultation paper on the National Broadcasting Policy, requesting inputs/comments thereon from the public.

The National Broadcasting Policy has been conceptualized in order to set the tone for the planned development and growth of the broadcasting sector in India, and the pre-consultation paper was made available to the public to elicit issues which may need to be considered/addressed the TRAI during the formulation of the National Broadcasting Policy.

The pre-consultation paper, which was first made available by the TRAI on **September 21, 2023**, is open for input from the public until **November 07, 2023**, discusses the policy framework and states that the National Broadcasting Policy shall aim to provide a common and consistent approach to licenses, oversights and compliances in the Broadcasting space. [READMORE:](#)



#### Digital India Act – a proposed overhaul of the current Indian digital regulatory landscape:

The Digital India Act, 2023, is a proposed legislation set to replace the 22 year old Information Technology Act, 2000, and shall be implemented in tandem with the Digital Personal Data Protection Act, 2023.

The said Act has been proposed to formulate rules and regulations that are consistent with, and applicable to recent technological advancements such as blockchain and artificial intelligence, and aims to put in place a legislative framework that encourages an open and accountable internet setup with due regard to data privacy, and recognition of other digital rights such as the '**right to be forgotten**' and 'right to digital inheritance' (i.e., the passing down of digital assets to designated beneficiaries).

The Digital India Act shall also be analyzing the safe harbour provisions under the Information Technology Act, 2000, and setting up a simplified and accessible regulatory mechanism to provide timely remedies to citizens for the resolution of cyber disputes, and safeguards against cyber threats. [READMORE:](#)

## IndiaAI 2023: Expert Group Report - First Edition:

The Ministry of Electronics and Information Technology (**MeiTY**) formed seven expert groups to share India's Artificial Intelligence (**AI**) strategy under the IndiaAI initiative (**India AI**). These groups have submitted the first edition of the IndiaAI report, reflecting the vision outlined by the Prime Minister. IndiaAI takes a comprehensive and ambitious approach to AI, encompassing various government interventions, aiming to enhance the existing AI ecosystem, focusing on computing infrastructure, data, AI financing, research and innovation, skill development, and institutional capacity for data management.

The report aims to make governance more data-driven and predicts that AI will contribute significantly to India's economy. The working groups propose various measures, including the establishment of centres of excellence, a federated approach to data management, the creation of a national data management office, and other initiatives to support AI startups and upskilling efforts.

The report also addresses AI computing infrastructure and AI chipsets' rules across different sectors. This report is a crucial step in India's journey to enhance its AI capabilities and aligns with data privacy and ethical AI usage considerations. It also suggests leveraging India's demographic advantage and IT prowess to promote AI skills and bolster AI computing infrastructure through public-private partnerships. [READMORE:](#)

