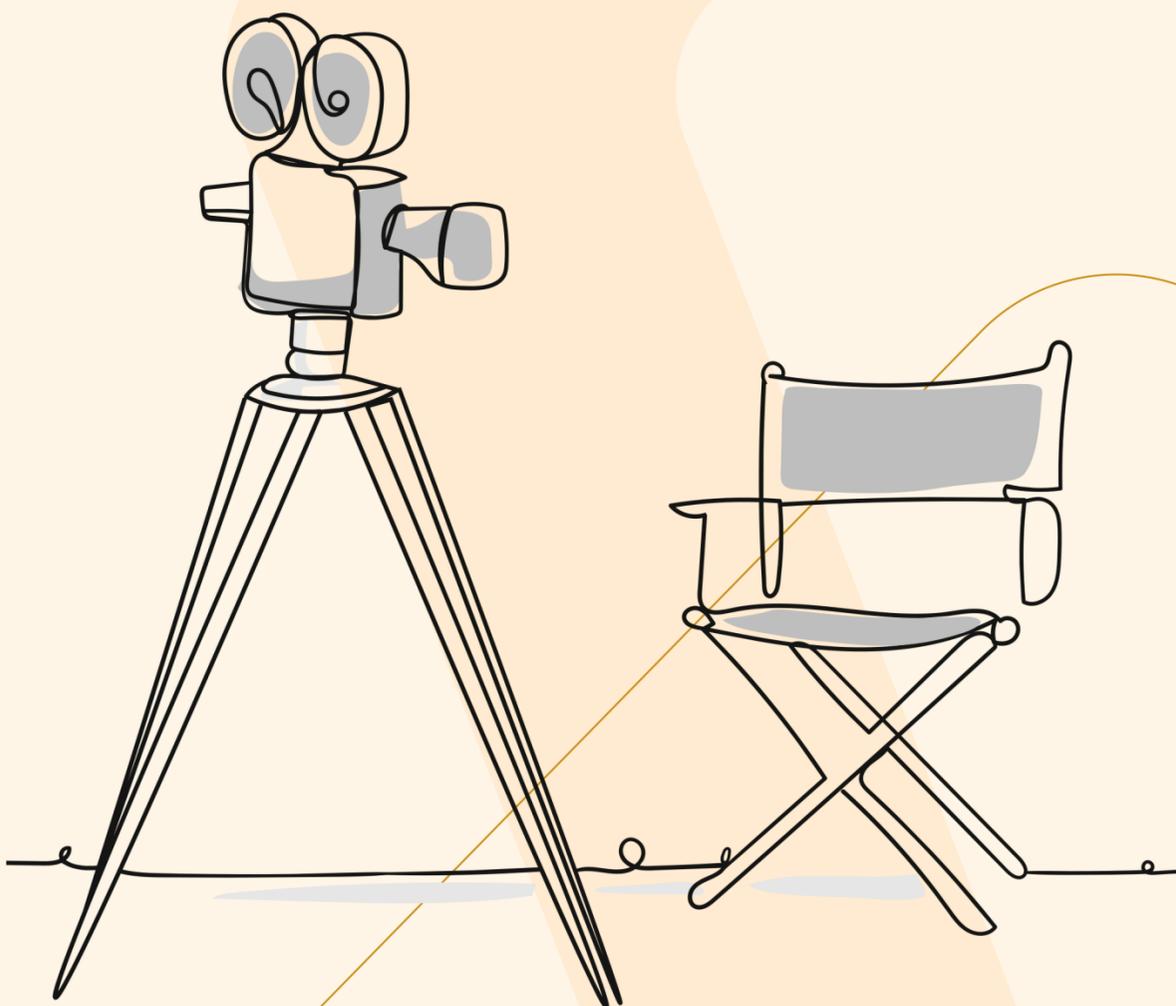


WRITE TO INFORMATION

WHERE LAW MEETS INNOVATION

MEDIA & ENTERTAINMENT



MEDIA & ENTERTAINMENT

» Draft Amendment to the Cigarette and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004:

The Central Government has released a draft amendment to the Cigarette and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004 (COTPA Rules) wherein Rule 11, added through the COTPA Amendment Rules 2023, is proposed to be further amended.

Before delving deep into the proposed amendment, it is important to understand initial requirements of Rule 11. Under Rule 11, publishers of online curated content (i.e., the OTT platforms) displaying tobacco products, or their use were required to show:

- (a) anti-tobacco health spots for at least 30 seconds,
- (b) warning messages at the bottom of the screen during any display of tobacco products, and
- (c) audio-visual disclaimers of a minimum of 20-second duration.

The Central Government has proposed to substitute Rule 11, Sub-Rule (1) of COTPA Amendment Rules, 2023, following which, all OTT platforms shall:

- (a) Display non-skippable anti-tobacco health spots of minimum 30 (thirty) seconds and a non-skippable audio-visual disclaimer on the ill effects of tobacco use, for a of minimum 20 (twenty) seconds when someone opens the OTT platform.
- (b) Display anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products or their use in the programme on all content whether of Indian or foreign origin released on or after September 01, 2023.
- (c) Make necessary software changes to comply with the proposed amendment rules within 6 months of the publication of the amendment.

The Central Government has further proposed to add a new Sub-Rule (1A) to Rule 11 of COTPA Amendment Rules, 2023, pursuant to which, all films on the OTT platforms, including ones released after September 01, 2023, shall display the following:

- (a) Anti-Tobacco Health Spots: A 30 (thirty) second anti-tobacco health spot at the beginning and middle of the film.
- (b) Static Health Warning: A prominent anti-tobacco health warning at the bottom of the screen during any depiction of tobacco products or their use in the film.

(c) Audio-Visual Disclaimer: A 20 (twenty) second audio-visual disclaimer on the ill effects of tobacco at the beginning of the film.

The Central Government has provided 30 days for receiving inputs from stakeholders after publication of the draft rules. [Read More](#)

» **PIL filed in Supreme Court seeking autonomous body to regulate content on OTT, other digital platforms:**

A Public Interest Litigation (PIL) has been filed, by advocate Shashank Shekhar Jha and Apurva Arhatia, in the Supreme Court contending that OTT platforms have been operating without the checks and balances that the traditional media are subjected to. Ministries of Information and Broadcasting, Health and Family Welfare, Women and Child Development, Defence, and the Telecom Regulatory Authority of India have been made parties to the plea and the Apex Court has been urged to direct the Centre to constitute an autonomous body/board namely 'Central Board for Regulation and Monitoring of Online Video Contents' to monitor and filter the contents and regulate the videos on various platforms for viewers in India. The petition proposed that such board should be chaired by a secretary-level IAS officer and include members from diverse fields such as the film industry, cinematography, media, defence forces, legal professionals, and academia. [Read More](#)

TECHNOLOGY & PRIVACY



TECHNOLOGY & PRIVACY

» CCI's New Rules: Big Mergers Must Ring the Bell in India

The Competition Commission of India (CCI) has rolled out fresh regulations mandating that any company with significant business operations in India must notify the regulator of mergers or acquisitions exceeding Rs 2000 crores. This update follows the Ministry of Corporate Affairs (MCA) activating section 6 of the Competition (Amendment) Act, 2023, which sets the Deal Value Threshold (DVT) for mergers and acquisitions deals. For digital services, the CCI defines substantial operations as companies with 10% or more of their global users in India, or where Indian gross merchandise value or turnover accounts for at least 10% of their global totals. These regulations are designed to catch deals in the digital space that might have previously slipped by under financial thresholds. The move aligns with the MCA's proactive stance in the draft Digital Competition Bill 2024, which aims to tackle issues like self-preferencing and anti-competitive practices in the digital realm. [Read More](#)

» Government Launches Centralized Cybercrime Registry and New Initiatives

On the foundation day of the Indian Cybercrime Coordination Centre (I4C) in New Delhi, the Government introduced several new measures to improve cybercrime management. The central initiative, the Central Suspect Registry, will integrate data on suspects from across the nation into a unified database. This system is designed to improve fraud risk management by consolidating information from banks and financial institutions. Additionally, three other initiatives were announced: the Cyber Fraud Mitigation Centre (CFMC), the Samanvaya Platform, and the Cyber Commandos program. The Samanvaya Platform will serve as a centralized repository for cybercrime data, supporting data sharing, crime mapping, and coordination among law enforcement agencies. The Cyber Fraud Mitigation Centre (CFMC) at I4C in New Delhi will bring together banks, telecoms, and law enforcement for coordinated action against online financial crimes. Meanwhile, the Cyber Commandos Program will establish specialized units to strengthen cyber security across States, UTs, and Central agencies. [Read More](#)

» **MeitY's Quick-Action Call: Social Media Must Zap Fake News Faster**

On September 3, the Ministry of Electronics and Information Technology (MeitY) issued a directive urging social media companies to swiftly address and remove fake content. The advisory highlights a recent Bombay High Court order that mandated Meta to delete false information and altered profiles related to the National Stock Exchange (NSE) within ten hours of a complaint. MeitY has emphasized that platforms should not wait for the thirty-six hours deadline set by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, but instead act promptly against misleading content.

[Read More](#)

» **Union Cabinet Approves National Centre of Excellence for AVGC-XR**

The Union Cabinet, chaired by Prime Minister Narendra Modi, has approved the establishment of a National Centre of Excellence (NCoE) for Animation, Visual Effects, Gaming, Comics, and Extended Reality (AVGC-XR) in Mumbai, Maharashtra. The NCoE will be set up as a Section 8 company in collaboration with industry bodies like FICCI and CII. Aimed at fostering growth in the AVGC-XR sector, the NCoE will offer advanced training, research, and development while promoting India's intellectual property in media content.

[Read More](#)

» **MIB to Launch AI-Integrated Dashboard for News Trend Forecasting and Citizen Engagement**

The Ministry of Information and Broadcasting (MIB) has released an Expression of Interest to develop an AI-integrated dashboard aimed at analysing news stories and forecasting emerging trends. The dashboard will help the Ministry "implement corrective measures and devise citizen-oriented communication strategies." It will examine media reports for patterns, provide sentiment analysis, generate AI-driven summaries, and offer decision-support systems for countermeasures. It will also integrate with social media platforms like X (formerly Twitter) for real-time trend tracking. Additionally, the MIB plans to introduce an AI-based multilingual translation and voice localization platform to support translation across multiple Indian languages. [Read More](#)

» **CCI Finds Amazon and Flipkart Guilty of Anti-Competitive Practices**

The Competition Commission of India (CCI) has found Amazon and Walmart-owned Flipkart guilty of anti-competitive practices by preferencing their own sellers, such as Cloudtail and Appario, over others. A complaint by the Delhi Vyapar Mahasangh, representing MSME traders, alleged that the e-commerce giants offered deep discounts to preferred sellers, prioritized them in search results, and engaged in exclusive tie-ups with smartphone brands like Samsung and Xiaomi for product launches. The CCI reports noted that these practices restricted market entry for other sellers, and now both companies have been asked to review the findings before potential penalties are imposed. [Read More](#)

» **Clearview AI Fined €30.5 Million by Dutch DPA for Illegal Database**

U.S. facial recognition company Clearview AI has been fined €30.5 million (\$33.7 million) by the Dutch Data Protection Authority (DPA) for operating an illegal database. The DPA also issued an additional order, imposing a penalty of up to €5 million for non-compliance. In a statement, the DPA noted that Clearview had not objected to the decision, thus forfeiting its right to appeal. [Read More](#)

» **Bombay High Court Pulls the Plug on Government's Fact-Check Power in IT Rules Amendment**

The Bombay High Court struck down Rule 3 of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, which empowered the Central government to set up Fact-Check Units (FCUs) to flag false or fake news about the government on social media and online platforms. This ruling came in response to petitions, including one from stand-up comedian Kunal Kamra, challenging the Government's authority under this provision. The 2023 amendment had revised the IT Rules, 2021, introducing this controversial measure. [Read More](#)

» **Dutch Regulator Fines Uber €290 Million for Data Transfer Violations**

The Dutch Data Protection Authority (DPA) has imposed a €290 million fine on Uber for unlawfully transferring sensitive data of European drivers to the United States, violating the EU's General Data Protection Regulation (GDPR). The DPA stated that Uber collected various forms of personal data, including taxi licenses, payment details, and, in some cases, medical information, without ensuring adequate data protection during the transfer process. The fine marks the third penalty against Uber by the DPA, following fines of €600,000 in 2018 and €10 million in 2023. Uber plans to appeal the decision, arguing that its data transfer practices complied with GDPR amid regulatory uncertainty between the EU and the US. [Read More](#)

» **DDPC Fines Meta €91 Million Over Plaintext Password Storage Breach**

The Data Protection Commission (DPC) has concluded its inquiry into Meta Platforms Ireland Limited (MPIL), resulting in a €91 million fine. The investigation, initiated in April 2019, followed MPIL's notification to the DPC that it had mistakenly stored users' passwords in plaintext on its internal systems, lacking encryption or cryptographic protection. After the draft decision to other EU/EEA supervisory authorities in June 2024 under Article 60 of the GDPR, no objections were raised. The final decision, issued by Commissioners Dr. Des Hogan and Dale Sunderland on September 26, includes both a fine and a formal reprimand of MPIL. [Read More](#)

» **Irish Data Protection Commission Investigates Google's AI Model PaLM 2 for Potential GDPR Breaches**

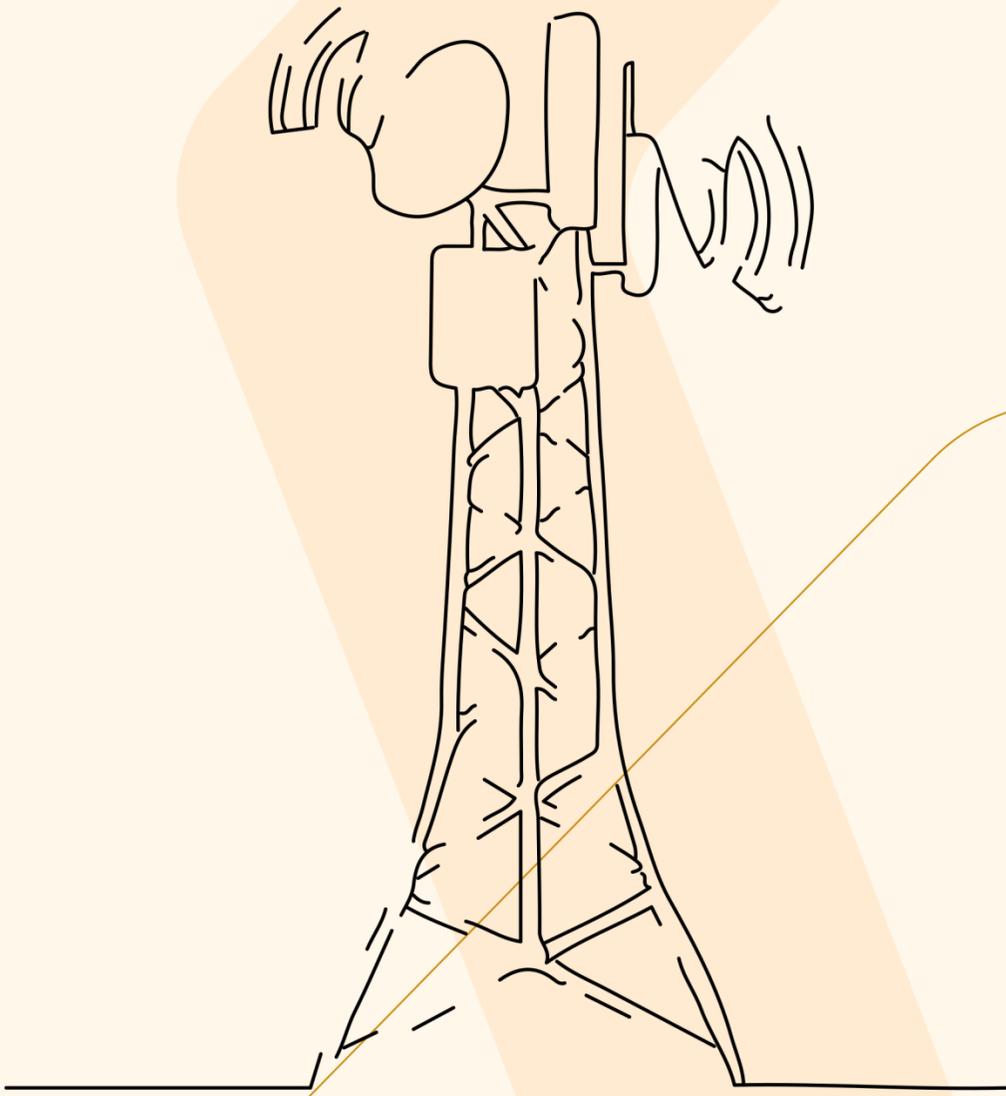
The Irish Data Protection Commission has launched an investigation into Google's AI model PaLM 2 for potentially breaching EU data protection laws. The inquiry will assess if Google conducted a Data Protection Impact Assessment (DPIA) under GDPR Article 35 before using personal data of EU citizens for training. This follows a similar scrutiny on Google's Bard in 2023, which delayed its EU launch. Google faces increasing regulatory challenges as it continues to expand its AI capabilities. [Read More](#)

» **AT&T Settles FCC Investigation Over Data Breach with \$13 Million Payment**

AT&T has agreed to pay \$13 million to settle a Federal Communications Commission (FCC) investigation into its handling of customer data protection. The inquiry stemmed from a January 2023 incident in which hackers accessed the cloud environment of an AT&T vendor and stole a significant amount of customer data. The FCC investigated whether AT&T took sufficient measures to prevent the breach and ensure the overall security of customer information.

[Read More](#)

TELECOMMUNICATIONS



TELECOMMUNICATIONS

» No Link Left Behind: TRAI Cleans Up Messaging

The Telecom Regulatory Authority of India (TRAI) has issued new guidelines to combat the misuse of messaging services and protect consumers from fraud. Key measures include requiring Access Service Providers to migrate telemarketing calls to a DLT platform by September 30, 2024, and banning the transmission of unwhitelisted messages containing URLs or links starting September 1, 2024. Additionally, from November 1, 2024, all messages must be traceable, with strict penalties for misuse of content templates, including potential service suspensions for repeat offenders. These regulations aim to enhance consumer safety and promote accountability among service providers. [Read More](#)

» Telecom License Tango: DoT Dances with New Approval Rules

The Department of Telecommunications (DoT) is shaking things up to make telecom licenses and wireless equipment approvals a breeze. With fresh updates to the Experimental Licenses, Demonstration Licenses, and Equipment Type Approvals (ETAs) processes, the Ministry of Communications aims to cut through the red tape, slash delays, and simplify regulations. This overhaul, inspired by the TRAI's push for easier business operations, is set to boost innovation and streamline operations for telecom businesses and operators. [Read More](#)

» Government Revamps Telecom Procurement Policy to Boost 'Make in India' Initiative

The DoT has invited stakeholder comments on the Public Procurement (Preference to Make in India) Order, 2017 (PPP-MII Order) to be issued in suppression of its previous notifications. The notification is pursuant to the Department of Industrial Policy and Promotion's (DIPP) Public Procurement (Preference to Make in India), Order 2017 on 15th June 2017, the order has been revised multiple times, with the latest revision on 19th July 2024. Telecom products, services, and works with adequate local capacity and competition are listed in Table A of the notification. For these items, Class-I local suppliers must meet the Minimum Local Content (MLC) requirements. Additionally, Table B outlines the conditions for qualifying inputs to be considered as Local Content (LC) and sets the maximum LC percentage for design aspects in the procurement process. This notification strengthens the PPP-MII Order's objectives by focusing on the telecom sector, encouraging procurement of locally produced goods and services, and further supporting India's manufacturing sector. [Read More](#)

» **TRAI Unveils Bold New Licensing Framework for Telecom Services**

The telecom regulator is set to revolutionize the licensing landscape by proposing a unified authorization model that would encompass all telecom services, from mobile and internet to international calling, across the nation. The TRAI's proposed Framework for Service Authorization calls for a streamlined authorization process and highlights the importance of a unified mechanism, promoting a "One Nation, One Authorization" approach across different services and regions. Additionally, TRAI recommends consolidating satellite telecommunication licenses by merging the VSAT and Global Mobile Personal Communications by Satellite (GMPCS) permits into a single authorization. To further encourage participation, the regulator also plans to lower entry fees for obtaining various authorizations and eliminate renewal fees altogether. [Read More](#)

» **TRAI Sets New Quality of Service Regulations for Telecom and Broadband, Effective October 1, 2024**

TRAI has issued a direction under the TRAI Act, 1997, regarding the submission of reports to the Authority, based on its new Standards of Quality of Service Regulations for Access (Wireline and Wireless) and Broadband Services. These regulations, effective from October 1, 2024, directs all service providers with specific licenses, including Unified Access Service License and Internet Service Authorization, to submit compliance reports in designated formats within set timelines. Providers must submit wireless access service compliance reports within 15 days after the end of each quarter or month, and significant network outage reports within 24 hours of the outage. For wireline access services, compliance reports are due within 15 days after each quarter, while broadband service providers must also comply with similar quarterly reporting requirements. All submissions must adhere to the directions in the manner specified in the attached annexures.

[Read More](#)

» **DoT Classifies Mobile Towers as Movable Infrastructure, Exempting Them from Property Taxes and Easing Installation Rules**

The DoT has established that mobile towers are classified as movable or portable infrastructure, distinct from the land they occupy, whether public or private. This means tower companies will no longer face property tax levies, a long-standing concern, according to Manoj Kumar Singh, Director General of the Digital Infrastructure Providers Association (DIPA). For private properties, no permission is required from the property owner to install a mobile tower or pole. If an agreement cannot be reached, infrastructure companies can apply to the District Collector or a designated officer through an online portal to assess the necessity of installation for public interest. These new regulations from the Ministry of Communications will apply to all infrastructure projects recognized by the Government starting January 1, 2025. [Read More](#)

» TRAI Seeks Public Input on TCCCPR Review to Tackle Spam

TRAI has released a consultation paper inviting public comments on the Telecom Commercial Communications Customer Preference Regulations, 2018 (TCCCPR-2018), implemented to address Unsolicited Commercial Communications (UCC). The regulations aim to protect consumers from unwanted promotional communications while allowing businesses to engage with consenting customers. TRAI seeks input to strengthen the regulations, focusing on stricter measures against Unregistered Telemarketers, improved complaint mechanisms, more effective UCC detection systems, and potential differential tariffs for voice calls and SMS. Stakeholders can submit comments by September 25, 2024, with counter-comments accepted until October 9, 2024. [Read More](#)

» DoT Sets September 30 Deadline for M2M Service Provider Registration to Maintain Connectivity

The Department of Telecommunications (DoT) has asked machine-to-machine (M2M) service providers, as well as wireless personal area networks (WPAN) and wireless local area network (WLAN) connectivity providers, to register by September 30 to maintain telecom connectivity. M2M technology enables devices to communicate autonomously, supporting applications such as point-of-sale payments and traffic optimization. Registered entities must comply with Know Your Customer (KYC) requirements, providing details like the International Mobile Equipment Identity (IMEI) number and device custodian information, while ensuring that objectionable content does not circulate on their networks. Failure to register may result in the loss of telecom resources. [Read More](#)

» DoT Unveils Draft Telecom Cybersecurity Rules to Strengthen Network Security Under Telecommunication Act, 2023

The DoT has introduced draft telecom cybersecurity rules under the Telecommunication Act, 2023. The rules outline measures for managing risks and safeguarding telecom networks and equipment. The draft allows the government or authorized agencies to request telecom companies' traffic data—including details like type, routing, and duration—for cybersecurity purposes. Telecom operators must also set up infrastructure to collect, process, and store such data to ensure robust telecom security and protect users from fraud. [Read More](#)

» DoT Releases Draft Rules for Temporary Suspension of Telecom Services, 2024, Ensuring Stricter Oversight and Time Limits

The DoT has published the draft Temporary Suspension of Telecommunication Services Rules, 2024, under the Telecommunication Act, 2023, requiring internet suspension orders to be issued by the Union Home Secretary or the State Home Secretary with reasons published. These orders must be submitted to a Review Committee within 24 hours, which can overturn them if deemed non-compliant. The suspension is limited to 15 days and specific areas, replacing the 2017 and 2020 rules, though ongoing suspensions remain valid until expiration. A nodal officer must oversee implementation in each region. [Read More](#)

» **DoT Proposes Draft Rules for Lawful Interception of Messages, 2024, Removing Penalties for Telecom Companies**

DoT has shared the draft Telecommunications Procedures and Safeguards for Lawful Interception of Messages Rules, 2024, which suggests removing penalties for telecom companies breaching interception norms. The draft exempts the central government's interception system tests and retains the existing process for issuing interception orders, which can be authorized by the Union or State Home Secretary. Orders are valid for 60 days, renewable up to 180 days, with records to be destroyed within six months unless needed. [Read More](#)

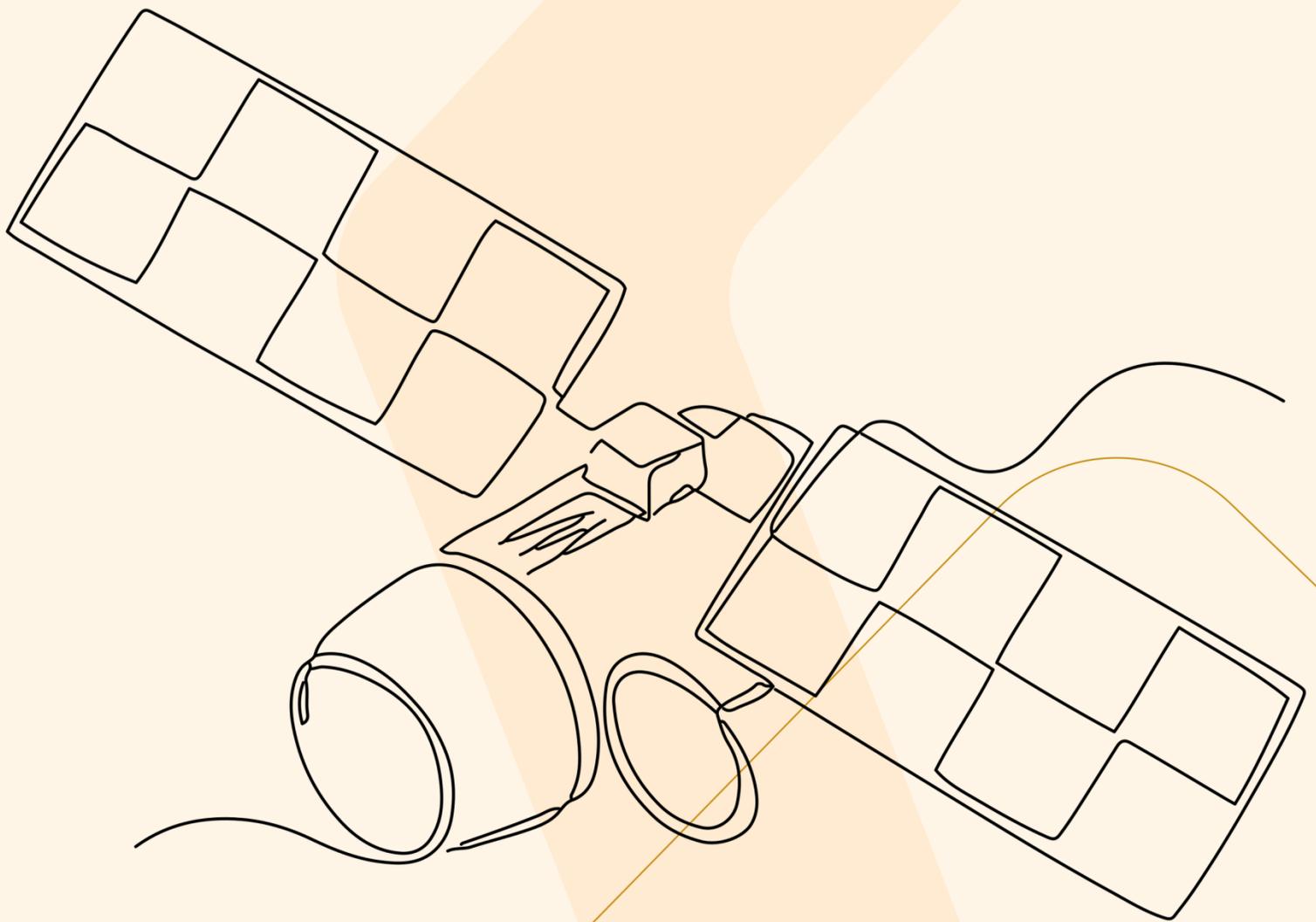
» **DoT Unveils Draft Telecommunications (Critical Infrastructure) Rules, 2024, to Enhance National Security and Network Resilience**

DoT has introduced the draft Telecommunications (Critical Telecommunication Infrastructure) Rules, 2024, aiming to safeguard telecommunication networks deemed crucial to national security, economic stability, and public safety. The newly proposed regulations are designed to bolster the security and resilience of telecommunication networks identified as critical to the country. These networks are of such significance that any disruption could have grave consequences for national security, the economy, public health, or public safety. The rules apply to all telecommunication networks designated by the Central Government as Critical Telecommunication Infrastructure. Additionally, telecom entities will be required to provide detailed information on their networks—including hardware, software, and other relevant components—upon government request. [Read More](#)

» **TRAI Seeks Input on Satellite Spectrum Pricing for Major Players Like Starlink and OneWeb Amid Emerging Broadband Market**

TRAI is inviting feedback on how to price satellite spectrum allocation—potentially without auctions—for major players like Eutelsat OneWeb, Amazon's Kuiper, Elon Musk's Starlink, and others eager to tap into the country's emerging satellite broadband market. The discussion paper explores whether spectrum fees should be based on a per MHz rate, a percentage of adjusted gross revenue (AGR), or a new pricing formula. With high growth potential on the horizon, the stakes are high for this nascent sector. [Read More](#)

COMMERCIAL SPACE & DEFENSE



COMMERCIAL SPACE & DEFENSE

» Debate Surrounding Compliance with Outer Space Treaty Amid SpaceX's Polaris Dawn Mission

SpaceX's Polaris Dawn mission, set to perform the first private spacewalk, raises legal concerns under the Outer Space Treaty (OST), specifically Article VI. The OST requires states to supervise non-governmental space activities, yet the U.S. government, through agencies like the Federal Aviation Administration (FAA), exercises limited oversight. The FAA only regulates spacecraft safety on Earth, while private entities like SpaceX conduct operations in space with minimal government control. Experts argue this could potentially breach international space law, calling for enhanced global regulatory frameworks. Despite assurances from SpaceX regarding safety, legal analysts highlight the growing influence of private companies in space and the need for updated international agreements to ensure compliance with OST's core principles. Some advocate for independent oversight mechanisms to mitigate risks and ensure that private space missions adhere to both legal and safety standards. In light of this mission, there's an ongoing debate about whether existing frameworks like the Outer Space Treaty are adequate or if they require reform to address the increasing privatization of space exploration. [Read More](#)

» Expanding Indian Space Startups Globally

The Indian government, through ISRO and IN-SPACe, has identified over 20 countries where Indian space startups can expand their services, aiming to boost the struggling revenue streams of nascent firms. While ISRO will focus on larger economies, these countries, mainly from the MENA region, South America, and Southeast Asia, offer opportunities for satellite-based solutions like agriculture and planning. The Department of Space will guide startups on global expansion, helping address current challenges with reliability and market demand in the space sector. [Read More](#)

» Karnataka's Upcoming Space Policy and DRDO Collaboration

Karnataka's government is finalizing its state-level space policy aimed at boosting the domestic space ecosystem. This policy focuses on enhancing research and development (R&D), incentivizing startups, and fostering manufacturing, particularly in downstream space applications. While the policy is supported by ISRO and IN-SPACe, the involvement of the Defence Research and Development Organisation (DRDO) raises concerns - "as defence research is never a major downstream market for startups to cater to". Experts argue that a non-binding policy may not create immediate market impact unless Karnataka's own departments become primary clients for space startups. [Read More](#)

» Bengaluru Space Expo 2024: Accelerating Tomorrow's Space Sector Through Global Collaboration

The Bengaluru Space Expo 2024 took place from September 18 to 20, 2024, at the Bangalore International Exhibition Centre (BIEC). Organized by the Confederation of Indian Industry (CII) in collaboration with ISRO, IN-SPACe, and NewSpace India Limited (NSIL), this biennial event brought together key players from the global space industry. The expo attracted more than 250 companies from 14 countries, showcasing cutting-edge technologies, and facilitating over 440 B2B and B2G meetings. The theme for this year's event was "Accelerating Tomorrow: Harnessing the Potential of the Space Sector for Unified Expansion." The event also saw the signing of over 12 MoUs, signaling significant international and domestic collaborations. [Read More](#)

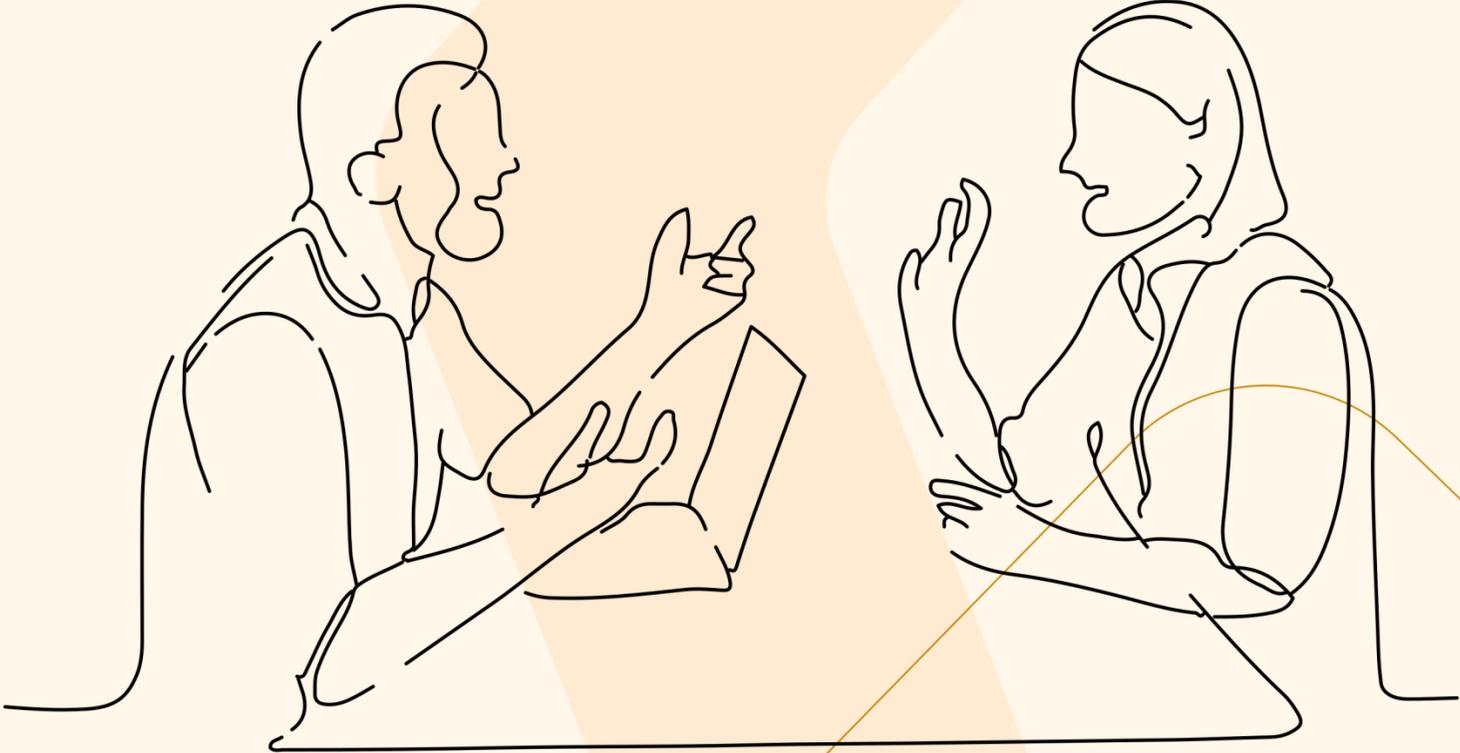
» ISRO, IN-SPACe, and NSIL Sign 75th Technology Transfer Agreement with Private Companies

In a significant step towards boosting private sector involvement in India's space sector, ISRO, IN-SPACe, and NSIL signed five Technology Transfer Agreements (TTA) with non-governmental entities, raising the total to 75 TTAs post-space reforms. This milestone aims to empower private companies by providing access to ISRO-developed technologies for commercial and societal applications. Companies like Anabond Ltd, Salvo Industries, and others will now utilize space technology in sectors like agriculture, defense, telecommunications, and cybersecurity. [Read More](#)

» India's Need for a National Security Strategy

India faces increasing demands for a National Security Strategy (NSS) to address multifaceted threats, including geopolitical tensions and economic challenges. A comprehensive NSS is crucial for aligning national defense, economic ambitions, and foreign policy in a rapidly shifting global landscape. The strategy must go beyond traditional military concerns, integrating sectors like finance, industry, and foreign relations. Experts emphasize that a successful NSS should remain confidential to avoid exposing vulnerabilities while coordinating efforts across ministries to strengthen India's security and global standing. [Read More](#)

COMMERCIAL DISPUTE



COMMERCIAL DISPUTE

» Supreme Court Clarifies Stance on Extension of Arbitration Timelines Under Section 29A of the Arbitration and Conciliation Act, 1996

Recently, the Supreme Court addressed a pivotal issue regarding whether an application for a time extension under Section 29A of the Arbitration and Conciliation Act, 1996 (Act), can be filed after the period for making the arbitral award has expired. This matter signifies a crucial evolution in the interpretation of Section 29A of the Act against the backdrop of conflicting judgments of various High Courts across India.

Key Takeaways

Abrogating with the restricted interpretation of Section 29A of the Act, the Supreme Court held that applications under Section 29A of the Act can be filed even after the expiry of the mandate of the arbitral tribunal mandate. The Court was of the view that any interpretation, other than this would amount to legislating and prescribing a limitation period for filing an application under Section 29A, when the provision does not conspicuously so state.

The Court elucidated that the word "terminate" in Section 29A(4) of the Act does not suggest an irreversible cessation of the arbitral tribunal's mandate, as contrasted with the word "suspend," which would imply infeasible ramifications. Termination under Section 29A(4) of the Act is conditional, allowing for the possibility of the court extending the mandate post its technical expiration.

Furthermore, the power of the court to extend the time is to be exercised solely in instances where there is sufficient cause for doing so. The Court has highlighted the significance of flexibility in arbitration proceedings to prevent unnecessary delays and complications that could result from restarting the arbitration process entirely. The Court recognized that strict adherence to procedural timelines should not come at the cost of justice or the efficient resolution of disputes.

[Rohan Builders \(India\) Private Limited v. Berger Paints India Limited 2024 INSC](#)

[686](#)

» Delhi High Court Rules on mandatory pre-institution mediation for counter claim in commercial disputes

On account of disputes arising between the Petitioner and Respondent, the Petitioner initiated pre-institution mediation under Section 12-A of the Commercial Courts Act, 2015 but it was declared non-starter due to Respondent's lack of participation. Consequently, the Petitioner filed a suit wherein, Respondent filed both a written statement and a counter claim. However, the counter claim was filed without invoking pre-institution mediation. Resultantly, the issue which arose before Delhi High Court was whether compliance with pre-institution mediation is mandatory at the stage of a counter claim.

Key Takeaways

All counter claims in commercial disputes must adhere to the prescribed rules and procedures for commercial suits. Once filed, a counter claim is treated equivalently to a regular suit. Neither the Code for Civil Procedure, 1908 nor the Commercial Courts Act 2015 differentiates the treatment of counter claims, mandating compliance with Section 12-A of the Commercial Courts Act, 2015, especially when the counter claim seeks no urgent relief.

The Delhi High Court further placed reliance on the Supreme Court's decision in *Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd.* 2022 SCC OnLine SC 1028 which underscores that adherence to the process outlined in Section 12-A is compulsory, with any failure to comply leading to the rejection of the plaint.

Furthermore, the High Court noted that the absence of a counter claimant in the suit's initial pre-institution mediation does not imply their lack of participation in pre-institution mediation for the counter claim.

[Aditya Birla Fashion and Retail Limited v. Mrs. Saroj Tandon 2024:DHC:6693](#)

GAMING AND SPORTS



GAMING

» TNOGA Takes Legal Action Against Influencers for Promoting Online Gambling

The Tamil Nadu Online Gaming Authority (TNOGA) has taken a bold step by initiating legal action against several YouTubers and Instagram influencers for promoting online gambling. These influencers, who primarily focus on food and cinema vlogs, subtly endorsed offshore fantasy games and poker platforms, luring viewers with enticing offers of cash rewards of up to ten lakhs per day for minimal deposits. Following the issuance of show-cause notices questioning their promotional activities, TNOGA was unsatisfied with the responses and has now escalated the matter to the Metropolitan Magistrate Court in Saidapet.

[Read More](#)

» Bombay High Court Directs Jungle Rummy and Rummy Circle to Respond to PIL Seeking Ban

The Bombay High Court has ordered online gaming platforms Jungle Rummy and Rummy Circle to respond to a Public Interest Litigation (PIL) seeking a ban on these sites. The platforms have been directed to justify within a week why the PIL should not proceed and to clarify how online rummy is a game of skill, not chance. The PIL, filed by advocate Vijay Garad on behalf of petitioner Nanaware, claims these platforms have caused addiction, financial losses, and even led some users to take their own lives. [Read More](#)

» Inter-Departmental Committee May Be Formed to Regulate Online Gaming Platforms: DGGI Report

In an effort to address the rise of online gaming platforms and ensure adherence to regulations, an inter-departmental committee may be established, comprising representatives from the Enforcement Directorate (ED), Reserve Bank of India (RBI), tax authorities, and consumer affairs departments, indicated in a report by the Directorate General of Goods and Services Tax Intelligence (DGGI).

[Read More](#)

» 412% Surge in Online Gaming Revenue, ₹6,909 Crores Collected in Six Months: FM Nirmala Sitharaman

Finance Minister Nirmala Sitharaman announced a 412% rise in revenue from online gaming, with collections reaching ₹6,909 crores in six months. Casinos also saw a 30% increase in revenue. This jump follows the GST Council's decision in July 2023 to impose a 28% GST on both skill-based and chance-based online games, effective from October 1, 2023. Previously, skill-based games were taxed at 18%. While the new tax regime has boosted government revenue, gaming companies are facing challenges with backdated tax claims, some exceeding their annual turnover, prompting the industry to navigate financial pressures while ensuring growth. [Read More](#)

» TNOGA Recommends Strict KYC Enforcement to Curb Gaming Addiction and Protect Minors

The Tamil Nadu Online Gaming Authority has recommended that online game providers strictly enforce Know Your Customer (KYC) protocols before granting users access, aiming to block minors from playing. This move follows a surge in gaming addiction, which led many individuals into crippling debt. In response, the Tamil Nadu government passed the Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022. The Authority, established under the Act, is tasked with overseeing and regulating all online gaming activities in the state. [Read More](#)

» Allahabad High Court Rules Poker and Rummy as Games of Skill, Criticizes Denial of Gaming Unit's Permission

In a significant ruling, the Allahabad High Court has declared that poker and rummy are games of skill, not gambling. The order came while hearing a petition filed by M/S Dm Gaming Pvt Ltd, challenging an order by the Agra DCP denying permission to operate a gaming unit offering these card games. The court criticized the authorities for denying the gaming unit permission based on speculative concerns about potential disruptions to peace and harmony, without addressing the legal distinction between skill-based games and gambling. The High Court emphasized that permission cannot be denied without concrete evidence and urged the authorities to reconsider their stance, keeping in view relevant legal precedents. [Read More](#)

» India to Push for Online Gaming Platforms Under AML/CFT Framework at FATF Meeting

Indian authorities are stepping up efforts to bring online gaming platforms under the anti-money laundering (AML) and counter-terrorism financing (CFT) framework. At the upcoming Financial Action Task Force (FATF) meeting in Paris, India plans to push its case, emphasizing how online gaming platforms, like the Mahadev book platform, are allegedly being exploited for money laundering activities. Sources indicate that the Indian government is already in discussions to enforce stricter reporting of suspicious transactions and ensure compliance with KYC norms on these platforms. [Read More](#)

SPORTS

» Sahdev Yadav, IWLF Head, Threatens Legal Action Against IOA President P.T. Usha Over Eligibility Notice

Indian Olympic Association (IOA) treasurer Sahdev Yadav has threatened legal action against IOA president P.T. Usha after receiving a show-cause notice regarding his eligibility to hold office. The notice was issued following an anonymous complaint accusing Yadav, who also leads the Indian Weightlifting Federation (IWLF), of violating the National Sports Code's age and tenure limits. The code mandates officials step down after 12 consecutive years, while Yadav has been on the IWLF board for 15 years. Yadav has urged Usha to withdraw the notice, warning that failure to do so could lead to legal action for defamation.

[Read More](#)

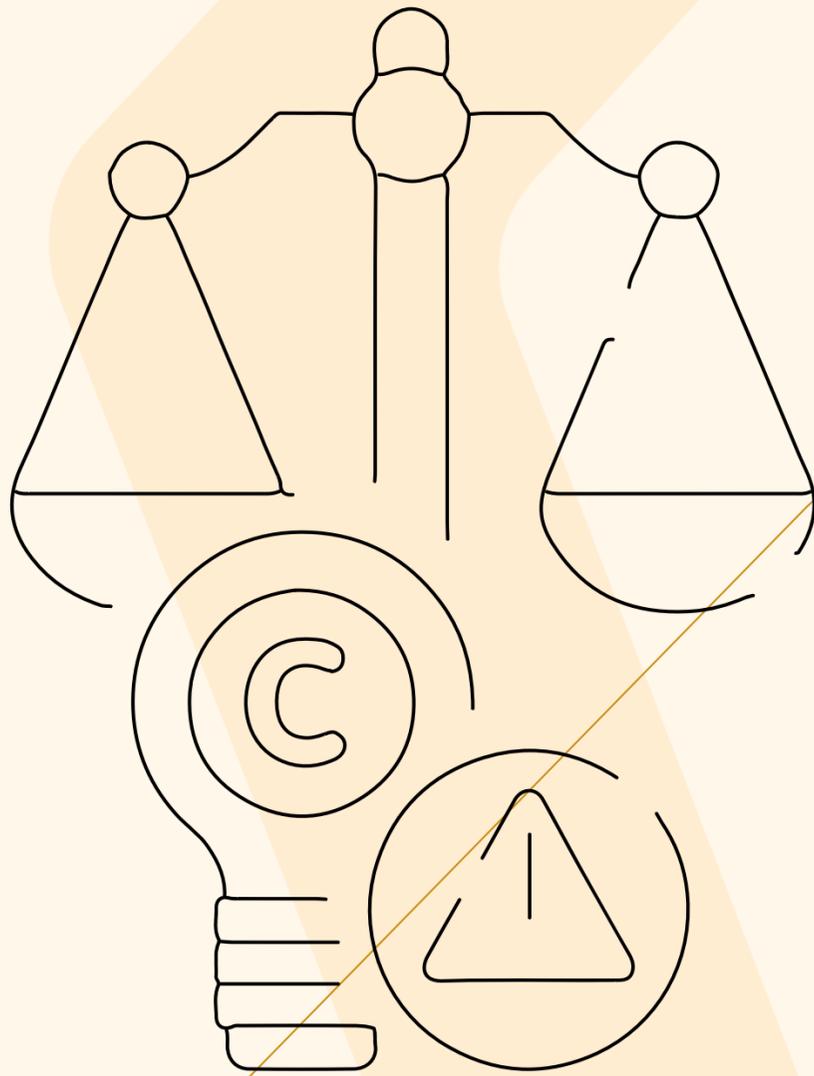
» Bhaichung Bhutia Calls for Overhaul of AIFF Amid National Team's Decline

Former Indian football captain Bhaichung Bhutia has called for a complete overhaul of the All-India Football Federation (AIFF), blaming the governing body for the national team's recent slump. The footballer criticised the AIFF's lack of a clear roadmap, pointing to the humiliating 0-3 loss to Syria and a lacklustre 0-0 draw against Mauritius in the Intercontinental Cup as evidence of the decline. He emphasised the need for new leadership and reforms, urging the Supreme Court to expedite the case surrounding the AIFF's constitution. [Read More](#)

» US Lawmakers Propose SAFE Bet Act to Regulate Booming Sports Betting Industry

Since the 2018 Supreme Court ruling that lifted the federal ban on sports betting, the industry has thrived across 38 US states, generating a record \$11 billion in 2023—a 44% increase from the previous year. However, considering the rising concerns among lawmakers regarding public health and the increasing integration of gambling in sports. In response, lawmakers have introduced a proposal to enact the SAFE Bet Act, which seeks to establish federal standards for sports betting operators and address ethical issues related to aggressive marketing tactics aimed at attracting new bettors. [Read More](#)

INTELLECTUAL PROPERTY RIGHTS



INTELLECTUAL PROPERTY RIGHTS

» AMMAJI v AMBA: Delhi High Court holds both convey the same meaning and are deceptively similar

Recently, in *Amba Shakti Steels Ltd. v. Sequence Ferro Private Limited*, Amba Shakti Steels (Appellant) accused Sequence Ferro Private Limited (Respondent) of trade mark infringement for using the mark “AMMAJI”, alleging it to be phonetically and visually similar to the Appellant's trademark, “AMBA”. The Delhi High Court, while granting a permanent injunction against the Respondent's nascently adopted mark, noted how the two marks have a phonetic similarity. Interestingly, the Court also based its reasoning by referring to the meaning of both the trademarks, finding the same to refer to ‘mother’ in the Hindi language and the suffix “Ji” in the Respondent's mark being added only as a mark of respect, thereby not resulting in an alteration of the meaning of the word.

[\[MANU/DE/6061/2024\]](#)

» It is the Registrar's sole duty to serve pleadings: Bombay High Court orders to reopen abandoned trade mark opposition proceedings

The Bombay High Court in *Coaster Shoes Company Pvt. Ltd. v. Registrar of Trade Marks, Trade Marks Registry and Ors.*, has quashed an order passed by the Registrar of Trade Marks abandoning the opposition filed by Coaster Shoes Company Pvt. Ltd (Petitioner) against the mark “TRAVEL FOX” due to non-filing of its evidence in support of its opposition within the statutory period. In the present matter, the Petitioner was not served the counter statement by the Trade Marks Registry (Respondent No.1) filed by the entity Travel Fox International Incorporation (Respondent No.2), as per the procedure laid down in the Trade Marks Act, 1999 (Act). The Court perused Section 21 of the Act to hold that there is a positive obligation cast upon the Registrar to serve the counter statement, which cannot be cast away by contending that the counter statement had been served on a party by someone other than the Registrar. The judgement of the Bombay High Court underscores the importance of giving due regard to following legal process, especially in cases where the failure to adhere to the procedure prescribed by a statute affects the substantial and bonafide rights of a party.

[\[MANU/MH/5584/2024\]](#)

» **Launch of Artificial Intelligence (AI) and Machine Learning (ML) based Trade Mark Search Technology**

The unveiling of AI and ML-based Trade Mark Search Technology and the IP Saarthi Chatbot by Union Minister Shri Piyush Goyal on September 18, 2024 marks a pivotal moment for India's intellectual property landscape. This move will enable effective addressal of long-standing delays and inefficiencies in trade mark registration, positioning India as a leader in IP innovation. By integrating cutting-edge AI, India will transform its IP system, making it faster, more accurate, and accessible, especially for startups and entrepreneurs. This development is not simply a modernizing process, rather a strategic push to align India's IP framework with global standards, fostering innovation and improving ease of doing business.

[\[Ministry of Corporate Affairs - Press Release\]](#)

» **Terre Primitive cannot use logos similar to "AMUL"-Delhi High Court restrains Italian entity from using the similar logo**

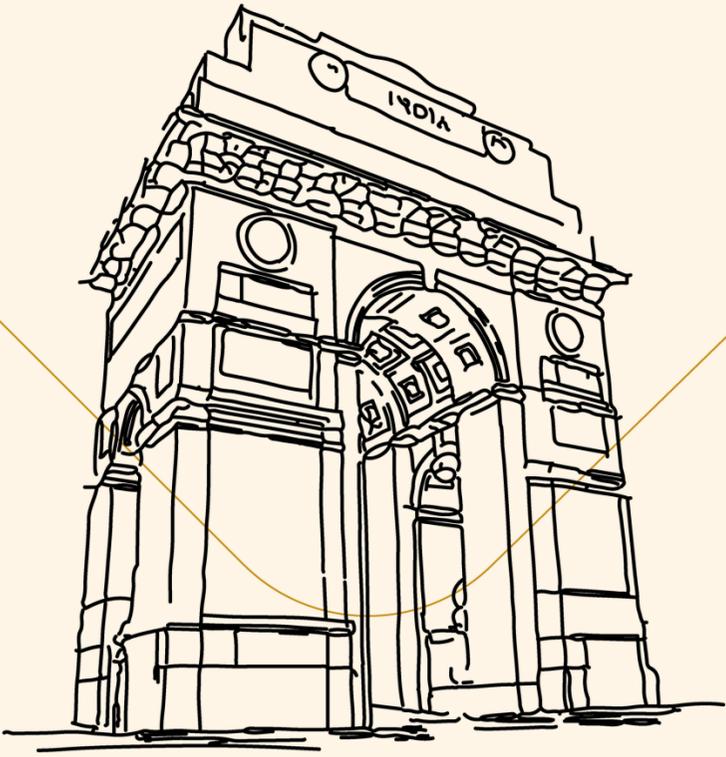
Recently, in a notable case of cross-border trade mark infringement, the High Court of Delhi passed an ex parte ad interim order in favour of Gujarat Co-operative Milk Marketing Federation (Amul/Plaintiff) India's largest dairy brand, against the Italian company Terre Primitive (Defendant). The Italian firm had been marketing cookies and chocolate-coated biscuits under the mark "Amuleti", which closely resembled Amul's trade mark "AMUL". Justice Mini Pushkarna issued an injunction prohibiting the Defendant from using any mark identical to Amul's and ordered the removal of the infringing products from its website. Meta Inc was also instructed to block or remove the company's social media accounts promoting the products in question. This judgment reinforces strong protection for well-known trade marks against cross-border infringement and digital marketplace violations. It emphasizes that passing off can occur both in physical and online markets, and is has been able to set a precedent for future intellectual property cases in the e-commerce space.

[\[CS \(COMM\) 768/2024\]](#)

» **Delhi High Court bars T-series from using the title- "Aashiqui" or any variation of Aashiqui**

In a recent judgement in Vinesh Films (P) Ltd. v. Supes Cassettes Industries Ltd., the Delhi High Court restrained T-Series from using the titles "Tu Hi Aashiqui," "Tu Hi Aashiqui Hai," or any variation of Aashiqui for upcoming films, including sequels like Aashiqui 3, without Vishesh Films' consent. The Court recognized Aashiqui as a protected, well-established film franchise with significant goodwill, and ruled that viewers could be misled by T-Series' similar titles. The judgment highlights the complexities of intellectual property in film franchises, emphasizing the need for clear, precise contracts to manage rights and avoid future disputes.

[\[MANU/DE/5860/2024\]](#)



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