

DECEMBER, 2022

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# TECH TALK

*A GNLU Centre for Law and Technology Initiative*

Vol. 4 Issue 12

## **HOUSE PANEL SAYS BIG TECH'S AD BUSINESS MONOPOLIST THREAT, WANTS CCI AMPED UP FOR DIGITAL AGE**

The Parliamentary Standing Committee on Finance termed the advertisement business of Big Tech as a “monopolist threat”, saying it gives these companies “an unfair edge over the market”. The committee has recommended that India should enhance its competition law to address the unique needs of the digital market. In its report “Anti Competitive Practices by Big Tech Companies”, tabled in the Parliament on December 22, the committee said that Big Tech companies “owned every step in a system that connected ad sellers and buyers”, giving them an unfair edge.

It said a systematically important digital intermediary (SIDI) should not process the personal data of users with the help of third parties which make use of the core services of the platform. “It should provide advertisers, information on a daily basis, regarding price paid by the advertiser and the remuneration received by the publisher,” the committee said. The report recommends defining Big Tech companies as Systemically Important Digital Intermediaries (SIDIs) on the basis of their revenues, market capitalisation and end users. It urged Big Tech to provide advertisers and publishers with access to performance-measuring tools and data necessary for advertisers and publishers to carry out independent verification of advertisements.

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## **FACEBOOK OWNER META MAY REMOVE NEWS FROM PLATFORM IF U.S. CONGRESS PASSES MEDIA BILL**

Facebook parent Meta Platforms Inc has threatened to remove news from its platform if the U.S. Congress passes a proposal aimed at making it easier for news organizations to negotiate collectively with companies like Alphabet Inc's Google and Facebook. Sources briefed on the matter said lawmakers are considering adding the Journalism Competition and Preservation Act to a must-pass annual defense bill as way to help the struggling local news industry. Meta spokesperson Andy Stone in a tweet said the company would be forced to consider removing news if the law was passed "rather than submit to government-mandated negotiations that unfairly disregard any value we provide to news outlets through increased traffic and subscriptions." He added the proposal fails to recognize that publishers and broadcasters put content on the platform because "it benefits their bottom line - not the other way around." The News Media Alliance, a trade group representing newspaper publishers, is urging Congress to add the bill to the defense bill, arguing that "local papers cannot afford to endure several more years of Big Tech's use and abuse, and time to take action is dwindling. If Congress does not act soon, we risk allowing social media to become America's de facto local newspaper."

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## **NEW ZEALAND PLANS LAW TO REQUIRE FACEBOOK, GOOGLE TO PAY FOR NEWS**

The New Zealand government said it will introduce a law that will require big online digital companies such as Alphabet Inc's Google and Meta Platforms Inc to pay New Zealand media companies for the local news content that appears on their feeds. Minister of Broadcasting Willie Jackson said in a statement on Sunday that the legislation will be modelled on similar laws in Australia and Canada and he hoped it would act as an incentive for the digital platforms to reach deals with local news outlets. "New Zealand news media, particularly small regional and community newspapers, are struggling to remain financially viable as more advertising moves online," Jackson said. "It is critical that those benefiting from their news content actually pay for it." The new legislation will go to a vote in parliament where the governing Labour Party's majority is expected to pass it.

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## **'CROSS BORDER NARCO-TERRORISM, USE OF DRONES TO TRANSPORT DRUGS & WEAPONS ON RISE; MUST BE NIPPED IN BUD': PUNJAB & HARYANA HC**

The Punjab and Haryana High Court, while rejecting an anticipatory bail application on Wednesday filed by an alleged drug smuggler in close contacts with suppliers from Pakistan, made serious observations on the situation of rising cross border narco-terrorism with increasing use of drones to smuggle drugs and weapons across borders. Rejecting the anticipatory bail plea, a single bench of Justice Jasjit Singh Bedi said that: "The allegations against the petitioner are extremely grave and serious. With increased use of drones to transport drugs and weapons, cross border narco-terrorism is on the rise and must be nipped in the bud with a heavy hand. Therefore, the investigating agencies must have complete latitude in investigating such cases." The matter reached the Court when a petition was filed under Section 438 CrPC for grant of anticipatory bail by a resident of the Pakistan-bordering Tarn Taran district of Punjab in an FIR registered under Sections 21, 23 and 29 of the NDPS Act. The Police lodged the FIR upon secret information connecting the petitioner with a drone found coming from Pakistan, which dropped two packets of heroin, each containing 1.12 Kgs of heroin, and flew back in the direction of Pakistan. A total of 2.24 Kgs heroin was recovered, resulting in the FIR.

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## **LOK SABHA PASSES ANTI-MARITIME PIRACY BILL, 2019**

The Lok Sabha has passed the Anti-Maritime Piracy Bill, 2019 which is brought to fill the lacuna in laws against offence of piracy, primarily prevalent in the western coast of India. Currently, India does not have a separate domestic legislation on piracy and provisions of IPC pertaining to armed robbery are invoked to prosecute pirates apprehended by Indian Coast guards. As per the Statement of Objects annexed to the bill, in the absence of any specific law relating to the offence of maritime piracy in India, problems are being faced in ensuring effective prosecution of the pirates. The Bill was referred to the Parliamentary Standing Committee in December 2019. It was proposed with official amendments by the Government in July 2022. The proposed anti-piracy legislation will apply to all parts of the sea adjacent to and 200 nautical miles beyond the limits of Exclusive Economic Zone of India. Special Courts will be designated/ established for speedy trial of these cases. Offences under this Act will be deemed extraditable. As per the Bill, piracy means any illegal act of violence, detention or depredation against a ship, aircraft, person or property, for private purposes, by the crew or passengers of a private ship or aircraft. External Affairs Minister Dr. S. Jaishankar said that the act of piracy on high seas will be an offence punishable with imprisonment for life or with death. Participating, organising, aiding, supporting, attempting to commit, and directing others to participate in an act of piracy will be punishable with up to 14 years of imprisonment.

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## **DELHI HIGH COURT AWARDS OVER ₹2 CRORE DAMAGES TO ADOBE IN TRADEMARK INFRINGEMENT SUIT AGAINST HABITUAL CYBER-SQUATTER**

The Delhi High Court has awarded over two crores as damages in favour of Adobe, a US-based multinational computer software company, while decreeing its suit alleging infringement of its registered trademark 'ADOBE' by one Namase Patel. The cyber squatter is accused of registering confusingly similar domain names in respect of computer software and other IT related services. Justice C Hari Shankar permanently restrained Namase Patel and any other person associated with him from registering any domain names which incorporate or use the trademarks "ADOBE", "PHOTOSHOP" or "SPARK" in a manner which could result in infringement of Adobe's marks. Directing that the access to the websites [www.addobe.com](http://www.addobe.com) and [www.adobee.com](http://www.adobee.com) shall remain blocked, the court said the same be transferred to Adobe, so as to avoid their misuse after expiry of their term.

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It further passed a decree of permanent injunction restraining Patel from disclosing any confidential material received by him relating to Adobe to any third party. Directing that Adobe shall be entitled to the quantum of damages of Rs. 2,00,01,000 as claimed in the suit, Justice Shankar said: "These damages are intended to be deterrent in nature given the nature of activities of Defendant-1 (Namase Patel) and the fact that he stands recognized, even in foreign jurisdictions, as being an inveterate and habitual cyber-squatter and domain name infringer." The court noted that Adobe has placed on record the orders passed by the National Arbitration Forum and the WIPO Arbitration and Mediation Center, revealing that Patel is "habitually involved in cyber squatting and infringing domain names of various entities." "These orders clearly indicate that Defendant 1 is an inveterate cyber squatter, whose main sphere of activities involves infringing well-known domain names by using deceptively similar domain names and thereafter indulging in further misuse and infringing activities," Justice Shankar said.

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