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A GNLU CENTRE FOR LAW AND TECHNOLOGY INITIATIVE

Monthly Newsletter - TechTalk



Gujarat National Law University



Welcome to the GNLU Centre for Law and Technology Newsletter! Serving as the conduit to the dynamic intersection of science, technology, and the law, our mission is to provide updates on the latest developments, promote academic excellence, and empower legal professionals to navigate this ever-evolving landscape. Join us in bridging the gap between these crucial fields and shaping the future of legal practice in our interconnected world.

↓ Enclosed in this newsletter are the following highlights:

Updates on law and technology, showcasing the latest developments in this ever-evolving field. Our curated content might just spark your next research topic idea. Stay informed and stay inspired and keep reading!

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NEW DRAFT REGULATIONS FOR ONLINE GAMING IN INDIA: MANDATORY SELF-REGULATION AND BETTING PROHIBITION

The Ministry of Electronics and IT (MeitY) in India has unveiled draft regulations for online gaming, with a focus on user safety and skill-based game regulation. The key provisions include the establishment of a self-regulatory body, a grievance redressal mechanism, and mandatory Know Your Customer (KYC) norms for user verification. One of the significant aspects is the requirement for online games to register with this self-regulatory body, with only approved games allowed to legally operate in India. Betting on game outcomes is strictly prohibited.

These rules are introduced as an amendment to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules of 2021, aiming to classify online gaming platforms as intermediaries and impose stricter due diligence requirements. Minister of State for Electronics and IT Rajeev Chandrasekhar emphasized the importance of creating a safe gaming environment, particularly because a significant portion of gamers in India (40%-45%) are women. The objective of these rules is to promote growth and innovation in the online gaming sector. The self-regulatory body will consist of members from various fields, including online gaming, public policy, IT, psychology, and medicine, ensuring compliance with India's national interests and security. The Indian mobile gaming industry is expected to exceed \$1.5 billion in revenue in 2022, with estimates projecting \$5 billion by 2025, surpassing growth rates in China and the US. The industry grew at a Compound Annual Growth Rate (CAGR) of 38% in India between 2017-2020. It is anticipated to achieve revenue of Rs 153 billion by 2024. Online gaming firms will need to adhere to additional measures, including KYC, transparent money withdrawal and refund policies, and fair distribution of winnings. They must also obtain certificates for random number generation and ensuring the absence of bots. Similar to social media and e-commerce companies, online gaming platforms will appoint compliance, nodal, and grievance officers to ensure rule compliance. MeitY is seeking public feedback on the draft rules until January 17, with the final rules expected to be prepared next month. These regulations aim to create a safer and better-regulated environment for online gaming in India, with potential future regulations addressing content concerns.

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NCLAT DIRECTS GOOGLE TO PAY 10% OF CCI'S RS 1,337.76 CRORE PENALTY; HEARING ON APPEAL SCHEDULED

The National Company Law Appellate Tribunal (NCLAT) has instructed Google to pay 10% of the Rs 1,337.76-crore penalty imposed by the Competition Commission of India (CCI). This directive came in response to a petition filed by Google challenging the CCI's order, which accused the tech giant of abusing its dominant position in various markets within the Android mobile device ecosystem.

Google sought an immediate stay on the CCI's order, claiming it was "patently erroneous" and contained errors. The company argued that the CCI had not found any abuse of dominance in its order and alleged that parts of the order were copied from a 2018 ruling by the European Union Commission against Google. However, the NCLAT declined to grant an immediate stay and issued notices to CCI, scheduling a hearing on February 13. The NCLAT bench questioned the urgency of Google's filing, noting that it took nearly two months to approach the tribunal after the CCI's order. On October 20, 2022, the CCI imposed a penalty of Rs 1,337.76 crore on Google for engaging in anti-competitive practices related to Android mobile devices and ordered the company to cease and desist from unfair business practices. Google challenged this decision before the NCLAT, seeking an interim stay on the penalty.

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IRISH DATA PRIVACY REGULATOR IMPOSES \$414 MILLION FINE ON META FOR FACEBOOK AND INSTAGRAM BREACHES

The Irish data privacy regulator has imposed a substantial fine of 390 million euros (equivalent to \$414 million) on Meta, the parent company of Facebook and Instagram. This fine is related to violations observed in how these social media platforms handle personal data in the European Union. The issue stems from changes made to the terms of service for Facebook and Instagram in 2018, coinciding with the introduction of new EU privacy laws. Meta attempted to justify its data processing operations primarily on a "contract" legal basis rather than user consent, which it previously relied on for targeted advertising.

In December, the European Union's privacy watchdog intervened, overruling the initial decision of the Irish regulator and ordering both Facebook and Instagram to reevaluate how they conduct advertising based on personal data in the EU. This directive led to the recent fine imposed by the Irish Data Privacy Commissioner (DPC), who is the primary privacy regulator for numerous major tech companies operating within the EU. The DPC has instructed Meta to bring its data processing practices into compliance within three months. With this penalty, the total fines levied against Meta by the DPC have now reached 1.3 billion euros. The company also faces 11 other ongoing inquiries related to its services. The DPC noted that the EU's privacy watchdog had purportedly directed it to conduct a comprehensive investigation encompassing all data processing operations of Facebook and Instagram. However, the DPC argued that the European Data Protection Board (EDPB) doesn't have the authority to mandate such investigations and intends to seek intervention from the EU Court of Justice to challenge what it views as a potential overreach by the EDPB.

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SPOTLIGHTING RESEARCH TOPICS: EMPOWERING RESEARCH PAPER ASPIRATIONS

We understand that embarking on a journey to create impactful research papers can be both exciting and daunting. As you navigate through your academic pursuits, we're here to help illuminate your path and fuel your scholarly ambitions. This section presents a curated selection of broad research paper topics designed to spark your intellectual curiosity and inspire your next paper based on the latest developments of this month. Each topic represents an opportunity for exploration, discovery, and the potential to contribute to the ever-evolving landscape of law and technology. We believe that a well-chosen research topic is the cornerstone of a successful publication, and our aim is to empower you to make informed choices.

- *Regulating Online Gaming: Comparative Analysis of India's Draft Rules and Global Practices*
- *Legal Challenges in Establishing Self-Regulatory Bodies for Online Gaming Platforms*
- *Competition Law in the Tech Industry: Google's Legal Battle in India*
- *Contractual Basis vs. User Consent: Meta's Data Processing Practices*
- *Challenges in Cross-Border Data Protection*
- *Role of Privacy Regulators in Tech Companies' Data Processing Practices*
- *Regulatory Approaches to Combatting Betting in Online Gaming*
- *Tech Giants and Competition Law: Lessons from Google's Penalty Appeal in India*

MESSAGE FROM THE NEWSLETTER TEAM

Dear readers, the news articles discussed or included in this newsletter represent the views of the respective news websites. We do not endorse or assume responsibility for the content or opinions expressed in these articles. Our purpose is to bring recent developments to your knowledge, providing a diverse range of information for your consideration. Your input matters to us, and we'd love to hear your thoughts. If you have any suggestions, ideas, or feedback on how we can improve the newsletter or if there's something specific you'd like to see in future editions, please don't hesitate to reach out. Your insights help us grow and ensure we're delivering the content you want. Thank you.

Stay curious, stay informed!



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