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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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# HEADLINES

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07

**OF  
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MONTH**

# 01

## DUTCH REGULATOR UPHOLDS \$53 MILLION FINES AGAINST APPLE OVER APP STORE DOMINANCE

The Dutch competition watchdog, ACM, has rejected Apple's objections to fines totaling 50 million euros (\$53 million) for non-compliance with orders aimed at curbing the dominant position of Apple's App Store. In 2021, the ACM ruled that Apple violated Dutch competition laws in the dating app market, mandating Apple to permit dating app developers to utilize third-party payment processors.

While Apple has largely adhered to the ACM's demands regarding alternative payment methods for dating apps, the regulator notes that an undisclosed third element of the conditions related to fines has not been met. Apple had contested the fines, arguing that the regulator inaccurately defined relevant markets and overstated Apple's dominance in the dating app sector. However, the regulator dismissed all of Apple's objections in a decision dated July 13, 2023, published on Monday. In response, Apple expressed disagreement with the ACM's original order, asserting it undermines investment incentives and is not in the best interests of user privacy or data security. Apple plans to appeal the decision to the Netherlands courts. The ACM has committed to revealing the undisclosed part of the proceedings objected to by Apple if it prevails in court. This development highlights ongoing global scrutiny of tech giants and their market practices, with regulators emphasizing fair competition and consumer protection in the digital marketplace.

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## AUSTRALIAN REGULATOR FINES ELON MUSK'S X PLATFORM \$386,000 OVER ANTI-CHILD ABUSE LAPSES

The Australian e-Safety Commission has imposed a fine of A\$610,500 (\$386,000) on Elon Musk's social media platform X for non-cooperation in a probe into anti-child abuse practices. Formerly known as Twitter, X failed to respond adequately to inquiries, including the duration taken to address reports of child abuse material and the methods used for detection. Although the fine is comparatively small against the \$44 billion Musk paid for the platform in October 2022, it is a significant blow to X's reputation. The e-Safety Commission's actions underscore X's struggles to retain advertisers, facing criticism for lenient content moderation and the reinstatement of thousands of banned accounts. The platform's revenue decline aligns with advertisers reducing spending due to concerns about content moderation. The European Union has also initiated an investigation into X for potential violations of its new tech rules, focusing on the platform's handling of disinformation related to Hamas's attack on Israel.

Commissioner Julie Inman Grant emphasized the importance of transparent answers regarding illegal content and conduct on platforms. X, which closed its Australian office after Musk's acquisition, did not provide immediate responses to requests for comments. Under Australian laws, the regulator can compel internet companies to furnish information about online safety practices or face fines. If X refuses to pay the fine, legal action may be pursued. Despite Musk's post-purchase commitment to prioritize removing child exploitation, the regulator found discrepancies in X's responses regarding the prevention of child grooming on the platform. X cited insufficient capability or accuracy in available anti-grooming technology for deployment on Twitter. In contrast, the regulator issued a warning to Alphabet's Google for noncompliance with requests for information on handling child abuse content, criticizing generic responses.

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## INDIAN GOVERNMENT EXPLORES IT RULES TO COMPEL WHATSAPP TO DISCLOSE SOURCE IDS IN RESPONSE TO DEEFAKE THREATS

In light of the increasing prevalence of deepfake videos circulating on WhatsApp, the Indian government is contemplating utilizing the Information Technology (IT) Rules, 2021, to compel the messaging platform to disclose the identity of the initial sender of such content. Multiple deepfake videos featuring politicians have triggered concerns about the potential misuse of artificial intelligence (AI)-led misinformation as the country approaches the 2024 Lok Sabha elections. The government intends to send an order to WhatsApp, under Section 4 (2) of the IT Rules, seeking information on the individuals who initially shared the deepfake videos on the platform. A deepfake involves digitally altering a person's face or body to make them appear as someone else, often used for spreading false information.

Despite potential controversy, this move marks the first time the Central government directly orders an Internet platform under Section 4 (2) of the IT Rules, 2021. WhatsApp and Facebook had previously challenged this provision in the Delhi High Court in 2021, citing concerns about user privacy. The case is currently under review. The government's decision reflects the ongoing tension between social media platforms and authorities in addressing challenges like online misinformation, particularly during election periods when such content tends to proliferate. Minister of State for Electronics and IT, Rajeev Chandrasekhar, emphasized the need for traceability to address the propagation of fake videos and audio on messaging platforms while acknowledging the challenges of anonymous misuse. The IT Rules stipulate that online messaging companies must reveal the identity of the person who first sends a specific message on their platform. The requirement, known as traceability, can be mandated by a court or the government for purposes related to national security, public order, friendly relations with foreign governments, among others. The rules emphasize avoiding such orders when less intrusive means are effective in identifying the originator of information. WhatsApp, being the most widely used messaging platform in India, has expressed concerns about the impact of traceability on its end-to-end encryption, arguing that it threatens user privacy and breaks its security systems. The government contends that the measure will not affect normal users, focusing on its utility in addressing public order issues.

Recent legal developments, including a Tripura High Court stay on a lower court's order directing WhatsApp to disclose the originator of a fake resignation letter, highlight the ongoing legal debates surrounding traceability and its potential impact on privacy and public order.

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# 04

## JAPAN INITIATES ANTIMONOPOLY PROBE INTO GOOGLE'S SEARCH DOMINANCE AND ANDROID PRACTICES

Japan's competition watchdog, the Japan Fair Trade Commission (JFTC), has announced an investigation into Google for potential breaches of antimonopoly laws related to web search services. The JFTC is examining whether Google violated Japan's Antimonopoly Act by reimbursing Android smartphone makers on the condition that they refrain from installing rival search engines. The investigation also includes scrutiny of Google's practice of requiring Android phone manufacturers to pre-install its "Google Search" and "Google Chrome" browser applications alongside the "Google Play" app. The JFTC aims to determine whether these practices by Google amount to exclusion of competitors and restriction of business partners' activities in the search services market.

A JFTC official emphasized that the concern is not about the popularity of Google's service but rather about ensuring fair competition. The official expressed suspicion that Google's actions may hinder other search engine providers from being recognized as a user's choice in the market, irrespective of improvements made. This move by the JFTC aligns with similar investigations initiated by antitrust regulators in the European Union, the United States, and other major economies. The focus on Google's market dominance and business practices underscores the global scrutiny faced by major tech companies for potential anticompetitive behavior and aims to ensure fair competition in the digital landscape.

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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.

- *Regulation of App Store Dominance*
- *Government Intervention in Messaging Platforms*
- *Deepfakes and Legal Responses*
- *Erosion of End-to-End Encryption*
- *Comparative Analysis of Global Antitrust Actions*
- *Tech Platforms and Child Safety Regulations*
- *Government Surveillance vs. User Privacy*



## 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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