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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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## GOOGLE ACCUSES INDIA'S ANTITRUST BODY OF FAVORING AMAZON IN ANDROID PROBE, CHALLENGES CCI'S DIRECTIVE

Google has lodged a complaint with India's Supreme Court, challenging the Competition Commission of India's (CCI) October order that required the tech giant to make 10 changes to its business model following an investigation into alleged abuse of dominance in the Android market. Google contends that the CCI's directives were aimed at protecting Amazon, a rival that faced difficulties developing a modified Android version due to Google's restrictions. The legal documents submitted by Google accuse the CCI of ordering changes to Google's business model "only to protect" Amazon, which complained about Google's restrictions hindering the development of its Android fork named Fire OS. Google asserts that the CCI relied unfairly on Amazon's claims during the investigation. The CCI's order also included a fine of \$163 million against Google. Google's Supreme Court filing highlights its deepening disagreement with the CCI's handling of the Android investigation. The tech giant previously accused CCI officers of "copy-pasting" portions of a European ruling against Google in a similar case, an allegation denied by the antitrust body.

In response to Amazon's struggles with Fire OS, Google argued that globally, FireOS failed commercially due to poor user experience, and in India, the Fire Phone was not even launched. Google contends that the CCI labeled Amazon's lack of success in India as a failure and wrongly attributed it to Google's agreements. Google has challenged similar decisions in South Korea and Europe, with India's directives being considered even more sweeping. The CCI found that Google's contractual restrictions reduced the ability of device manufacturers to develop and sell devices operating on Android forks, negatively impacting consumer interests. While Google has made changes to its Android business model in compliance with the CCI's directive, it continues to contest the penalty and the finding of market abuse in the Supreme Court. Amazon and the CCI have yet to respond to the recent court filing, and the case is scheduled to be heard in the coming days.

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## SARAH SILVERMAN AND AUTHORS SUE META AND OPENAI FOR COPYRIGHT INFRINGEMENT IN AI TRAINING

Comedian Sarah Silverman, along with authors Richard Kadrey and Christopher Golden, has filed proposed class action lawsuits in the San Francisco federal court against Meta Platforms (Facebook's parent company) and OpenAI, alleging copyright infringement. The lawsuits claim that Meta and OpenAI used copyrighted material, specifically books authored by the plaintiffs, without authorization to train their artificial intelligence language models, including ChatGPT. The legal action underscores the potential legal consequences faced by developers of chat bots when utilizing copyrighted content to train AI models, particularly large language models that replicate human conversation. The plaintiffs assert that Meta and OpenAI employed their copyrighted material to develop language models, which are marketed as powerful tools for automating tasks through realistic human-like responses to user prompts.

The lawsuit against Meta alleges that leaked information about the company's AI business reveals unauthorized use of the plaintiffs' work. Similarly, the lawsuit against OpenAI argues that summaries generated by ChatGPT indicate the bot was trained on the copyrighted content of Silverman, Kadrey, and Golden. While the summaries may contain inaccuracies, the lawsuits contend that they still demonstrate ChatGPT's retention of knowledge from the authors' works within the training dataset. The legal action seeks unspecified monetary damages on behalf of a nationwide class of copyright owners who claim their works were infringed upon by Meta and OpenAI during the training of AI models. As of now, Meta and OpenAI have not provided immediate responses to requests for comments regarding the lawsuits.

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## AMAZON CHALLENGES INCLUSION IN EU ONLINE CONTENT RULES, PAVING THE WAY FOR BIG TECH OPPOSITION

Amazon has initiated a legal challenge against its inclusion in the group of companies subjected to stringent online content regulations under the European Union's Digital Services Act (DSA). This move marks the first major resistance by a Big Tech company against the DSA, potentially setting a precedent for other tech giants. German online retailer Zalando had previously sued the European Commission on the same grounds. Implemented last year, the DSA categorizes 19 platforms and search engines as Very Large Online Platforms (VLOPs) due to their user base exceeding 45 million. Being designated as a VLOP entails increased obligations, such as tackling illegal online content, implementing risk management measures, undergoing external auditing, and sharing data with authorities and researchers. Amazon argues that it is not the largest retailer in any EU country where it operates, emphasizing that larger rivals have not been classified as VLOPs. The company has urged the General Court, Europe's second-highest court based in Luxembourg, to annul its VLOP designation.

An Amazon spokesperson stated on Tuesday that the company does not fit the description of a VLOP under the DSA and should not be designated as such. Amazon contends that applying the VLOP designation to them while exempting other large retailers in the EU would result in unfair singling out and impose excessive administrative obligations that do not benefit EU consumers. The European Commission, the executive arm of the EU, acknowledged Amazon's challenge and affirmed its commitment to defending its position in court. A Commission spokesperson emphasized that the DSA's scope is explicitly defined to cover all platforms exposing users to content, including the sale of products or services, which may be illegal. They underscored that broad user reach increases the risks and responsibilities of platforms to address such issues, regardless of whether they operate as marketplaces or social networks.

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## NORWAY'S DATATILSYNET THREATENS DAILY FINES FOR META OVER PRIVACY VIOLATIONS

Norway's data protection authority, Datatilsynet, has warned Meta Platforms, the owner of Facebook and Instagram, that it will impose daily fines of one million crowns (\$100,000) from August 4 to November 3 unless remedial actions are taken to address privacy breaches. Datatilsynet asserts that Meta cannot collect user data, including physical locations, in Norway for the purpose of targeted advertising, a practice known as behavioral advertising commonly employed by major tech companies. Tobias Judin, head of Datatilsynet's international section, emphasized the urgency of intervention, stating that the illegality of such practices necessitates immediate action. Meta, in response, stated that it would review Datatilsynet's decision and claimed there would be no immediate impact on its services. Datatilsynet has forwarded its decision to the European Data Protection Board, which, upon agreement, could make the fine permanent and extend its territorial reach across Europe, potentially influencing broader implications for Meta.

This move by Datatilsynet follows a recent ruling by the European Union's top court, which determined that Meta cannot harvest user data for behavioral advertising. In December, the Irish Data Protection Commission (DPC), where Meta has its European headquarters, directed the company to cease the practice. Meta acknowledged its ongoing engagement with the Irish DPC and highlighted the prolonged debate around legal bases, emphasizing the lack of regulatory certainty in this area. While Norway is not a European Union member, it participates in the European single market. Datatilsynet's decision to impose fines underscores the growing scrutiny and regulatory actions against major tech companies concerning privacy practices within the European region.

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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.

- *Legal Implications of Tech Companies' Accusations Against Antitrust Bodies*
- *Copyright Infringement in AI Training: A Study on Legal Consequences and Solutions*
- *Challenges to Online Content Regulations: A Case Study of Amazon's Legal Battle Against the EU's Digital Services Act*
- *Antitrust Litigation in Tech Mergers*
- *Digital Advertising Practices: Legal and Ethical Considerations*
- *Regulatory Challenges in Online News: Meta's Response to Canada's Online News Act*
- *Impact of Copyright Lawsuits on AI Research and Development*



## MESSAGE FROM THE NEWSLETTER TEAM

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