



AUGUST 2023

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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**OF  
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## **META BLOCKS NEWS ACCESS IN CANADA AMIDST LEGAL DISPUTE OVER PAYMENT TO PUBLISHERS**

Meta Platforms has initiated the process of blocking news access on Facebook and Instagram for all users in Canada in response to the Online News Act passed by the Canadian Parliament. This legislation mandates internet giants, including Meta and Google's parent Alphabet, to negotiate commercial agreements with Canadian news publishers for the use of their content. The move is part of a global trend to make tech firms compensate news outlets.

Both Meta and Google had previously announced their intention to block news access in Canada as a protest against the law, similar to Australia's groundbreaking legislation in 2021. However, unlike in Australia, where agreements were eventually reached, the Canadian law faces opposition from Google, arguing its broader scope and the pricing of news story links displayed in search results. Despite Meta's decision to block news links in Canada, data from independent tracking firms, such as Similarweb and Data.ai, indicate minimal impact on Facebook usage. Daily active users and time spent on the platform have remained largely unchanged. Meta's contention that news constitutes less than 3% of its content and lacks economic value is supported by these early estimates.

The Canadian government, critical of Meta's move during a period of heightened need due to wildfires, accuses the company of brinkmanship. While Meta aims to reduce news and civic content on its platforms globally, its transparency reports suggest news remains popular on Facebook, especially in the United States. Negotiations between Meta, Google, and Canadian news publishers are ongoing, with the Canadian regulator planning to set up a framework for mandatory bargaining by early 2025. Canada's Heritage Minister, Pascale St-Onge, has engaged with both Facebook and Google, emphasizing the importance of reaching agreements with publishers. The industry-specific regulations for implementing the Online News Act are expected to be released by late December, shaping the future of news content on these platforms in Canada.

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## IRAQ TEMPORARILY BLOCKS TELEGRAM OVER DATA VIOLATIONS; LIFTS BAN FOLLOWING PLATFORM COMPLIANCE

Iraq's telecoms ministry temporarily blocked the popular messaging app, Telegram, citing concerns over national security and the mishandling of users' personal data. The app, widely used in Iraq for messaging, news consumption, and content sharing, faced allegations of hosting channels containing extensive personal data, including names, addresses, and family ties of Iraqi citizens. The ministry claimed to have requested the closure of these data-leaking platforms, but Telegram did not respond or comply with the requests. In response to the ban, the ministry emphasized its commitment to citizens' freedom of expression and communication while prioritizing state security and institutional integrity. However, Telegram's lack of cooperation with security requirements prompted the initial blockage.

Subsequently, Iraq's telecoms ministry announced the decision to lift the Telegram ban, citing the platform's response to security authorities' requirements. The ministry stated that the company, which owns the platform, demonstrated readiness to collaborate with relevant authorities and disclosed entities responsible for leaking citizens' data. Telegram's press team, responding to a Reuters request, reiterated the platform's strict policy against posting private data without consent, noting that such content is routinely removed by moderators. The initial ban raised concerns over restricted communication and access to news sources for the app's extensive user base in Iraq. The lifting of the ban comes as a result of Telegram's compliance with security demands, emphasizing the importance of safeguarding citizens' data and addressing state security concerns. This incident underscores the delicate balance between individual privacy rights, freedom of expression, and national security in the digital age.

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## SETBACK FOR EPIC GAMES AS U.S. SUPREME COURT REFUSES IMMEDIATE IMPLEMENTATION OF APP STORE CHANGES IN APPLE CASE

The U.S. Supreme Court has delivered a setback to Epic Games, the creator of "Fortnite," in its legal battle against Apple. The court declined to allow the immediate implementation of a federal judge's injunction that could have compelled Apple to alter payment practices within its lucrative App Store. Justice Elena Kagan, representing the Supreme Court, rejected Epic's request to lift a decision by the 9th U.S. Circuit Court of Appeals in San Francisco, which effectively delayed the enforcement of an injunction issued by U.S. District Judge Yvonne Gonzalez Rogers. The initial injunction had barred specific App Store rules while Apple pursued an appeal to the Supreme Court.

Epic Games filed an antitrust lawsuit in 2020, alleging that Apple acted as an illegal monopolist by mandating consumers to acquire apps exclusively through its App Store and make digital content purchases within an app using Apple's proprietary system, subject to a commission of up to 30%. While Judge Rogers dismissed Epic's antitrust claims, she found Apple in violation of California's unfair competition law by preventing developers from guiding users to alternative methods for purchasing digital content, potentially saving on commissions. The injunction required Apple to permit app developers to include links and buttons redirecting consumers to alternative payment methods. Apple, in its appeal to the 9th Circuit, argued that the injunction would force it to alter its business model before a complete judicial review had taken place, limiting its ability to protect users from fraud, scams, malware, spyware, and objectionable content. Epic Games contended that the 9th Circuit's standard for putting cases on hold was excessively lenient. While the legal battle continues, the Supreme Court's decision not to expedite the injunction's implementation represents a temporary setback for Epic Games in its pursuit of changes to Apple's App Store practices.

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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## CANADIAN COMPANIES BOYCOTT FACEBOOK AND INSTAGRAM ADVERTISING AS META BLOCKS NEWS ACCESS OVER ONLINE NEWS ACT

Several Canadian companies and government agencies have halted advertising on Facebook and Instagram in response to Meta Platforms' decision to block news access on its platforms. This move comes in protest against the "Online News Act," which was approved by the Canadian parliament and received royal assent on June 22. The law requires payments to local news publishers and has also triggered a similar response from Google-parent Alphabet.

Among the companies that have paused advertising on Meta's social media platforms:

**Postmedia (July 6):** CEO Andrew MacLeod stated, "There is no greater proof of the critical need for this law at this time than the actions taken upon its passing. We hope to work together to ensure that all parties can do what the Online News Act allows for, to bargain fairly, level the playing field and preserve journalism in Canada."

**Torstar (July 6):** Neil Oliver, CEO of Torstar, expressed strong objection to Meta's plans, calling them "unprecedented" and a protest against the federal government's Online News Act.

**Cogeco (July 5):** Cogeco, along with other industry members, withdrew advertising investments from Meta platforms in support of the legislation and the regulatory process for its implementation.

**Quebecor (July 5):** Quebecor emphasized that any attempt by Meta to circumvent Canadian law, block news for its users, or discriminate against Canadian media content cannot be tolerated.

**CBC/Radio-Canada (July 5):** Stating the importance of access to news for a healthy democracy, CBC/Radio-Canada joined other Canadian media organizations in calling for the protection of Canadians' access to news from all outlets.

**Stingray (August 8):** CEO Eric Boyko stated, "We cannot tolerate Meta's recent decision to block news from Canadian news media publishers and their potential implications for Canadian news content. As a result, we have decided to pause our advertising on Facebook and Instagram."

This collective action by Canadian entities reflects their stance against Meta's opposition to the Online News Act, underlining the importance of fair negotiations, a leveled playing field, and the preservation of journalism in Canada.

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## DELL AUSTRALIA ORDERED TO PAY \$6.5 MILLION FINE FOR MISLEADING CUSTOMERS ON DISCOUNTS

Australia's Federal Court has ruled that Dell Technologies Inc's local unit must pay A\$10 million (\$6.46 million) in penalties for providing misleading representations on its website regarding discounts for add-on computer monitors. The legal action, initiated by the country's competition regulator, found Dell Australia guilty of misleading customers about the prices or discounts associated with these monitors on its website. The Federal Court's decision in June determined that Dell Australia had engaged in deceptive practices concerning the pricing information of add-on monitors. The court's order emphasizes the seriousness of making false representations about prices and inflating discounts, stating that such actions constitute a serious breach of consumer law and warrant substantial penalties.

Liza Carver, commissioner of the Australian Competition and Consumer Commission, remarked, "This outcome sends a strong message to businesses that making false representations about prices or inflating discounts is a serious breach of consumer law and will attract substantial penalties." Dell Australia, responsible for selling more than 5,300 add-on monitors with overstated discounts between August 2019 and December 16, 2021, has committed to working with affected customers to provide appropriate refunds with interest. The company also expressed its dedication to enhancing pricing processes to prevent similar errors in the future. This ruling reinforces the significance of transparent and accurate pricing information, underscoring the consequences businesses may face for deceptive practices in violation of consumer protection laws.

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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 AI in Creative Works: Copyright and Authorship Challenges*
- *Data Sovereignty and Cross-Border Legal Challenges: A Comparative Study*
- *Legal Implications of Tech Platforms Blocking News Access in Response to Legislation*
- *Epic Games vs. Apple: Antitrust Laws and App Store Practices*
- *Impact of Misleading Representations on Consumer Law: Lessons from Dell Australia's Case*

## MESSAGE FROM THE NEWSLETTER TEAM

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