

KNOWLEDGEATE™- SEPTEMBER 2020
**IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS**

**UNIVERSITY REGISTRAR BOOKED
AFTER SEXUAL HARASSMENT
COMPLAINT BY PROFESSOR**

**Ref: - timesofindia.indiatimes.com, Thursday,
03.09.2020**



WHAT THE FIR STATES

<ul style="list-style-type: none">▶ SN Tiwari, then a deputy registrar, called the woman repeatedly to his office as she needed leave▶ On August 29 last year, Tiwari passed comments on her appearance▶ He also asked for gold and keys to the woman's house▶ The then registrar asked the woman not to take Tiwari's calls. But he kept calling her till she left India▶ When she returned and went to GBU to resume work on June 25, Tiwari refused to meet her▶ He has since not approved the woman's joining request▶ The faculty member has been getting threat calls asking her to take back the complaint	 <p style="text-align: center;">Four Years, Four Complaints</p> <p>2020 A senior faculty member alleged that the registrar made remarks on her dressing sense and physique and demanded gold and keys to her flat</p> <p>2017 An MPhil student moved the Supreme Court seeking a directive to police to arrest a senior professor for allegedly</p>	<p>harassing her sexually on the college premises</p> <p>2017 An assistant professor accused a former dean of threatening her to take back her complaint of mental harassment</p> <p>2016 A first-year student accused a professor of seeking sexual favours</p>
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FIR on charges of outraging modesty of woman, criminal intimidation and intentional insult has been recently lodged against the officiating registrar of Gautam Buddha University. This FIR was filed in Noida Women's cell by a senior faculty member of the Institute. The professor had made repeated illegitimate demands before the woman and had been indulging in passing indecent remarks about her physical appearance and dressing sense. With four complaint of Sexual Harassment in past four years, Gautam Buddha University urgently needs an overhaul of its entire administration and make respect for dignity of life as an essential part of curriculum. It is not just the kind of education but also the qualitative growth that an educational institute must aspire for. Such instances between the faculty members and administration are not only discouraging but are immoral precedent for students who look up to their teachers.

**RED BULL'S PLEA ON TRADEMARK
REJECTED**

**Ref.: - www.insightsonindia.com, Thursday,
03.09.2020**



Intellectual Property Appellate Board has recently rejected Red Bull's plea for removal of trademark registered in the name of Dr. Reddy's Laboratories. Red Bull has maintained a stance in its plea that the tagline "Gives You Wings" is a unique concept identified among a large section of populace with its brand. As a result, concept of an animal/human acquiring wings after consumption of Red Bull Energy Drink has become exclusively associated with it and Dr Reddy's registered trademark with tagline "Your Wings to Life" which has not been in use yet has been attempting to create confusion in the minds of consumers. IPAB while clarifying the law of the land in this matter upheld that both trademarks have no deceptive similarity thereby dismissing the petition.

**FAKE COVID-19 PRODUCTS, ON ECOM
PORTALS**

**Ref: Timesofindia.indiatimes.com, Thursday,
03.09.2020**



Twitter and Instagram have been recently swamped with counterfeit and illegal health products as well as essential oils, immunity boosting kits, antiviral drops and herbal concoctions making false claims of providing remedy for keeping Covid-19 at bay. This has resulted into "cyber syndemic" – a digital contagion combined with a health epidemic. Sellers of these herbal remedies portray

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themselves as doctors or healers with specific reference to Ayurvedic, Eastern and non - traditional medicine. Social Media platforms provide easy entry points that is why they are a lucrative platform for all fraudsters. Further illegal online pharmacies that require no prescription continue to sell COVID-19 related drugs. The most questionable of all fake products is a “portable hospital” device that claims to use negative ions current in order to treat COVID-19 has been priced at USD 6000. Ongoing pandemic has not only resulted into mushrooming of fake online markets but also stresses the need and importance of strengthening IPR and Cyber laws regime.

**DELHI HC TELLS GOVERNMENT TO
START ONLINE PROPERTY
REGISTRATION**

**Ref: timesofindia.indiatimes.com, Friday,
04.09.2020**



Delhi High Court has directed AAP Government to begin online registration of legal documents including wills, to reduce stress for general populace and limit human contact during pandemic times. Though e-registration of documents has been implemented in several states, this direction has come in the light of prevailing provisions in the High Court with respect to e-filing of cases where a litigant can file a petition and even pay court fees from the comfort of his/her office or home. In the light of prevailing risk as a result of COVID, many sub registrars have been refusing to register wills and other documents of senior citizens, persons with comorbidities and pregnant women. Online registrations are the need of the hour and about

time that positive contributions of technology are acknowledged and put to value creating use for benefit of larger good.

EDAANKHIL LAUNCHED BY NCDRC

Ref: - lawstreet.co, Tuesday, 08.09.2020



National Consumer Disputes Redressal Forum has started an e-filing system for filing of online consumer complaints. As per notification, this electronic filing of consumer cases will be done through an online portal- <https://edaakhik.nic.in/>. This portal has been launched in accordance with Rule 8 of Consumer Protection Rules, 2020. This e-filing system is developed and maintained by National Informatics Center, Ministry of Electronics & Information Technology (GOI). The portal came live on 07.09.2020 at 4.00PM.

MCA EASES FOR STARTUPS

**Ref: - www.pressreader.com, Wednesday,
09.09.2020**



The exemptions for startups have now been extended for another 10 years from the date of its incorporation as per the deposit rules amended by Corporate Affairs Ministry. As per

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this new amendment, an amount of Rs 25 lakhs or above received by Start up through convertible note in a single tranche or repayable within a period of not exceeding 10 years from the date of issue will not be considered as deposits. Prior to the amendment, the limits of total deposit from members did not apply to a start up for 5 years from date of its incorporation. Now any private start up firm would be able to accept deposit from its members without any limit till 10 yrs from its incorporation.

START UP INVESTORS MAY GET SOPS

Ref: - www.livemint.com, Wednesday, 16.09.2020

WHAT IT MEANS

Move: Investment limit hike to Rs 50cr	
Impact: More fund flow into startups	
Move: Allow tax breaks based on investment declaration	
Impact: System-driven approach to reduce red tape	
Move: Tax holiday for 3 out of 10 years	
Impact: Will allow more companies to avail of benefit as many take long time to turn profitable	

A parliamentary panel has recently proposed tax incentives for startups including removal of long-term capital gains tax on investments in such companies. The basic premise behind this proposal being propelling of investments, jobs and demand creation in economy on account of strong and robust start up ecosystem. The initial proposal is that the abolition of this tax should be for at-least next two years to encourage investments. Recommendation has also been made for application of Securities Transaction Tax so that revenue neutrality is maintained.

LIONEL MESSI TM HIS SURNAME

Ref: - www.bbc.com , Thursday, 17.09.2020



After a nine-year legal battle with European Intellectual Property Office, footballer Lionel Messi can now successfully register his name as a trademark. Messi had first applied to trademark his surname as a sportswear brand in 2011 but a Spanish cycling company 'Massi' had filed an appeal arguing that there shall be great confusion on account of similarity between the logos. But European Court of Justice had ruled that Messi is too well known so there is no scope of any kind of confusion. The Appeal was thereafter dismissed. Messi has been crowned as World Football Player of the year six times and is also the world's highest paid soccer player.

SUPERCCELL VS GREE'S

Ref: - www.gamesindustry.biz, Monday, 21.09.2020



Japanese mobile developer Gree has won a lawsuit against Finnish developer Supercell and has been awarded \$8.5 million. The main contesting issue is that games such as Clash of Clans, Clash Royale and Brawl Stars infringe on

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multiple patents that Gree owns in US. Supercell has been found infringing four out of five patents owned by Gree. The concerned jury deemed patent infringement to be willful.

DREAM11 1PL RESTRAINED BY STARINDIA

Ref: -www.livewin.in, Wednesday, 23.09.2020



Star India Private Limited has been granted relief by Delhi High Court in interim applications filed by it against Jacstremas.com & Ors. This particular suit was filed for website blocking on account of illegal and unlawful activities pertaining to defendant websites. The bone of contention in the matter is communication to the public of Dream 11 India Premiere League, 2020 by defendants for which plaintiffs have claimed exclusive television, mobile, internet and mobile activation rights worldwide. Defendant websites are alleged to be having servers outside India which become alive and begin to stream only during the course of the match. An ex-parte ad-interim injunction has been granted in this matter restraining defendants from communicating, streaming, hosting or making available for viewing or downloading in any manner without authorization, of Dream 11 IPL, 2020 league.

**ATAL INNOVATION MISSION TO BE
TECH GARAGE OF INDIA**

**Ref: - economictimes.indiatimes.com,
Thursday, 24.09.2020**



Atal Innovation Mission, a unique mission has enabled the government to create tinkering labs in schools, where students can experiment with concepts like 3-D printing, use of artificial intelligence and robots. This mission is looked up as a technology garage of India and shall be rolling out large number of innovative products, new apps to benefit the world at large. There are many departments where problems with respect to financial inclusion, healthcare, education and telemedicine are being resolved. AIL is also working with Ministry of Defence and ISRO encouraging government bodies to buy products from emerging startups. This would surely encourage the R&D sector to expand and look forward to something. This mission is assisted by Dell Technologies and support 120 incubation labs across the length and breadth of our country.



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