

**HAZARDOUS ECLIPSE GLASS BY AMAZON**

Ref: *The Economic Times*, Saturday, 02.09.2017



Amazon, the leader in online retail has been struck with a lawsuit pertaining to its Eclipse Glass product. A couple who purchased the same have alleged that the use of product caused immense and irreparable damage to their eyes. The product was purchased by them for safely viewing the United States' first Coast to Coast total solar eclipse on August 21, 2017. The couple started experiencing acute head ache and watering of eyes. Thereafter they developed days, they developed vision impairment, including blurriness and distorted vision. Amazon had recalled the product on August 10, 2017 stating the same to be hazardous. The couple has accordingly issued notice to commence law suit for gross negligence for selling perilous products. It is imperative that such companies take responsibility while sale and ensure safety to consumers.

**LEGALISED SOLAR ENERGY ENTITY**

Ref: *The Times of India*, Sunday, 03.09.2017



Indian visit of French President turned swiftly for the solar energy realm. The International Solar Alliance (ISA), a coalition of 121 solar rich countries shall be registered as a legal entity on December 9, 2017. 9 countries including India have

already ratified the agreement. The conception of this alliance was made by India for ensuring technological and financial support from investors for harnessing energy. This is the commencement of formal operations in this field at a large scale which is in the process of ratification by various countries.

**"CHAMMAK CHHALLO" DEROGATORY**

Ref: *The Times of India*, Tuesday, 05.09.2017



A court in Mumbai recently convicted an accused of using derogatory words to insult and demean a woman by calling her as "chhammak chhallo". The words which are Hindi words have been held to be within the ambit of the offence of Section 509 IPC more than 8 years ago. The court sentenced the accused for imprisonment till rising of the court and fine of Rs. 1. On one hand the court took 8 years to decide this matter and on the other stance do these words fall within the ambit of offence under IPC is a matter which would require more deliberation.

**ZIKA VIRUS BENEFICIAL!!**

Ref: *The Times of India*, Thursday, 07.09.2017



Zika virus the threat which created havoc worldwide because of its detrimental effect on developing foetus could be harnessed for cure of brain cancer. The nascent research by scientists have revealed that mosquito borne virus can negate the cells causing Glioblastoma, the most common form of

brain cancer. The medical fraternity is aiming to harness and optimise on the benefits of the Zika virus for technical advancements for cure of brain cancer.

### ENTRUPY ANTI - FAKE PRODUCT

Ref: *The Times of India*, Thursday, 07.09.2017



Start-up venture Entrupy authenticates and differentiates between fake and original products. The technology can assess the product within a few minutes and is an asset for curbing counterfeiting. The use of holographic technology, micro printing as well as radio beacon woven into fabric are the unique and distinguishing features of the designer products. Ashlesh Sharma, Lakshminarayan Subramanian and Srinivasan coined the unique concept and started Entrupy in 2012. The technique is proving to be rewarding to restrain the parallel counterfeit market to some extent atleast and is being used by pawn shops, wholesaler as well as online retailers to bifurcate original and duplicate products.

### PATENTS ENHANCE GROWTH OF MNC

Ref: *The Economic Times*, Tuesday, 12.09.2017



A comparison of the growth rate of the Indian companies and multinational companies in the pharma sector reveals that despite a small share the growth of MNC's is higher in lieu of their Patent registrations. This segment has been facing legal regulations, price controls as well as

compliances still there has been rise in the share of patented products as against non-patented products. The importance of Intellectual property rights stands reasserted in this analysis.

### INDIAN MCDONALDS' JV IN LITIGATION

Ref: *The Economic Times*, Wednesday, 13.09.2017, 14.09.2017, 26.09.2017 & 25.10.2017



Mc Donalds India Private Limited (MIPL) and Connaught Plaza Restaurants Limited (CRPL) have been estranged in an ongoing litigation since last 4 years after MIPL removed Mr. Vikram Bakshi from the post of Managing Director for India. The said litigation has adversely affected and led to shut down of more than 40 outlets. The arbitration proceedings have ruled against CPRL stating that as per the terms of Joint Venture Mr. Bakshi should sell his shares as per the valuation in consonance with the agreement. CPRL has assailed MIPL before the NCLT against the action of termination of contract under Oppression and Mismanagement. MIPL has approached the Hon'ble High Court of Delhi for enforcing the award and on the contrary CPRL is intending to approach for challenging the said award. Although the proceedings are pending the suppliers are being restrained to provide raw materials and/or using the intellectual property rights of MIPL including trademark, design and system as a result of termination of the Joint Venture.

### BITCOIN IN SHAMBLES

Ref: *The Economic Times*, Thursday 14.09.2017, 21.09.2017



Bitcoin, a cryptocurrency which is a virtual currency is widespread amongst both domestic as well as international market. On one hand, companies which are dealing rampantly state that Bitcoin has reached at such numbers which is exemplary high as against any other type of currency or investment. However, on the contrary there is no regulatory authority for Bitcoin. The Reserve Bank of India has expressed its discomfiture stating that Bitcoin is also exploring options around cryptocurrency issued by the central bank itself in digital form. Further, the international renowned financial experts are blatantly terming Bitcoin as fraud. The RBI has cautioned against Bitcoin trading vide its circular which pose potential financial and security related risks. The Special Investigation Team (SIT) on black money have brought the bitcoin trading under the ambit of black money investigation as it is being used as conduit of illegal flows. Japan, USA and Canada have regulations for this currency.

**HUF ASSETS ARE JOINT PROPERTY**

**Ref: The Economic Times, Thursday  
14.09.2017**



Apex Court has recently upheld the legal proposition that all the assets in a Hindu Undivided Family (HUF) shall be dealt as joint property of all the members. Any person claiming any part as a personal asset has to prove their claim as self - acquired to others. The Hon'ble Court while adjudicating

the matter affirmed that in absence of any evidence to the contrary, it can be legally presumed that the properties are jointly owned by all members of HUF. This precedent shall reaffirm the ambiguity if any and facilitate settlement of various property dispute matters.

**GOOGLE'S TEZ**

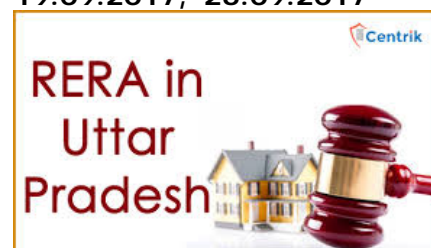
**Ref: The Times of India, Friday  
15.09.2017, 20.09.2017**



Google India has launched its payment gateway Tez recently. In an astonishing statistics the platform crossed more than half a million subscribers within 24 hours of its launch. Google states that it has an ongoing relationship with merchants and thus is optimistic about Tez for India. The company has set up a dedicated call centre for Google Tez. This step would lead Google beyond its competitors in a phenomenal way.

**RERA UNDER LENS**

**Ref: The Economic Times, Tuesday  
19.09.2017, 26.09.2017**



The Real Estate (Regulation & Development) Act, 2016 was notified on May 1, 2017 and builders were given time till July 31 for their respective registration of ongoing projects. However, various states delayed in declaring the relevant rules and thus majority of projects have still not been registered. Amidst the non - compliance of the rules, the Uttar Pradesh State while notifying the rules has grossly diluted the

provisions. Thus, the RERA rules notified by Uttar Pradesh Government have been challenged by Noida Extension Flat Owners Welfare Association (NEFOWA) in Allahabad High Court recently. The act of the UP State in diluting the provisions of the relevant rules has defeated the objectives for promulgation of the statute. The new definitions of ongoing projects, common area and penalty clauses have been altered adversely and thus the consumers are adversely affected. The Centre has also commenced the process of setting up Central Advisory Council which shall be a 31 member panel for revisiting the provisions and implementation of RERA.

**AMRAPALI, UNITECH AND JAYPEE UNDER SC & NCLT**

**Ref: The Times of India, Thursday, 21.09.2017, 23.09.2017 25.09.2017, 26.09.2017**



Amrapali buyers had approached Supreme Court to challenge the order of NCLT wherein an Interim Resolution Professional (IRP) has been appointed in a petition by Bank of Baroda. The homebuyers assailed the order claiming that their rights shall be adversely effect as the proceedings shall debar the investors, etc. to approach any forum other than NCLT for recovery of their amount. Unitech on the other hand has been directed to either refund the entire amount to homebuyers or give possession within the stipulated time period. The homebuyers were also granted legal costs to the tune of Rs. 80000/- per person. Parsvanath buyers have also been awarded 10% interest in lieu of delayed possession. Supertech buyers have also been directed to

either refund money along with interest or give possession to buyers. Thus, with RERA notified and the builders not giving timely possession finally courts have taken cognizance of the violations and persistent defaults. These orders if implemented shall provide relief to the public at large and also streamline this unregulated industry.

**ABBOTT WITHDRAWS STENT**  
**Ref: The Times of India, Friday, 22.09.2017**



National Pharmaceutical Pricing Authority (NPPA) has permitted Abbott to withdraw its "bioresorbable cardiac stent" from India. The withdrawal was allowed in lieu of the safety concerns already raised by US FDA, Australian as well as Indian government. Further research and development of this product was required and thus the product has been withdrawn.

**SH COMPLAINT QUASHED**  
**Ref: The Times of India, Saturday, 23.09.2017**



A complaint by a woman lawyer against a sitting judge was quashed by the Gujrat High Court on technical grounds of delay in inquiry as well as complaint not being accompanied by an affidavit. The allegations were for the period of 2012 and the visiting High Court Judge had taken cognizance of the verbal complaint and ordered inquiry into the matter. However, despite the order the judges delayed the inquiry and only in 2017 inquiry commenced. The departmental

action as advised by the judges was quashed on account of delay. However, this kind of precedent is in contravention of the provisions of the law. If a lawyer and the judicial system fail to comply with the stipulated time period and action, how would the public at large implement this law? This kind of adjudication unless supported by evidence that no case or offence was made out would lead to a plethora of aggrieved persons who would lose faith in the judicial system for redressal of their grievance.

#### **ACoola ENTERS INDIA**

**Ref: The Economic Times, Monday, 25.09.2017**



Acoola the famous brand in Russia for the kids clothing segments has ventured and expanded its operations in India. Sistema Russia's conglomerate through its subsidiary Concept Group has entered into a Joint venture with Saamag group based in Delhi to launch the brand in India. The Russian company has invested \$10 million dollars for the same. The first outlet has opened in Noida.

#### **RENUKA MUKHERJEE VS VODAFONE ESSAR LTD & ORS**

The Bombay High court while adjudicating the above matter passed the landmark judgement dated 13 October 2017 and upheld the statutory obligation on all employers to set up an Internal Complaints Committee (ICC). The case has set another benchmark by slapping a fine of Rs 50,000 on Vodafone Essar Ltd. This judgment has reaffirmed that the corporate organisations have a lackadaisical approach towards the regulations and compliance of this law. The statute makes it mandatory for all companies having 10 or more employees to

constitute this Committee, however the statistics reveal the true picture. Thus, it is pertinent to have the Internal Complaints Committee and the members on board so as to ensure the remedies are available to any aggrieved person.

#### **TEJPAL CHARGED**

**Ref: The Times of India, Friday, 29.09.2017**



Four years after Tarun Tejpal the founder of Tehelka was accused in a sexual assault case he was recently charged with offence of rape by a Court in Panjim, Goa. Along with the charge of rape, he was charged under provisions of wrongful confinement, outraging the modesty and assaulting or using criminal force on a woman. The matter shall now proceed for trial. Despite the grave charge levelled the matter took 4 years to reach the stage of charge which is an initial stage, thus it is imperative that criminal course of justice needs to be expedited.



**KNOWLEDGENTIA  
CONSULTANTS**  
Corp Legal & Intellectual Property Rights Firm

**W - 19, L.G.F, GREATER KAILASH II, NEW  
DELHI -110048**

**Telephone No: Delhi-011 -49122916, 29213024  
Chandigarh-0172-2544552**

**Email: [info@knowledgentia.com](mailto:info@knowledgentia.com), Website:  
[www.knowledgentia.com](http://www.knowledgentia.com)**

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