

**DELHI HC QUASHES CENTRE'S NOTIFICATION ON DRUGS BAN**

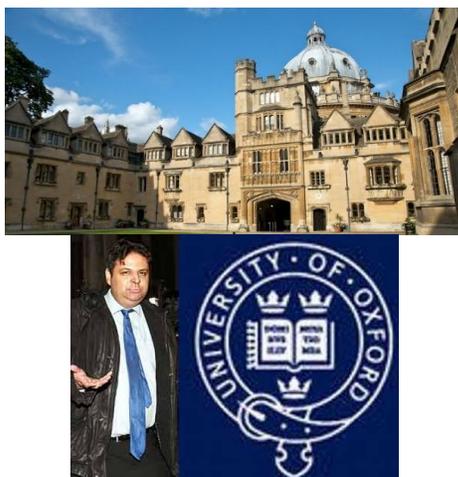
Ref: The Times of India, Friday, 02.12.2016



Legislature and judiciary in it's another tussle, has overruled the ban on counter sale of approximately 344 drugs, including but not limited to Vicks Action, Benadryl, etc. The Court while adjudicating on the issue reasserted the importance of the scientific and statutorily constituted bodies and stated that they were bypassed while passing the notification. However, the counsel for the government contended that the technical panel was constituted and based on their findings the notification for ban was issued. These drugs have been readily available for public at large without prescription as there have been ease of use and minimal side effects of these. Thus, the court found that the notification was issued without any data on public harm or adversity of public interest and thus the notification has been annulled.

**NEGLIGENT TEACHING ALLEGATIONS AGAINST OXFORD UNIV**

Ref: The Times of India, Monday, 05.12.2016



Faiz Siddiqui an Indian origin lawyer who pursued his studies in Oxford, has alleged and sued the University for its negligent faculty and teaching methods for £1 million pounds. The

lawyer stated that during the period of occurrence, was boring, irrelevant and the faculty were on sabbatical who did not justify the subject of "Indian Imperial history" which disparagingly effected his score and grades. The London High Court shall be passing the judgment shortly. This would bring the other well renowned Universities to either reduce the strength of students or have proper faculty for imparting education an apt manner.

**DISRESPECTING NATIONAL ANTHEM AN OFFENCE**

Ref: The Times of India, Monday, 05.12.2016



Fundamental Duties as enshrined in the Constitution of India as well as statutory provisions under the Prevention of Insults to National Honour Act, 1971 avert that dishonor to the National anthem and National flag is an offence which might be punishable with fine and/or imprisonment for three years. The acts which constitute the violation are mutilation, defacement, burning, destroying or in any other way implicitly or explicitly disparaging the sanctity of the National anthem or flag. Further, the prescribed manner of playing or singing the national anthem are the guidelines which should be strictly followed in the proper decorum. However, the playing of a documentary or newsreel is an exception as per the specific order which was passed in March, 2016. However, with the mandate of playing/singing national anthem prior to screening of film might require effective implementation, respect and enforcement.

**EASE IN QR CODE FOR ALL PAYMENTS**

Ref: The Times of India, Monday, 05.12.2016



Demonetised and cashless economy is the foundation for Quick response (QR) Code based payment solutions. This was incepted by Paytm, but now with the multiple agencies and financial systems in place, a common QR code is required for ease of transactions and simplicity in the payment mechanism. The payments through QR Code can be done by use of a smart phone and does not require the presence or use of physical card. These common codes shall be for all RU Pay, MasterCard, Visa, Paytm, etc. Although, the publicity and use has been quite rampant recently, however the enforcement measures and the legal provisions to curtail the misuse are mislaid.

#### FAKE DRUGS PRODUCTIONS ATTRACTS STRINGENT MEASURES

Ref: The Times of India, Monday, 05.12.2016



The Mumbai High Court has strictly refused to grant bail to the promoters of a company, selling and exporting spurious version of anti – cancer injectable drugs by Taj Pharmaceuticals. Initially, Emcure Pharma, Pune based company who innovated the brand BICNU, filed trademark infringement suit against Taj, who were then restrained to sell infringing product other than the stock held by them. However, the counterfeit was spurious and thus dangerous to the public at large and thus the courts have strictly taken cognizance of the offence. Medical products and any offence related to their being fake/spurious/mislabeled requires coercive and corrective action without any inordinate delay by all concerned agencies as well as judiciary.

#### PHOTOCOPYING FOR STUDY IS NOT COPYRIGHT VIOLATION

Ref: The Times of India, Saturday, 10.12.2016



Delhi University students shall not be liable for any copyright violation for utilizing photocopy of international textbooks being the study material for their respective course. The Delhi High Court while addressing the issue averred by International publishers has stated that the Purpose and Utility of the material shall adjudicate whether it constitutes copyright violation or not. The provision of fair use as compared to the violation parameters are to be exemplified by the trial court in the evidence of this matter.

#### EU ISSUES STRINGENT REGULATIONS FOR WHATSAPP, SKYPE

Ref: The Times of India, Wednesday, 14.12.2016



Skype, Whats App and Facebook messenger services have been under the stricter regulations as issued by European Union for maintaining privacy of customer data. The regulations which were earlier applicable only to telecom sector have now been extended to web companies and are called as "Over the Top" services. They shall ensure that the confidentiality of private data, location as well as consent of users for sharing the information has to be explicitly granted prior to saving it or sharing it for any other purposes. It is imperative that these provisions are dealt with utmost strictness as the client data is of utmost importance.

### AMAZON DELIVERS IN AIR

Ref: The Times of India, Thursday, 15.12.2016



Drone delivery by Amazon had its first success to a customer in Cambridge, England who had ordered books. In a commendable time period of 13 minutes from click to delivery, is the start of this technology being used by other giants like Walmart as well as Google for its delivery mechanisms. Along with use of drone for delivery, it is apparent that Amazon shall soon be maintaining its stores in Air. This is not limited to books and products but also for eatables in Nevada. It is interesting to know the various techniques where robotics is being practically used.

### PAYPAL V/S PAYTM

Ref: The Times of India, Friday, 16.12.2016



Paypal has filed complaint impugning the registration of trademark of Paytm on the ground of deceptive similarity with an identical colour scheme of both logos/marks. It is alleged that Paypal has been registered since 1999 and Paytm has copied the logo. However, the opposition has been filed on the last stipulated date and now the matter shall be adjudicated by the Trademark Office unless either party approaches the Court of law for adjudication for the same. It is interesting to also analyse the timing of opposition when the drive of demonetisation commenced, whereby benefitting Paytm to a large extent.

### SWIPE CHARGING

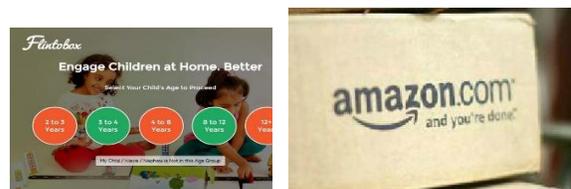
Ref: The Times of India, Thursday, 22.12.2016



Scientists in USA have developed a product, whereby with the motion of a swipe the mobile phone shall be discharged. The conceptualization of harvesting unused mechanical energy from wind, ocean waves and human motion substantiates this innovation. The energy involved in touching the screen can be converted to electricity that can be stored in the battery or other human motion can be transformed. It would be pertinent in the dynamic global economy where use of smartphones is extensively enhancing, so modes of quick charging is the need of the hour.

### FLINTOBOX SUES AMAZON – KEYWORD USE IS INFRINGEMENT

Ref: The Economic Times, Thursday, 22.12.2016



Flintobox, a child development start-up has issued legal notice to Amazon on unauthorized and illegal use of the keywords of flintobox through SEO and other mechanisms for directing the online traffic on its website. This act constitutes an offence under the trademark Act as well as the Ad word policy of Google. This issue has contradictory stances, whether it is intentional or a software mechanism whereby the products which are being advertised or sold through Amazon are being used for optimizing traffic or it is an apparent infringement of trademark. This adjudication shall be vital in the software, adwords as well as trademark arena.

### STORM PREDICTION RESEARCH BY IIT BHUBANESHWAR

Ref: The Economic Times, Friday, 23.12.2016





The climatology department in the IIT Bhubaneswar has collaborated with scientists from US for developing a modeling mechanism for prediction of extreme weather instances. In a recent conference, the importance of such technology was delineated as due to global warming, the rains, storms and other weathers have also changed their time period, regime and intensity. Thus, the natural disasters might be averted if there could be some accurate prediction.

**COUNTERFEITED GOODS DELISTED BY USA IN DELHI & CHENNAI**

Ref: The Economic Times, Friday, 23.12.2016



United States has identified markets in Delhi and Chennai being notorious for infringing and counterfeited products being sold rampantly. It constitutes both trademark as well as copyright piracy and includes but is not limited to products being textiles, footwear, leather goods, mobile phones, luxury goods. The US government is stating that the Indian government is failing to take deterrent action against them despite the same being pressed repeatedly.

**MOST HEAT-RESISTANT MATERIALS IDENTIFIED**

Ref: The Times of India, Monday, 26.12.2016



UK Scientists have ascertained materials which can resist heat up till 4000 degrees Celsius, which shall be of utmost use in hypersonic space for the heat resistant shielding. Tantalum carbide (TaC) and hafnium carbide (HfC) are refractory ceramics, meaning they are extraordinarily resistant to heat, thus their ability to withstand extreme temperatures makes it apt for nuclear reactors, etc. Use of lasers has also been done for the purpose of testing. This discovery shall be instrumental in various arenas of technology.

**AIR GROWN CUCUMBER**

Ref: The Times of India, Tuesday, 27.12.2016



Researchers in Japan conducted experiments to assess the gravity and growth in plants. They examined cucumber germination under microgravity conditions at International Space Station (ISS). They discovered, that examining cross-sections of the seedling under microscope, the CsPINI protein is able to relocalise under the influence of gravity. This might alter and amend the laws of gravity with respect to plant technology.

**EU RESUMES IMPORT OF CURRY LEAVES**

Ref: The Economic Times, Wednesday, 29.12.2016



After a hiatus of around 3 years, India shall resume the export of Curry leaves to European Union. The product was banned due to quality testing wherein excessive pesticide residue was

found. However, the product shall now be sent after health certificates/lab tests and Agmark certifications of the Product. Prescription of standards in agri products shall make it globally more acceptable and shall enhance the international trade for India.

#### **DISNEY "CARS" VICTORIOUS IN CHINA**

Ref: The Times of India, Saturday, 31.12.2016



In an unprecedented victory for a foreign based firm Disney in the arena of counterfeiting, court in China held the infringer Blume TV liable for copyright infringement. Further, it also awarded damages to the tune of USD 194600 in favour of Disney. The key characters were copies thereby violating the exclusive rights of Disney and Pixar. This case has been highly appreciated around the globe as the reign of intellectual property rights has been reinstated by the Courts.



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

**E – 71, L.G.F, GREATER KAILASH I,  
NEW DELHI –110048**  
**Telephone No: Delhi-011-46012100**  
**Chandigarh-0172-2544552**  
**Email: [info@knowledgentia.com](mailto:info@knowledgentia.com)**