

RCEP FAVOURABLE FOR INDIA

Ref: The Times of India, Monday, 01.07.2019



Three draconian provisions which were part of the Regional Comprehensive Economic Partnership (RCEP) free trade agreement, relating to patent term extensions, data exclusivity and stringent intellectual property regime on seed and planting materials that would adversely impact public health and access to affordable medicines in developing countries have recently been withdrawn. Adoption of these provisions, would lead to domestic Pharma companies not being able to launch or export affordable life-saving drugs across the world. While in the agriculture sector, farmers would lose the right to save or sell seeds or the harvested produce from plant varieties that have been granted intellectual property.

TATA SALT FAKE ADVERT

Ref: The Economic Times, Monday, 03.07.2019

What's the Fuss About ?

Potassium ferrocyanide (PFC) is a substance used as anti-caking agent to prevent lumping in salts. However regulators have approved PFC safe for consumption within permissible quantity.

It makes people vulnerable to cancer, hyperthyroidism, high BP, impotence, obesity when consumed in large quantities.

International food safety authorities have evaluated the safety of sodium/potassium/calcium ferrocyanides and concluded that there is no safety concern in current authorised use and use levels HONG KONG REGULATOR

Tata Salt has reached out to various news outlets that carried the misadvice news

Tata Group, the country's largest conglomerate, has been battling to dispel a misinformation campaign about the safety of its biggest brand Tata Salt after reports emerged last week that several branded salts in India contain alarming level of potassium ferrocyanide. According to reports, this substance that is used as anti-caking agent to prevent lumping in salts, makes people vulnerable to cancer, hyperthyroidism, high blood pressure,

impotence, obesity and kidney failure when consumed in large quantities. Tata Salt has shared credible reports from regulatory bodies across the world on permitted levels of PFC on its website and social media handles to dispel the "fake news".

NIKE PULLS BACK US FLAG SHOE

Ref: The Economic Times, Monday, 03.07.2019



Nike withdrew a shoe displaying a design of an early version of the American flag after former NFL quarterback Colin Kaepernick warned the design was associated with slavery. Nike had unveiled the Air Max 1 USA featuring an American Revolution-era design known as the Betsy Ross flag imprinted on its heel to coincide with the US's July 4 Independence Day. It was widely protested as the design featuring 13 white stars in a circle was treated offensive because it was associated with a period of slavery, which was legal in the US after independence from Britain.

A STITCH IN TIME, SAVES THE DESIGNS

Ref: The Economic Times, Monday, 03.07.2019

APPENDIX TO OPINION OF THE COURT

Plagiarism being a recurring and most daunting issue plaguing our fashion industry has been addressed frequently by designers. The recent issue culminated into an online controversy. After this incident, the Fashion Design Council of India (FDCI) has decided to conduct a master class on

plagiarism. The master class, will involve senior and junior designers, legal representatives, officials and brands. This will be a positive step towards countering fakes as well as enhancing awareness among designers about their intellectual property rights.

LAWS NEEDED FOR WOMEN SAFETY IN WORKPLACES

Ref: Mint, Thursday, 04.07.2019



There can be no denying the fact that sexual harassment at workplace plays a significant role in discouraging women from employment and impedes their full career potential. Yet, despite these obvious truths, arbitration on sexual harassment cases – particularly those that are made public and widely reported in the press – remains deeply contentious, even in terms of arriving at a consensus of what constitutes 'sexual harassment'. This certainly calls for revamping of the system of implementation of laws and injecting qualified professionals in the field so that the laws that are being made are at least implemented in a proper manner.

NRIS INVESTMENT VIA FPI

Ref: The Economic Times, Saturday, 06.07.2019



In order to boost and inject funds in our economy, this year budget has proposed several measures like Merger of the non-resident Indian (NRI) and foreign portfolio investor (FPI) routes of investment, increasing statutory FPI investment limits and simplification of documentation processes. These measures are believed to provide a more conducive

regulatory environment to FPIs, especially NRIs. If NRIs are allowed to come through the FPI route, there will be no TDS applicable.

MAKE IN INDIA FOR RAILWAYS

Ref: The Economic Times, Tuesday 09.07.2019



Government has commenced initiatives towards promoting public private partnership in development of railway infrastructure in our country. The railways ministry is planning to standardize tender norms for rolling field for local and global players, but multinationals must contribute to the Make in India plan to be able to participate in tenders. Though it is a welcome move but a balance needs to be maintained in a way that private companies in our country are able to function freely with their global partners for the real objective of wholesome development of railway infrastructure and injecting the sector with latest technology.

NATCO V/S BMS

Ref: Mint, Tuesday, 23.07.2019



Natco Pharma Ltd was granted interim relief by the Delhi high court in a patents battle, with the court setting aside an injunction petition filed by Bristol-Myers Squibb (BMS) seeking to protect its anti-coagulant Apixaban against Natco's Apigat. Natco had launched its generic version which was objected by BMS, arguing that its product is patented till September 2022. Natco had contended that Apixaban, which is used in the prevention and treatment of blood clots, was already disclosed in an earlier patent filing by BMS and, hence, the new patent claim was not valid for protection. Natco had also filed a lawsuit in

Hyderabad court earlier, seeking clarification. It also filed a petition before the Intellectual Property Appellate Board seeking revocation of the suit patent.

12-YEAR-OLD OFFERS INNOVATIVE SOLUTIONS

Ref: The Economic Times, Monday, 29.07.2019



A 12-year-old student of Nagpur has innovated and developed mobile application for monitoring traffic violations in real time and includes tools like a seatbelt sensor, breathalyzer, heart rate analyzer, and CPU, designed to store information and alert the authorities for which patent applications have also been filed. Minister of Road, Transport Mr. Gadkari has assured the approvals for this technology for implementation.

INDIAN DATA LAW AND GDPR

Ref: The Economic Times, Monday, 30.07.2019



India will approach the European Union seeking 'adequacy' status that refers to both parties recognizing each other privacy protections. This adequacy status with the General Data Protection Regulation (GDPR) will be effected after the legislature passes its own Personal Data Protection Bill. The reciprocal recognition of data protection equivalency is expected to reduce the compliance burden and give the outsourcing and technology industry a leg-up in attracting clients from Europe.

Adequacy status will give EU companies comfort in sending data to India. Though compliance requirements of the data protection legislation will initially increase costs, but at the same time it will equip India to become a responsible global digital hub in the long run.

PENALISED FOR FALSE PLEA

Ref: www.livelaw.in, 09.07.2019



Delhi HC imposes Rs 50,000 cost on woman for filing false sexual harassment plea

The court said there was no merit in the woman's petition in which she has challenged the 2012 order of the internal complaint committee (ICC).

Recently in the case of Anita Suresh v Union of India & Others dated 9.7.2019, the Delhi High Court has fined the female petitioner with an amount of Rs.50,000 for raising a false plea of sexual harassment. The complaint filed by the woman was subject of scrutiny under internal complaints committee. High Court dismissing the same found no merit in the allegations and ordered the petitioner to deposit a sum of Rs. 50,000 with the Delhi Advocates Welfare Trust within four weeks. This judgement comes as a breather to the lot that has been reeling under the pressure of our system on account of false complaints and misuse of beneficial legislations. The message will surely be sent out loudly and clearly to the ones who attempt to use the court and law for their own benefit.

AMWAYS SHERLOCKIAN VENTURE

Ref: spicyip.com, 09.07.2019



In the case of Amway India Enterprises Pvt. Ltd. v. IMG Technology Pvt. Ltd & Anr., Delhi High Court has passed a restraining order with respect to various e-commerce platforms being Amazon, Flipkart and Snapdeal among them from permitting sellers from supplying products on those platforms unauthorized by the Claimants. The court categorically held that these will naturally qualify as infringement if the original sale does not bear the Claimant's consent. While discussing and clarifying Direct Selling Regime, the court went on to elaborate on Section 30 (4) of the Trademarks Act which recognizes that, while the Claimant may have extracted its commercial reward from the product at the point of first sale, it retains a legally protectable interest in the product if it is ultimately delivered in such a condition that would harm its value or goodwill in the market. In effect, it protects the right of an infringement Claimant to file suit purely on dilution grounds.

**WILFUL DISOBEDIENCE
PARAMATERIA FOR VIOLATION
Ref: www.livelaw.in, 22.07.2019**



The Apex Court in the case of UC Surendranath v. Mambally's Bakery dated 22.7.2019 has stated that in order for a person to be charged guilty for disobedience under CPC, the same has to be in the nature of wilful disobedience rather than mere disobedience. In the instant case, an order of injunction was passed by trial court, restraining Surendranath from passing off goods by using the trademark or from wrongfully selling a product by the name of Mambally's Bakery. The report presented by Commissioner revealed a big hoarding with name "Mambally's Bakery" displayed in front of his shop and the same was

treated as wilful disobedience resulting into an order by the court granting imprisonment of one week to Surendranath.

**COPYRIGHT FOR FILMS UPHELD
Ref: www.livelaw.in, 01.07.2019**



Delhi High Court in the case of MRF Limited v. Metro Tyres Limited dated 1.7.2019 clarifying the position of law with respect to copyright infringement of cinematographic film has held that copyright protection of a film is at par with that accorded to literary works. This case was filed on the grounds that respondent's act of copying the advertisement of petitioner amount to violation of copyright because an advertisement falls within the ambit of 'cinematographic film' as per the provisions of Copyright Act. As far as the expression "to make copy of the film" in Section 14 of the Copyright Act is concerned, the same does not refer to just making a physical copy and duplication but the court has to take into consideration the foundation and substance of both films or advertisements to reach to this conclusion.



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