

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

**KEY ISSUES IDENTIFIED FOR SOCIAL MEDIA LAW**

Ref: [hindustantimes.com](http://hindustantimes.com), Monday, 03.01.2022



Considering the digital revolution that has engulfed all corners of our society today, a hearty discussion on child safety and content moderation in the wake of growing cybersecurity challenges will play a crucial role in formation of international standard law for social media companies that is being widely debated. This law which is being deliberated upon within the Ministry of Electronics and Information Technology is also expected to include user harm regulation and response, definitions as well as regulation of high-risk artificial technology and privacy concern surrounding new equipment such as wearable devices. Though there are many advantages of digital revolution but challenges like user harm, security and child safety need immediate response as well as attention. As we move forward, it's imperative to work on creating a safe cyberspace where dignity and respect for life are accorded primal significance.

**CONSPIRACY TO STEAL TRADE SECRETS LED BY CHINESE NATIONAL**

Ref: [justice.gov](http://justice.gov), Thursday, 06.01.2022



Importance of protecting trade secrets assumes larger significance as recently a Chinese national

pleads guilty of committing economic espionage. Stealing of trade secrets from Mosanto to benefit one's own government, People's Republic of China in present case is being considered as a crime endangering the security of United States as a country. Getting embroiled in law suits after theft of important intellectual property cannot substantiate for the loss which can hardly be covered in monetary terms. In case of sensitive matters where IP is concerned corporates, organizations and companies must adopt a proactive approach to safeguard and adequately protect IP. A punishment of 15 years in prison along with being slapped with a fine of \$5million is definitely a good example for negative elements in society but the question still remains if any punishment is enough in cases where the damage cannot be measured in monetary terms.

**BUILDER'S LIABILITY ON ACCOUNT OF FAILURE TO PROVIDE OCCUPANCY CERTIFICATE**

Ref: [business-standard.com](http://business-standard.com), Thursday, 13.01.2022



The Supreme Court in a recent ruling has shared that any failure on builder's part to obtain occupancy certificate shall be considered as a deficiency in service under Consumer Protection Laws. In this case, members of a society were charged property tax 25% higher and water tax too was charged at a rate higher than the normal. Members of society were held to be "consumers" as per legal definitions under Consumer protection laws and hence they were well within their rights to pray for compensation. This case titled Samruddhi Co-operative Housing Society Ltd. v. Mumbai Mahalaxmi Construction Pvt.

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Ltd. is definitely a welcome sign for unorganized Real Estate Sector where many innocent buyers end up becoming scapegoats.

**AQUACONNECT- THE MOST INNOVATIVE AGTECH STARTUP**

**Ref: [thehindubusinessline.com](http://thehindubusinessline.com), Saturday, 15.01.2022**



Aquaconnect has recently won the “Most Innovative Agtech” (Mature Startup) Award at fourth edition of FICCI Summit and Awards this year. Aquaconnect which was founded in the year 2017 works with fish and shrimp farmers to improve farm productivity, financial access and market linkage through intelligent technology solutions. Stakeholders in value chain usually include feed producers, farm equipment manufacturers, banks, insurers, importers, processors, exporters along with certifying bodies. Aquaconnect has been able assist more than 60,000 farmers in India while bringing great transparency for BFSI (Banking, Financial Services and Insurance) stakeholders.

**NCDRC ISSUES DIRECTIONS FOR COMPUTING LIMITATION PERIOD**

**Ref: [livelaw.in](http://livelaw.in), Sunday,16.01.2022**



Due to a rapid spike in COVID-19 cases, the Apex Court restored its ruling easing the limitation term to file claims dated 23.03.2020 on 10.01.2022. The period ranging between

15.03.2020 to 28.02.2022 has been excluded from computation of limitation period specified under any general or special law in respect of all judicial or quasi-judicial actions. NCDRC’s joint registrar has issued instruction for compliance and computation of limitation period thereafter. Further, this order also clarifies that directions issued by the Apex Court shall not be applicable in matters filed/instituted against orders passed by State Commission on or before 01.03.2022. Standard procedures will apply in these cases.

**INFRINGING SHINE BRAND BARRED**

**Ref: [livemint.com](http://livemint.com), Sunday,16.01.2022**

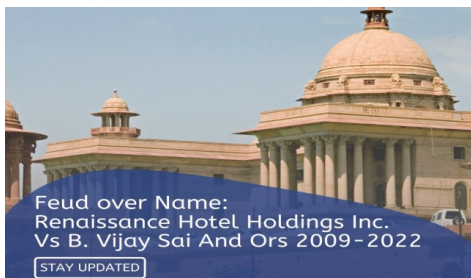


The Delhi High Court in its interim order has restrained unauthorized use of Shine, the job portal venture of HT Media. Shine is a career management website that provides opportunities for job seekers and helps users in building skills while also acting as a one-stop destination for recruiters to find up-skilled companies. Unauthorized use of Shine trademarks as well as unauthorized reproduction and infringement of copyright in the contents and “look and feel” of website have all been barred. In addition, the court has also ordered Cyber Cell of New Delhi to probe the illicit activities of defendants and internet service providers have been ordered to block access to websites through which they have been operating.

**RENAISSANCE V. SAI RENAISSANCE**

**Ref: [timesofindia.indiatimes.com](http://timesofindia.indiatimes.com), Saturday, 22.02.2022**

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13 years old legal battle between US-based multinational company “Renaissance”; a chain of 160 luxury hotels across the world culminated in a win over trade - marks and brand rights over “Renaissance” against an Indian firm. The Apex Court while clarifying the principles of trademark law held that it becomes appropriate to issue an injunction once it is proved that defendant is improperly using the trademark of the plaintiff. The court held that the mark “RENAISSANCE” and “SAI RENAISSANCE” are phonetically as well as visually similar and the use of mark “SAI RENAISSANCE” is creating confusion in the minds of consumers.

**FALSE CASES UNDER POSH ACT**

**Ref: [financialexpress.com](http://financialexpress.com), Thursday, 27.01.2022**



Delhi Police registered an FIR against Assistant Professor of Delhi University under Sections 354 A and 506 of the Indian Penal Code on the basis the complaint made by his neighbour. His neighbour made serious allegations of sexual harassment and criminal intimidation. When the petition for quashing FIR reached courts, it was revealed that accused and complainant had long standing disputes relating to residential property. The accused in his defence maintained that this

case has only been registered against him as an arm - twisting tactic. The Delhi High Court while quashing the criminal proceedings observed that false FIR’s lodged as a counterblast hamper the cause of women empowerment and trivialize the offence of sexual harassment. This case is yet another incidence of misuse of the legal machinery to further one’s motives. The system and practices will change only when people want to change.

**APPLICABILITY OF POSH TO GIRL STUDENTS**

**Ref: [barandbench.com](http://barandbench.com), Friday, 28.01.2022**



Calcutta High Court in the case titled Pawan Kumar Niroula v. Union of India and others has unequivocally pronounced that provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 will also be applicable to girl students of a school. While observing that definition of “aggrieved woman” will include within its ambit students at a school. The order of suspension too had been illegal ab initio as it extended beyond a period of 90 days which is prohibited under law. Suspension order was thus quashed and petitioner was ordered to be reinstated within one month with clearance of all back pays within two months of his joining.

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**BOTLAB DYNAMICS LEADS DRONE  
SHOWS IN INDIA**

Ref: [theprint.in](http://theprint.in), Sunday, 30.01.2022



The drones used during Beating the Retreat ceremony are a brainchild of a start-up BotLab Dynamics incubated at IIT, Delhi. This start-up which is led by two IIT Delhi alumni builds drone technology solutions and designs both hardware and software in-house. BotLab was also granted another seed fund of Rs. 1 Crore by research and development wing of DST and subsequently given Rs. 2.5 crore by the Centre's Technology Development Board through IHFC at IIT Delhi. The fact that now India can conduct spectacular drone shows so successfully by harnessing potential from within the country is a great sign of growth and determines the successful path start-ups are destined to walk in the near future.

**INDIA'S GROWTH AT GLOBAL SCALE**

Ref: [economictimes.indiatimes.com](http://economictimes.indiatimes.com), Monday, 31.01.2022



While the number of patents that have been filed in India have increased from 39,400 in 2010-11 to 45,444 in 2016-17 to 58,502 in 2020-21, the number of granted patents too have seen a sharp spike from 7,509 in 2010-11 to 9,847 in 2016-17 to 28,391 in 2020-21. The growth rate in granted

patents can further increase by increasing the number of examiners and reducing application process time. The fact that India's Global Innovation Index ranking has climbed 35 ranks to touch rank 46 in 2021 is indeed a welcome sign of remarkable progress but India is still lagging behind when compared with China, USA, Japan and Korea. Procedural delays, complicated process and low expenditure in Research and Development need to be addressed in order to keep pace with technological and digital revolution that has set in the world. Considering the fact that India has become third-largest start-up ecosystem globally after US and China, the need of the hour is to find solutions to fast track the process of granting patents and reducing pendency by hiring required staff.



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

**Telephone No:**

**Delhi - 011 - 49122916; 9910734340**

**Chandigarh - 0172-2544552**

**Email: [info@knowledgentia.com](mailto:info@knowledgentia.com)**

**Website: [www.knowledgentia.com](http://www.knowledgentia.com)**

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