

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

LIVE SESSION WITH SACC INDIA
Friday, 23.09.2022

MENTOR CONNECT



Common LEGAL Issues In Building Startup

Tips & Tricks for startup & scale-ups when it comes to collaborating with companies, Vendors, and supplies

MENTOR
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VENUE
Startup Incubator Cum Centre of Excellence,
Govt P.C College Sector-1, Panchkula

DATE
23rd September 2022, Friday

TIME
01:00 PM ONWARDS

Organizers **In Association with**

    /saccindia

KnowledgeGentia Consultants conducted a session for all members of SACC India. Being a mentor KnowledgeGentia discussed legal compliances during the session held on 23.09.2022 relating to start ups including but not limited to Company structure, Contracts while deal with suppliers and business partners and Intellectual Property for Product Development. The session evoked great response from budding start-ups and ended with a clear way forward for all participants.

KNOWLEDGENTIA AND RGNUL COLLABORATE FOR POSH TRAINING
Saturday, 24.09.2022



KnowledgeGentia Consultants in collaboration with Rajiv Gandhi National University of Law conducted a POSH training workshop to raise awareness about addressing sexual harassment issues at Institutes of higher education on 24.09.2022. An environment that encourages learning and development for all staff and

students is collective responsibility of all and coming together for such workshops can certainly be a crucial step towards creating a dignified world for all.

MEDIA RESTRAINED FROM REVEALING IDENTITY OF VICTIMS OF SEXUAL VIOLENCE

Ref: livelaw.in, Sunday,04.09.2022



In the case titled State v. Arulnatham, 2022 SCC OnLine Mad 4391, Madras High Court passed an order restraining print and electronic media from publishing, telecasting or broadcasting any materials pertaining to deposition of victims or any witness; identities of victims, their family members and witness either in morphed or blurred form in all matters pertaining to sexual abuse and sexual violence. This order was passed in the light of a weekly magazine publishing intricate details pertaining to the case as a result of which the court ordered the impleadment of the magazine for violating Witness Protection Scheme.

LIMITATION FROM THE DATE OF PREPARATION OF CERTIFIED COPY

Ref: livelaw.in, Monday, 05.09.2022



NCLAT in a recent case titled Wadhwa Rubber v. Bandex Packaging Ltd., Company Appeal (AT) (Ins.) No. 576 of 2021 held that limitation is to be counted not from the date of delivery of certified copy but from the date of preparation of

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the certified copy. This order was made in a case where appeal was filed against an order dismissing application filed under Insolvency and Bankruptcy Code, 2016.

GST NOT LEVIABLE ON EMPLOYEE'S PORTION OF CANTEEN CHARGES

Ref: livelaw.in, Tuesday, 06.09.2022



Gujarat Authority for Advance Ruling has upheld that Goods and Services Tax is not leviable on amount representing the employees' portion of canteen and transportation charges, which is collected by the applicant and paid to the third party and as provision of services of transports and canteen facility to its employees is as per contractual agreement between employer and employee, such provisions cannot be subjected to GST. It was also held that the provisions relating to canteen facility is a welfare measure and hence doesn't fall within the purview functioning of business. With respect to transport services, it was clarified that arranging for the same is neither a supply of service or an activity which is incidental or ancillary to the activity of manufacturing the industrial and specialty intermediates and nor can it be called an activity done during or in furtherance of applicant's business as it is not integrally connected to the business in such a way that without this the business will not function.

TRADEMARK INFRINGEMENT SUIT REFERRED FOR MEDIATION

Ref: scconline.com, Monday, 12.09.2022



In a suit titled, Sunshine Teahouse Pvt Ltd. v. MTRM Global Pvt Ltd, 2022 SCC OnLine Del 2831, viewing a possibility of amicable resolution of disputes between the parties, the Delhi High Court directed them to resolve their dispute through mediation. The suit was filed by proprietors of CHAAYOS seeking permanent injunction for infringement of trademark by the defendant operating under the name and style CHAIPOPS. The Plaintiff's brand in this case 'CHAAYOS' was established and started operations in the year 2012 being a leading chain of Chai Cafes in India operating in various States across the country through 200 outlets offering customized Chai in several variants. Though there is no similarity between the device mark and logo but the phonetic and ocular similarity pushed the court to encourage the parties to resolve the matter between themselves.

DEPRIVING JUVENILES OF THEIR PERSONAL LIBERTY

Ref: deccanherald.com, Tuesday, 13.09.2022



Lack of awareness regarding child rights resulting into lodging juveniles in adult prisons by officials of juvenile justice system is leading to grave deprivation of their personal liberty as

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noted by the apex court recently. It's important that appropriate training be given to specific department officials in order to prevent irreparable harm. Such important observations by the Apex Court must be treated as warning alarm by respective authorities to make important amends in prevailing system.

STRICT IMPLEMENTATION OF POSH LAW

Ref: economictimes.indiatimes.com, Monday, 19.09.2022



The Delhi Commission for Women while submitting a report to the government has pointed out many lapses in implementation of POSH Act. This law mandates constitution and proper functioning of Local Complaints Committee in every districts. These committees can receive complaints of sexual harassment from workplaces where internal complaints committee has not been established owing to less than 10 workers or in cases where complaint is against the lawyer himself. In the report it was revealed that only 40 complaints were received between 2019-2021. Further, it was also reported that complaints received were not being dealt with in a time-bound manner. The law also gives instruction to the chairperson of LCCs to be nominated among notable women in the field of social work, which was not being taken up by many districts with many districts not having external members from reputed NGOs. The report further said the committees have not been provided proper dedicated office space, budget, and staff. The lack of awareness about the existence of these committees with the DCW could also be one of the reasons for low filing number.

TATAS' APPEAL AGAINST "TATA COIN" ALLOWED

Ref: economictimes.indiatimes.com, Monday, 19.09.2022



Delhi High Court in the case titled Tata Sons Private Limited v. Hakunamatata Tata Founders and Ors, allowed an appeal by Tata Sons granting injunction restraining Hakunamatata Tata Founders and others using the former's trademark for doing online trading in cryptocurrency TATA Coin. In its order, the court clearly stated that since the mark "TATA" is known for its quality of goods and services; any dubious and inferior products sold through respondent's website is bound to seriously damage the credibility of brand as a whole. Being embedded in public consciousness, in India the word Tata is only relatable to TATA GROUP. Moreover, this is the case where people behind the website are stated to be UK Nationals of Pakistani origin which makes the whole motive behind operation of these websites suspicious.

INJUNCTION GRANTED IN FAVOUR OF INDIAMART

Ref: sconline.com, Tuesday, 20.09.2022

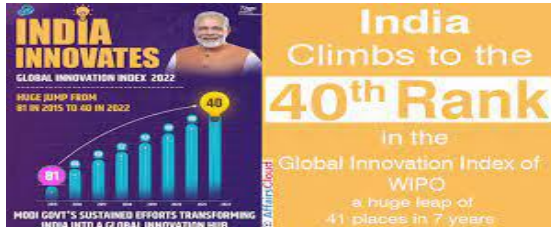


In the case titled Indiamart Intermesh Limited v. Samir Samim Khan, 2022 SCC OnLine Del 2965, the Delhi High Court granted injunction

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restraining defendant from using the mark and domain name “INDIAMART” on account of passing off and indulging in fraudulent business activity by showcasing himself as plaintiff’s representative and collecting various sums of money by allegedly offering job opportunities. The court in this case also directed MEITY/DOT to issue blocking orders within 24 hours of the receipt of present order and GO DADDY LLP to lock and suspend the concerned domain name.

INDIA CLIMBS TO 40TH RANK -GLOBAL INNOVATION INDEX OF WIPO
Ref: pib.gov.in, Thursday, 29.09.2022



Global Innovation Index is a tool for governments across the world to reflect upon policies and their impact. In India innovation has been a catalyst for the growth of Indian economy and society and India climbing to 40th rank in GII index of WIPO is a proof of the progress in this aspect. India’s ancient scientific prowess is being affirmed with the fact that we have recently established the first of its kind Global Centre for Traditional Medicine in collaboration with WHO. With India being 3rd largest start-up ecosystem and home to over 100 unicorns has further proved its mettle as a hub of innovation and creativity. Undertaking structural reforms to strengthen IPR regime including modernization of IP office, reduction in legal compliances and facilitating IP filings for start ups , women entrepreneurs and small industries is sign that India now is making a fast transition towards a knowledge based economy.

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