

KNOWLEDGEATE® -SEPTEMBER 2024

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL PROPERTY MATTERS

USFDA APPROVES BIOCON GENERIC DRUG

Ref: Business Standard, Monday, 02.09.2024



Biocon recently received grant of approval US FDS for marketing its generic medication for treatment of chronic heart failure. Biocon Pharma has received approval of its ANDA for Sacubitril/Valsartan Tablets, in 24 mg/26 mg, 49 mg/51 mg and 97 mg/103 mg strengths from the US food and Drug Administration (USFDA), the company stated in a regulatory filing. This would open doors for other pharma companies for generic medicines marketing.

AI IMAGE TOOLS FOR CONTENT ISSUES

Ref: Hindustan Times, Tuesday, 03.09.2024



Artificial intelligence image generators are testing the boundaries of the platforms' policies and their ability to control the outcome of these technologies. The tools have the potential to spread misinformation during an election cycle and the content moderation is not that effective as per experts in this field. A newly released AI image generator from Elon musk's xAI does. The start-up was criticized by tech industry watch dogs after it unveiled a large language model called Grok-2 with image generating capabilities earlier in August. AI image generators are likely to face the same issues that traditional social media has, with people using the tools to make deep fakes and spread misinformation A Google spokesman said the company was "continually enhancing and refining the safeguards we have in place. Legal questions beyond ethical quandaries, questions remain about the companies' potential legal liabilities in such matters which would be adjudicated soon as their use in various arenas is rampant.

HUL VS ABBOTT

Ref: Hindustan Times, Wednesday, 04.09.2024



The Bombay High Court on Thursday granted temporary relief to FMCG major Hindustan Unilever Ltd. (HUL) in a plea seeking an injunction against Abbott Laboratories for allegedly denigrating its product, Horlicks Diabetes Plus. The Court found that all parameters for grant of interim relief were present and thus granted injunction. HUL said it came across an advertisement for Abbott's product Ensure Diabetes Care, in August 2024 and was being circulated across through various modes. The advertisement shows HUL's product (a Blurred image) being shrugged and replaced with Abbott's product, making Horlicks Diabetes Plus seem like an inferior or useless product, HUL alleged. Though HUL's legal representative immediately reached out to Abbott and sought a clarity on the issue, it failed to get any substantial response. Consequently, HUL wrote an email to Abbott on 26 August 2024. Thus, the present matter was brought before the Hon'ble Court.

CASE TITLE: GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION LTD. & ANR. Vs TERRE PRIMITIVE & ORS. CS(COMM) 768/2024 & I.A. Nos. 38737/2024, 38738/2024 & 38739/2024

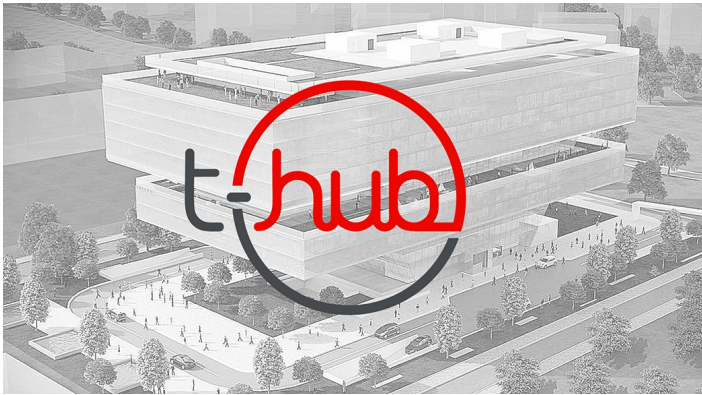
Ref: Monday, 09.09.2024



The Hon'ble Delhi High Court in a recent order provided ad interim ex parte injunction in favour of Gujarat Co-Operative Milk Federation Ltd (hereinafter 'plaintiff') for their well known and established brand AMUL against the impugned mark – AMULETI which was being marketed through the website www.terreprimitive.it. The Plaintiff use since 1958 was upheld and it being well known too since 2015. The defendants were thus restrained vide an ex parte injunction to take down the listings, immediately surrender all goods and marketing materials and all supplemental usages of the infringing impugned mark. The said order is a victory for the AMUL Brand

START-UP INCUBATOR T-HUB TO BACK 23 IDEAS

Ref: Hindustan Times, Tuesday, 10.09.2024



Start-up incubator T-Hub announced the launch of AICT-Hub lab 2 market programme, which aims to transform ground breaking research into market ready innovations. Of the 200 applicants, 23 start-ups have been chosen for the first cohort of the programme. The programme offers a pathway for researchers and innovators to translate their ideas into commercial successes by focusing on two key objectives, that of developing minimum viable products and converting them into scalable start-ups. Selected start-ups include Declutter Solutions, ASMI innovations, Bharat Plastipay, The Hydrogen Ecosystem, Abe Bikes, Snart Kosh, Glass mart, Win health, RhythmX, Cardiac Rehab and Transcript Life Science.

PURVIEW OF COMPETITION ACT OVER 2000 CRORES

Ref: Business Standard, Tuesday, 10.09.2024



Competition Amendment Act, 2023 has finally made provision of Deal Value Threshold (DVT) and incorporated that the mergers and acquisitions of the value of Rs. 2000 Crore will fall within the ambit of the Act. The accompanying regulations for this provision are expected to be issued soon by the competition commission of India (CCI). The MCA's regulation for M&As, including the DVT comes more than a year since the Competition Amendment Act 2023 became a law following the president's assent in April;2023. Besides the DVT, the MCA has also notified that a company will be considered an affiliate of another enterprise if the latter has the right of ability to access commercially sensitive information, holds 10 per cent or more of the shareholding or voting rights, or has representation on the board as a director or observer. The implementation and efficacy of this amendment will be reflected after some transactions are through these provisions.

IC814 NETFLIX UNDER LEGAL SCANNER

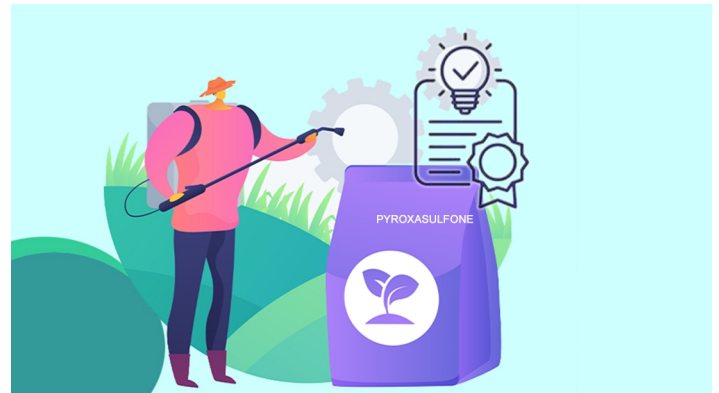
Ref: Business Standard, Tuesday, 10.09.2024



ANI has sued Netflix producers of IC 814 web series, asking for four episodes to be taken down as the used ANI content without permission. The series had been embroiled in controversy since its release.

PI INDUSTRIES PATENT EXPIRY

Ref: Hindustan Times, Wednesday, 11.09.2024



Agrochemical company PI Industries Ltd is facing headwinds as its key customer, Kumiai Chemical, reported modest revenue growth for the quarter ended July and indicated a weaker October quarter. Kumiai accounts for over half of PI's total sales. Another worry is the patent expiry for its key product, pyroxasulfone, and the likely entry of Chinese firm which has received approval for its manufacturing. However, the immediate impact may be limited, as the product is sold on cost-plus basis. Also, PI has made an offer to Acquire Plant health Care (PHC) plc, a UK-based company in the crop protection business, for 32.8 million (about 360 crore). Amid various uncertainties on business prospects, PI's share have gained 28% in the past one year, lagging the Nifty 500's 34% rise. The stock trades at a price to earnings multiple of 41.5x based on FY25 estimates. How market dynamics evolve for its key product would be crucial ahead for both the investors and key founders.

INDIA EYE 10% OF 6G PATENTS

Ref: Hindustan Times, Thursday, 12.09.2024



After the fastest 5G rollout, India is targeting a tenth of all worldwide patents in sixth generation mobile services. India has emerged as a beacon of hope and stability amid tremendous amount of global economic and social turbulence, the minister said. The fact that India today is the second largest of producer of mobile phones in the world is a testimony of the same, Scindia said.

UCC, FASTER LEGAL REVIEW ON NEW LAW COMMISSION'S LIST

Ref: Hindustan Times, Thursday, 12.09.2024



The newly notified law commission is likely to focus on creating faster legal review procedure, and take up issues that the previous commission was tasked to look at, such as the viability of the controversial Uniform Civil Code(UCC). A key priority for the 23rd law commission would be to draw up a standard operating procedure (SOP) for reviewing laws. It is also likely to take up issues that it was previously working on such as the UCC, to official told Mint. The law ministry has not yet received the commission's report on UCC, one of the officials added. Law commission provide an overall review of current legislation, as well as deliver reform proposals in specific domains. A faster legal review would ensure a comprehensive study of the impact of such legislation, according to experts.

ONLINE HEARINGS FOR COMPANY MATTERS BY MCA

Ref: Hindustan Times, Thursday, 13.09.2024



Adjudication of offences related to the companies Act and the Limited Liability Partnership Act will entirely be in virtual mode from 16 September, 2024 marking a big shift in the way officials of the ministry of corporate affairs enforce compliance. Under the Companies (Adjudication of penalties) Amendments Rules, 2024, all proceedings by registrars of companies and regional directors will now take place in electronic mode and only through the e-adjudication platform developed by the government. This would definitely expedite the matters and reduce pendency manifold. With about 1.8 lakh new companies and about 70,000 limited liability partnership getting added to the official registry every year, this policy shall ensure e-adjudication to make governance simpler.

GILEAD WANT HIV DRUG PATENTED

Ref: Business Standard, Wednesday, 18.09.2024

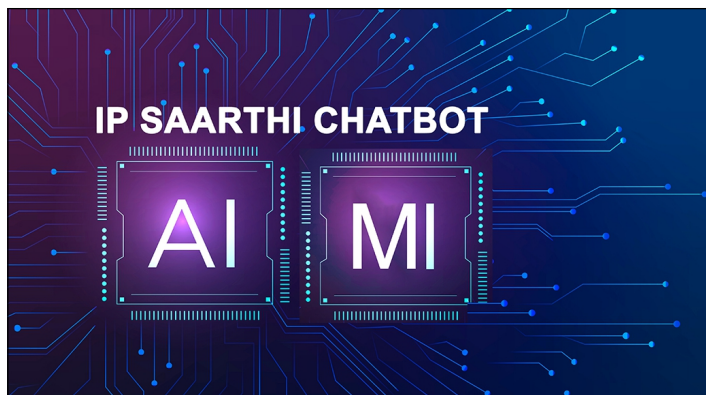


GRANT PATENT OR NOT?

The Indian Patent Offices is set to hear objections against patent claims filed by Gilead for its HIV prevention drug "Lenacapavir". A civil society Sankalp Rehabilitation Trust, has been working with vulnerable populations and argues that such patent application could impact access to affordable treatment in India and would hinder access to affordable generic versions of the drug. According to UN agency UNAIDS, this medicine has a potential role to eradicate or reduce HIV and AIDS. The opposition to Gieald's patent applications in India is part of a larger global movement. Public health groups in countries, including Argentina, Thailand, and Vietnam, have filed a total of nine patent challenges against Lenacapavir, as part of the Make Medicines Affordable" campaign. Once the Patent office adjudicates the opposition, then we would have better clarity.

LAUNCH OF IP SAARTHI

Ref: ipindia.gov.in, 18.09.2024



The Minister of Commerce and Industry, Piyush Goyal, announced AI and ML based Trademark search technology on September 18, 2024 enabling users to get a faster clearance of Trade Mark applications in effective manner and it will resolve the existing conflicts related to the Trade Mark search. The tool will include the official languages that would make the present module a more accurate and efficient that will protect a mark from getting infringed by other languages. This step will be a benchmark in the world. The new technology enables users to search a trademark by uploading a photo or image. This feature will enable the user to identify any similar trademark to the image or logo that is not the feature of the existing Trade Marks public search which mainly rely on word search and also have an option of voice activated queries.



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