

KNOWLEDGEATE® -NOVEMBER 2024

IMPARTING KNOWLEDGE ON LATEST CORPORATE LEGAL AND INTELLECTUAL
PROPERTY MATTERS

PROHIBITION ON THE USE OF THE WORDS INDIA, NATIONAL

Ref: 15.10.2024, CIRCULAR NO. BCI:D:5386/2024,



The Bar Council of India (BCI) has recently issued a directive prohibiting legal educational institutions, private organizations, and similar entities from using terms like "India," "Indian," "National," "Bharat," "Bharatiya," or "Rashtriya" in their events, such as conferences, moot courts, or mock courts. This restriction, grounded in the Emblems and Names (Prevention of Improper Use) Act, 1950, aims to prevent unauthorized uses that imply government endorsement or national status. Recent misuse of these terms has caused public confusion, often leading participants to mistakenly believe these events have national or government approval, sometimes exploiting this perception for sponsorships. The BCI emphasizes that only statutory bodies, such as the BCI itself, National Law Universities (NLUs), and law departments in Central or State universities, may use these terms, provided they have informed the Central Government. Non-compliance may result in revocation of recognition, disqualification from future event hosting, or legal action. The directive seeks to protect the integrity of genuinely national events and prevent misleading representations.

REDUCE JUDICIAL INTERVENTION IN ARBITRATION

Ref: 04.11.2024, Monday, Hindustan Times



Arbitration one of the most crucial pillars of Alternative Dispute Resolution (ADR) has been misused and the foundation on what it was legislated gets defeated with delays due to judicial interventions. That

various councils, practitioners and experts opine that the proposed amendments should include provisions to minimise court intervention as at the outset litigants have decided to settle out of court through arbitration. It has been suggested that the government provide powers to Arbitrators to gather evidence as that is essential for resolution of dispute. However, at the same time judicial intervention and procedure of arbitration have to be balanced so that justice is delivered to the parties with a transparent and unbiased manner. Though we have had statutes since more than a few decades its effectual implementation is still a long journey.

SUN PHARMA DRUG IN LEGAL BATTLE

Ref: 05.11.2024, Tuesday, Business Standard



Sun Pharma has been enjoined by a US court to launch its drug "Leqselvi", a medication for treatment of alopecia areata. This ailment being an autoimmune disease is being evaluated by the research and development of various pharma companies. Incyte Corporation has filed a patent infringement suit wherein it alleges that the said drug of Sun Pharma is infringing its patent which is validly subsisting till December 2026. Sun Pharma had acquired Leqselvi through its 576 million acquisitions of Concert Pharmaceuticals in March 2023 and had received the US Food and Drug Administration (FDA) approval for the drug in July 2024. However, with the order the company can only launch after it receives a favourable order or the term of the Patent expires.

INDIA HEADING THE SOLAR ALLIANCE AGAIN

Ref: 05.11.2024, Tuesday, Hindustan Times



India and France have been re-elected as president and co-president respectively of the International Solar Alliance (ISA) till 2026. While India was the sole contender for the post of president, the co-presidency was contested by France and Grenada. Mr. Joshi, Minister who is also the president of the ISA Assembly said the group has completed 21 out of 27 demonstration projects. "Solar energy, once just a vision, is now a powerful reality, leading the world toward a cleaner and more sustainable path. The progress we've made together is undeniable, and the true potential of solar energy is unfolding, showing us just how transformative it can be. As a coalition of 20 member and signatory countries, ISA has been at the forefront of mobilization resources and facilitating the deployment of solar projects worldwide, particularly in Last Developed Countries (LDCs) and small Island Developing States (SIDS)," Mr. Joshi said.

MEGA STUDY OF COVID 19 SAMPLES TO BE PANDEMIC READY BY INDIA

Ref: 05.11.2024, Tuesday, Hindustan Times



Department of biotechnology, India is commencing a mega study of thousands of samples and clinical material collected during Covid-19 to help scientists understand the susceptibility of individuals and changes in metabolic activity that will be useful in fighting future pandemics. The department will the Indian SARS-CoV2 Genomics Consortium (INSA COG), a group of 54 laboratories, the mandate to carry out of the study. The aim to understand the background science behind the infections; the immunological basis for the susceptibility to different individuals, how viral evolution takes, place metabolic activity and their association with specific changes that occur in infected people even today. That over 200

different symptoms have been reported around the world under Covid. About 33,000 SARS CoV-2 genomes have been sequenced and analysed by INSACOG labs since they were set up in December 2020 with the mandate to ascertain the status of variants of interest and variant of concern in the country. The labs also had to establish sentinel surveillance and surge surveillance mechanism for early detection of genomic variant and determine their presence in samples collected during super spreader events and areas reporting an increasing trend of cases/deaths. While most countries have already initiated retrospective studies, India's plan is to repurpose the samples in the best possible way so as to handle the future pandemic with utmost expeditious results and medication.

GOVERNMENT CANNOT ACQUIRE ALL PRIVATE PROPERTIES

Ref: 06.11.2024, Wednesday, Business Standard



Recently, the Hon'ble Apex Court has intervened and held that not every resource can be used for wealth distribution amongst the community as a whole. In a majority judgement by a nine judge Bench, the Supreme court stated that private properties are not part of "the material resources of the community" which the State is obliged to equitable redistribute as per the Directive principles of State Policy under Article 39(b) of the Constitution. "The interpretation of Article 39(b), both as a precursor to the protection of Article 31C and as an aspirational Directive Principle, cannot run counter to the constitutional recognition of private property. To hold that all private property is covered by the phrase "material resources of the community" and that the ultimate aim is state control of private resources would be incompatible with the constitutional protection detailed above," it said. Article 31C protects laws enacted to ensure the "material resources of the community" are distributed for common good. The apex court held some private proprieties may come under Article 39(b) provided they are material and belong to the community. Article 39(b) says the State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to sub serve the common good. Since the 44th Constitution Amendment in 1978, the right to property is no longer a fundamental right, but it continues to be a constitutional right. Article 300A of the Constitution of India says "no person shall be deprived of his property save by authority of law". This judgment has been a relief to private owners who were being targeted by authorities to some extent.

DCGI – RULES FOR IMPORT OF COSMETICS

Ref: 06.11.2024, Wednesday, Hindustan Times



India has recently issued strict rules for import of Cosmetics under Drugs Controller General of India (DCGI) wherein No cosmetics can be imported unless the 'use by' date is at least six months from the date of import. Further, it has banned imports of cosmetics containing hexachlorophene and those that have been tasted on animal after 12 November 2014. It further states that importers of cosmetics needs to apply to the Central Licensing Authority with data on safety and effectiveness of the cosmetic and then only they can import. These would surely reduce the fake imports and thus also have an impact on pricing of foreign cosmetics being made available in India to consumers.

JIIF LEADS PRE SERIES ROUND

Ref: 07.11.2024, Thursday, Hindustan Times



Heliware, a 3D geospatial platform has secured 4 crore in pre-series A funding led by JITO Incubation and Innovation Foundation (JIIF). Others investors include TiE and Vatvistar Ventures. The funds will support the upcoming launch of Heliware's new products, Bhumi Maps, and Bhumi Builder, that help users engage in geospatial analysis and software development. This investment will be for immense growth for the company.

INDIA IN TOP 10 GLOBALLY FOR IP

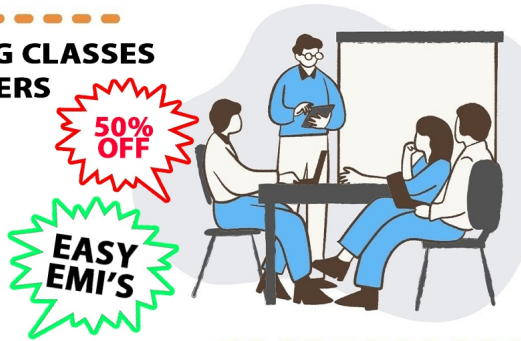
Ref: 13.11.2024, Wednesday, Hindustan Times



India is proud to be in the list of top 10 countries globally in the number of patents, trademarks and industrial design applications, according to the World Intellectual Property Organization's (WIPO) 2024 report on IP trends. The World Intellectual Property indicators report underscores India's rapid progress in the intellectual property (IP) landscape. India recorded the fastest growth among the top 20 origins in patents applications, with a 15.7% increase in 2023, marking its fifth consecutive year of double digit growth in this area, the commerce ministry said in a statement on Tuesday. With 64,480 patent applications, India now ranks sixth worldwide, crossing a notable threshold as Indian filings accounted for over half the total (55.2%) for the first time, it said. This upward trend in patent applications is accompanied by an impressive 149.4% surge in granted patents compared with the previous year, indicating rapid development within India's IP infrastructure. Industrial design applications have also risen by a remarkable 36.4%. Trademark filings, another indicator of the nation's burgeoning IP ecosystem, saw a 6.1% increase in 2023, positioning India forth globally, the ministry said. Almost 90% of trademark applications were filed by domestic entities. India's trademark office now holds the second largest number of active registrations globally, with over 3.2 million trademarks currently in force, it said. India has seen a significant shift in the proportion of resident versus non-resident patent filing over the last decade, reflating a substantial transformation in its IP environment. As per the report, in 2013 resident filings represented only 24.8% of total patent applications. By 2023, however, this distribution reversed; with resident filings climbing to 55.2% this shift highlights the increases prominence of domestic innovation and intellectual property activities, fuelled by various government initiatives such as the 'Make in India' programme, which has encouraged local manufacturing and innovation. The rise in resident filings signifies the strengthening of India's research and development capabilities and a growing recognition of the value of IP protection.

MISLEADING ADS MAKE COACHING CENTRES LIABLE Ref: 14.11.2024, Thursday, Hindustan Times

COACHING CLASSES FAKE OFFERS



IAS coaching institutes will face closure and licence cancellation if found violating new guidelines on misleading ads released recently. The Guidelines for Prevention of Misleading Advertisements in Coaching Sector, 2024, hold coaching centres accountable for false claims regarding course duration, which may mislead students into believing they can complete a programme within an unrealistically short time frame. Further, the institute shall be liable to give refund if they fail to deliver the services claimed in their advertisements. Additionally, coaching facilities will be mandated to sign agreements with aspirants for using their credentials only after they have cleared the prestigious exam, giving successfully candidates more bargaining power in advertisements contracts. Similarly, the advertisement of free interview guidance programmes without clear terms and conditions is prohibited. Coaching facilities must now ensure that their success rates are accurate and based on verifiable data. Thus, disclaimers and important information must be displayed prominently. Furthermore, coaching centres are mandated to accurately represent their facilities, resources and infrastructure, and say if their courses are approved by competent authorities such as the All India Council for Technical Education (AICTE) and the University Grants Commission (UGC). The new guidelines have been issued by the Central Consumer Protection Authority (CCPA), which works under the Department of Consumer Affairs. Recently, the CCPA had issued notices to more than 40 institutes for violating consumer rights with misleading advertisements and unethical tactics. It was quintessential to bring this segment of educational industry within the legal framework.

INDIA SIGNATORY OF RIYADH DESIGN LAW TREATY Ref: 27.11.2024, Wednesday, Hindustan Times



India has signed final Act of the Riyadh Design Law treaty (DLT), reaffirming its commitment to fostering inclusive growth and strengthening its intellectual property (IP) ecosystem. The Treaty, adopted after two decades of the talks under the World Intellectual Property Organization (WIPO), seeks to harmonize industrial design protection processes globally, benefiting stakeholders across industries, including small and medium enterprises. The treaty further encourages the countries to adopt electronic systems for design registration and facilitate the digital exchange of priority documents. India ranks among the top 10 globally for patents, trademarks, and industrial designs, Mint reported on 12 November.

DISNEY SETTLES SUIT FOR PAY DISPARITY ON GENDER BASIS

Ref: 27.11.2024, Wednesday, Hindustan Times



Walt Disney has agreed to pay \$43.3 million to settle lawsuits alleging that its female employees in California earned \$150 million less than their male counterparts over an eight-year period, the plaintiffs' lawyer said in statement on Monday. As part of the settlement, Disney has agreed to retain a labour economist for three years to analyse pay equity among full-time non-union California employees below the vice president level, and address differences, the three law firms representing the plaintiffs said. The suits was originally filed by LaRonda Rasmussen in 2019, after she learned that six men with the same job title earned substantially more than her, including one men with several years less experience, who was earning \$20,000 a year more than she did. Some 9,000 current and former female employees of the entertainment company eventually joined the suit. Disney attempted to stop the class action, but a judge ruled last December that it could proceed. The settlement agreement, which was filed in a California state court, still requires approval by a judge, according to the lawyers.

IIT K TECH OF INVISIBLE JETS

Ref: 28.11.2024, Thursday, Business Standard



High technology cooperation between indigenous defence industry and academia has begun yielding tangible results. Recently, Indian Institute of Technology Kanpur (IIT-K) announced a breakthrough in stealth technology, which would make combat systems like tanks and fighter aircraft invisible, or nearly invisible to enemy radar. Designated a “meta-material surface cloaking system” (MSCS), this has been named the Analakshya by its investors in IIT-K. It is of major interest to the Defence Research & Development Organisation (DRDO) in its development of the Advanced Medium Combat Aircraft (AMCA) a “stealth fighter” that is being engineered to be near invisible to the enemy’s air defence radar. The technology has undergone extensive laboratory and field testing between 2019 and 2024, proving its efficiency across diverse conditions. The system is currently under acquisition by the Indian armed forces, signalling its strategic importance to national security. In a significant move towards industrial production, the technology has been licensed to a private company “Meta Tattva Systems” for its manufacturing and deployment. Stealth systems avoid detection by enemy radar through two devices. First, by engineering its external surface with small jagged panels that scatter radar waves, rather than large flat surfaces that reflect back radar waves to be detected by enemy radar antennae. The second device that radars battlefield system such as the stealth fighters hard to detect is their surface composition.

DR REDDY IMMUNE ONCOLOGY DRUG LAUNCH

Ref: 29.11.2024, Friday, Business Standard



Dr Reddy's on Thursday announced the launch of Toripalimab in India for patients diagnosed with nasopharyngeal carcinoma (NPC) head and neck

cancer. Toripalimab, biological entity (NBE), is the only immune-oncology drug approved by regulatory authorities for treating adults with recurrent or metastatic nasopharyngeal carcinoma (RM-NCP).



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