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Victoriam Legalis - Advocates & Solicitors | Newsletter



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We here, at Victoriam Legalis, believe in continuous learning and growth, and agree that one way to do the same is to keep up with the developments and changes taking place around us.

We live in an Information Age, and while there is no dearth of knowledge and information, we, through this newsletter, hope to give you a consolidated account of relevant updates and developments.

In light of the same, we present to you the first issue of our newsletter, which we hope, you find beneficial!

Happy Reading!



Media and Entertainment

1. Order passed by Division Bench of Delhi High Court in the case of Tata Sia Airlines Limited vs Vistara Home Appliances Private Limited & Ors. will adversely impact small businesses going forward

In the case of Tata Sia Airlines Limited vs Vistara Home Appliances Private Limited & Ors, prior to the plaintiff's mark being "well-known," the defendant registered and began using its Vistara trademark in 2016, which was only a short time after the plaintiff did so in 2014. The goods of the two companies are unrelated, and the marks have quite a different appearance. The Division Bench overturned the trial court's decision to rule in favor of the defendant. On the basis of three criteria—strength, similarity, and bad faith—it was determined that the defendant's usage was in bad faith and would result in confusion in the market. The issue with this judgement is that it goes against trademark law and practice by requiring companies to make sure their trademarks are not phonetically similar to any trademarks in any class on the trademark register.

2. PIL in Supreme Court seeks ban on the movie 'Adipurush'

A public interest litigation (PIL) petition has been filed before the Supreme Court seeking a ban on Om Raut's newly released film 'Adipurush'. According to the petitioner, the film offends Hindus and devotees of the numerous deities it depicts by "destroying their fundamental values and characters" and modifying the "basic structure" of the Valmiki Ramayana. Some of the movie's dialogues were also harshly criticized, claiming that only "gully boys" would use such "derogatory" language. After its release, the film, which was influenced by the legendary Hindu epic Ramayana, received harsh criticism.

3. KGF Chapter-2 song Copyright Infringement case

MRT Music, owners of KGF2 music rights, had filed a case against the Indian National Congress (INC) for copyright infringement. The soundtrack from KGF Chapter-2 was allegedly used without authorization in Indian National Congress's audio-visual advertisement for the "Bharat Jodo Yatra," which featured Rahul Gandhi. For the same, the complainant had brought both civil and criminal proceedings. The Congress Leaders filed a petition to quash the FIR registered for offences under the Copyright Act, 1957 which was dismissed by the Karnataka High Court. The Court said that 'Portraying the Rahul Gandhi as a hero in any of the videos cannot become a crime; but the song that is being played in the video without seeking prior permission/agreement, amounts to violation/infringement of copyright of MRT Music'.

4. High Court ruled that a complaint cannot be kept pending on the grounds that a civil proceeding is pending on the same fact matrix

The petitioner in the case of M/S Mangalore New Sultan Beedi Works v. State of Karnataka claimed that it had acquired separate copyrights for artistic designs over the beedi packs and its label as "New Sultan Beedi Label" and "4 No. Beedis Label." Later, a few people began distributing inferior beedis under the name "Qai Sulthana Beedi" in various locations. In addition to filing a police report at the Mandi police station in Mysuru, a civil lawsuit for copyright infringement was brought against the company selling the fake beedis. Due to the ongoing legal lawsuit between the parties on the same matter, the police refrained from taking any action. The Karnataka High Court received a petition from Mangalore Sultan Beedi Works opposing this. The Court observed that the Copyright Act provides for both civil remedy and filing of criminal prosecution, merely because a civil dispute is being fought between the parties, the criminal proceedings cannot be halted.



Technology and E-Commerce Updates

1. Media censorship in China

China's internet regulator has published a fresh set of draft rules that, if put into effect, will impose tougher restriction of comments made on social networking sites. The Cyberspace Administration of China (CAC) released a draft update of its content moderation policies for social media platforms within the country last week. It would require closer scrutiny to comments that censors typically disregard, like replies to comments and messages displayed on the screen during livestreaming. In accordance with the guidelines, comments must also be checked before being posted, a process that social media platforms currently apply to some but not all comments.

2. Cabinet approves the National Research Foundation Bill, 2023.

The National Research Foundation (NRF) Bill, 2023, was passed by the Union Cabinet. According to a press release from the Department of Science and Technology (DST), the Bill, upon approval in the Parliament, will create NRF as an apex body to provide "high-level strategic direction" to scientific research in the nation in accordance with recommendations of the National Education Policy (NEP), at a total estimated cost of 50,000 crore from 2023–28. The Science and Engineering Research Board (SERB), which was established by the Parliament in 2008, is likewise repealed and incorporated into the NRF by the proposed Bill. A bill was required because the NRF's ability to receive financing from private research organizations was restricted by current legislation. The NRF's two main goals are to increase private sector funding for research in India and to make sure that more of the money allocated by the government goes to State universities and colleges.





Fashion & Sports Law Updates

1. Model meets a tragic death after lightning truss falls during a fashion show in Noida

On the 11th of June, 2023, an iron truss installed to support the lights collapsed during a fashion show at Laxmi Studio in Film City, Noida and killed a 24-year old model. A man who was standing near the model received grievous injuries as well. Everyone was horrified and terribly shaken by the incident. The people in charge of setting up the catastrophic lighting truss as well as the fashion show organizer have been detained by the police. The possible legal repercussions are significant since various stakeholders may be held liable for their roles in ensuring the security and safety of models. Model safety should be given first attention, and event infrastructure should undergo routine inspections and rigorous adherence to safety procedures. To avoid mishaps, it is essential to ensure that the facilities, equipment, and supporting infrastructure are kept in top condition.

2. Boxing Champion Mary Kom honoured at UK-India awards

Mary Kom, who won the first Olympic medal for India in women's boxing, was honoured at the UK-India awards. She received the esteemed Global Indian Icon of the Year award at this prestigious ceremony held in Windsor, South-eastern England. She graciously accepted the award from the Indian High Commissioner to the UK and shared her remarkable 20-year journey filled with dedication and unwavering commitment to the sport of boxing.

3. Indian Men's Football Team climbs to 100th spot in FIFA Rankings

Indian senior men's football team has climbed to the 100th spot according to the latest FIFA Rankings issued on June 29 with 1204.90 points. India recently won their second Intercontinental Cup title, defeating Lebanon by 2-0 in the title clash on June 18 in Bhubaneswar.

4. India Football coach Igor Stimac shown a red card.

During a Group A SAFF Championship game taking place at the Sree Kanteerava stadium in Bengaluru, Indian coach Igor Stimac was shown the red card late in the first half for knocking the ball out of the hands of a Pakistan player who was attempting to make a quick throw-in following a disputed decision. Indian and Pakistani players started surrounding one another as the touchline situation got worse. Sunil Chhetri attempted to be a voice of reason as both teams surrounded one another, and was finally able to separate the warring sides.





Corporate & Commercial Law Updates

1. Enforcement Directorate (ED) gets 8 days' custody to question Tamil Naidu Minister

The Tamil Naidu minister Senthil Balaji was arrested on June 14 in relation to the cash for job case registered against him. The Chennai principal sessions court granted the Electorate Directorate (ED) 8 days of custody to question Senthil balaji but can only do so on the hospital premises where he is going through surgery.

2. CCI approves more HDFC's stake acquisition in insurance units

Housing Development Finance Corporation Limited (HDFC Limited) was given permission by the Competition Commission of India (CCI) to purchase additional shares of HDFC Life Insurance Company Limited. With its involvement in providing financing for residential and commercial buildings in India, HDFC Limited is a publicly listed housing finance firm that was established under the Companies Act of 1956. Shares of HDFC Limited are listed on the National Stock Exchange of India Limited and the BSE Limited. In order to complete the proposed combination, HDFC Limited would buy additional shares of HDFC Life and HDFC ERGO on a spot delivery basis. This acquisition aims to ensure compliance with Indian banking laws, as HDFC Limited (after the proposed combination) and the amalgamated entity HDFC Bank Limited (HDFC Bank) will collectively hold over 50% of the shareholding in HDFC Life.

3. MCA introduces Companies (Compromises, Arrangement and Amalgamations) Amendment Rules, 2023

The Ministry of Corporate Affairs notified the Companies (Compromises, Arrangements and Amalgamations) Amendment Rules, 2023 to amend the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016 which will be effective from June 15, 2023. It aims to streamline the process of schemes related to mergers or amalgamations under Section 233 of the Companies Act, 2013, and ensure quicker approvals for such schemes.





Hospitality & Real Estate

1. Indiabulls Real: Strong Revenue Growth in June 2023 Amidst Challenging Financials; Stock Performance Analysed

In June 2023, Indiabulls Real reported robust growth in net sales, with figures reaching Rs. 195.87 crore, marking a notable 29.26% increase from the previous year. However, the company also saw a significant quarterly net loss of Rs. 679.55 crore, a sharp decline of 1207.87% from June 2022, and reported a negative EBITDA of Rs. 44.41 crore, down 86.52% year-on-year. Meanwhile, as of August 09, 2023, Indiabulls Real's stock on the NSE closed at a price of 67.15, delivering a positive 3.79% return over the last 6 months but showing a -3.24% return over the last 12 months.

2. Shift in India's Real Estate Market: Mid-Segment Homes Outpace Affordable Ones in H1 2023

A report has revealed a noteworthy shift in India's real estate market during the first half of calendar year 2023. Despite rising residential prices in major Indian cities, mid-segment homes have overtaken affordable ones in terms of sales, with the share of mid-segment homes increasing from 35% in H1 2022 to 38% in H1 2023. Concurrently, the share of affordable homes has declined from 40% to 32% in the same period, while the premium housing sector has seen an increase in market share, according to the "India Real Estate-Residential and Office Market January-June 2023" report by property consultancy Knight Frank.

3. Real Estate and Energy Sectors Drive India's White-Collar Job Market Amidst Overall Hiring Slowdown in June 2023

In June 2023, white-collar hiring in India saw a 3% year-on-year decline, with the IT industry facing a significant 31% decrease in new job opportunities, according to a report from Naukri.com. However, amidst this slowdown, the energy and real estate sectors stood out as job market leaders, experiencing remarkable growth of 40% and 17%, respectively. The Naukri JobSpeak Index, based on around 10 lakh jobs per month, registered at 2,795 in June 2023, reflecting a 3% decline compared to the previous year and a 2% dip compared to May 2023. Naukri.com noted that while white-collar jobs in the tech sector and major cities decreased, the real estate and energy sectors, particularly in non-metro areas, played a pivotal role in stabilizing the overall job market.





Litigation & Dispute Resolution

1. Google Alleges Antitrust Bias in India: Accuses CCI of Favoring Amazon in Legal Battle

Google has filed a complaint with India's Supreme Court, claiming that the country's antitrust watchdog, the Competition Commission of India (CCI), has issued directives to alter its business practices solely to protect Amazon, its competitor. According to legal documents cited by Reuters, Amazon had expressed difficulties in developing a modified version of the Android system due to Google's restrictions, prompting Google to contest the CCI's October order. This order mandated ten changes to Google's business model following findings that it had exploited its dominant position in the market through its Android operating system, which powers 97% of smartphones in India. Google's recent submission to the Supreme Court highlights an escalating disagreement between the tech giant and the CCI regarding the Android investigation. In a previous filing from December, Google had accused CCI officials of incorporating sections of a European ruling against the company in a similar case, an accusation that the CCI refuted.

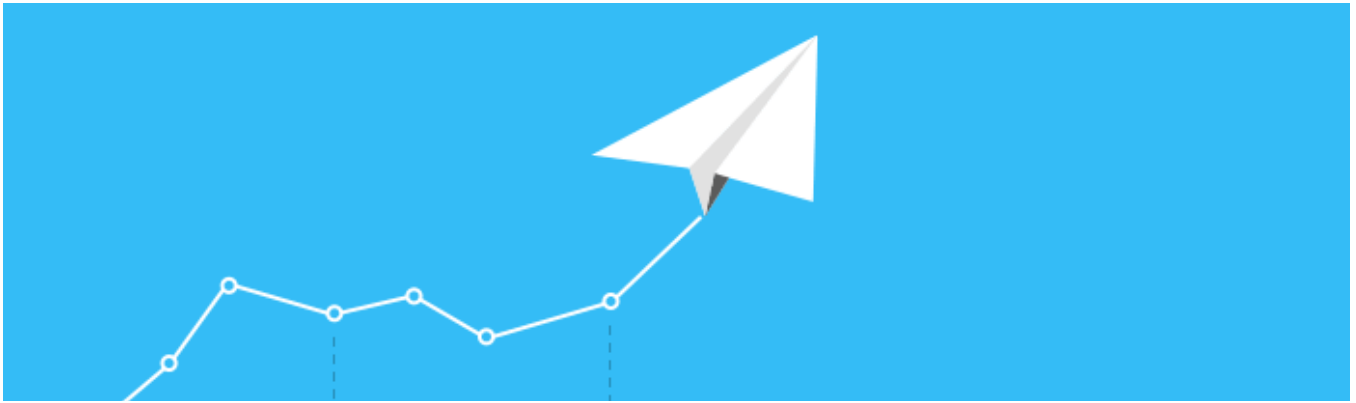
2. Supreme Court Announces New Procedure for Case Mentioning and Listing

After the summer break, the Supreme Court will reopen on July 3, 2023, with a revised procedure for mentioning matters before the Chief Justice of India (CJI). Fresh matters will be automatically listed based on verification days (Saturday, Monday, Tuesday, or Wednesday, Thursday, Friday) for the following Monday or Friday, respectively. Urgent matters can be mentioned earlier, following specified categories and case verification. The Mentioning Proforma with a letter of urgency should be submitted to the Mentioning Officer by 3:00 p.m. the day before mentioning. The Mentioning Officer will prepare lists for cases to be mentioned, and only those listed can be raised.

3. Supreme Court Halts Astrological Assessment in Alleged Rape Case

In a recent development, the Supreme Court has intervened in a case where the Allahabad High Court had ordered the Astrology Department of Lucknow University to determine if the alleged rape victim had unfavourable astrological alignments. The accused had initially promised marriage but backed out upon discovering astrological concerns. The Supreme Court has temporarily halted this assessment, emphasizing that the High Court can address the case's merits during the bail application hearing scheduled for June 26, 2023. Parties involved must present their arguments by July 10, 2023.





Start-Up Advisory & Consultancy

1. Indian Startup Funding Dwindles in June 2023

In June 2023, the Indian startup ecosystem continued to grapple with a funding slump, with a significant 78.5% year-on-year drop to \$580.18 million. The number of deals also declined by 25%, totaling 94, as per the 'Indian Tech Startup Funding Report H1 2023' by Inc42. This downturn marked the worst funding month for Indian startups since August 2020 when they secured only \$252 million in 95 funding deals. In essence, June 2023 witnessed the lowest funding activity in the Indian startup scene in the past 34 months. Comparatively, funding in June also plummeted by 43.2% from the \$1.02 billion raised in May 2023, although the number of deals increased by 21%.

2. Stashfin Appoints Prateek Gupta as SVP of Engineering

Stashfin, a neobanking fintech platform, has appointed Prateek Gupta as Senior Vice President of Engineering. In his new role, Prateek will lead engineering efforts, foster innovation, and develop advanced financial products. Prateek, previously the Director of Engineering at Unacademy, played a pivotal role in shaping Unacademy's engineering strategy, talent acquisition, and scalable product development. His contributions were key to Unacademy's growth in the edtech sector. Prateek also held significant roles at Adobe, Akamai Technologies, and Samsung R&D Institute India, showcasing solution-driven design, cultivating high-performance cultures, and leading project management teams.

3. Enigma Expands to Nepal with New EV Showroom

Enigma, a homegrown electric vehicle manufacturer based in Madhya Pradesh, has revealed the opening of its inaugural showroom in Nepal. This experience centre is designed to offer customers a distinctive opportunity to explore Enigma's cutting-edge electric vehicle offerings within an immersive setting. To facilitate the distribution of its electric vehicles in Nepal, Enigma has partnered with M/s Rising Trading Company Limited, a Kathmandu-based firm. This collaboration enables Enigma to broaden its market presence and solidify its position as an electric vehicle exporter. Enigma Electric's comprehensive range of high-speed electric bikes will be on display at its Nepal showroom, with the vehicles shipped as Completely Built Units (CBU) from India to Nepal as part of its export operations.



Get in Touch

We hope you enjoyed reading the newsletter, and we would love to hear your thoughts on what you want to be covered in our next edition!

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