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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. Madras High Court Establishes IP Division, Reinstating Chennai's Status as Intellectual Property Hub

Chennai is poised to reclaim its position as a prominent center for intellectual property cases as the Madras High Court introduces an IP division, making it the second such division in the country after Delhi. Previously, Chennai served as the location for the Intellectual Property Appellate Board (IPAB), which handled appeals pertaining to copyrights, trademarks, and patents nationwide. However, the IPAB was abolished on August 13, 2021, leaving over 1,000 pending cases. To address this gap, the Madras High Court has now established an IP division, reestablishing Chennai's stature as a hub for intellectual property matters.

2. Court Upholds Interim Order Prohibiting Sale of Deceptive Musical Keyboards in Casio Design Case

In a recent case, the High Court of Delhi upheld an interim order that prohibited Riddhi Siddhi Retail Venture from selling and manufacturing musical keyboards with a design resembling Casio Computer Co. Ltd.'s keyboard. Casio, a well-known manufacturer of musical keyboards, holds a registered design for their "Electronic Keyboard." The court emphasized that lack of novelty or originality can be a defense only if it existed at the time of design registration. Since the defendant failed to provide evidence of publication or lack of originality, the court upheld the interim injunction against them.

3. Subway Wins Appeal in Trademark Dispute Against "Suberb" Restaurant

Subway IP LLC filed a lawsuit against Infinity Foods & Ors., alleging deceptive similarity between their marks "SUBWAY" and "SUBERB," as well as other related trademarks. The High Court of Delhi initially rejected Subway's claims, stating that the use of the prefix "SUB" in the food industry is common and not deceptively similar. However, on appeal, the Division Bench of the Court ruled in favor of Subway, directing the defendants to make significant alterations to their branding, including changing the restaurant name to "HUBERB" and modifying their logo and color combination.

4. Industry Survey Reveals Top Threats in India: Intellectual Property Theft, Cyber Security, and Women's Safety

A recent FICCI report highlighted that the industry in India has ranked intellectual property theft, information and cyber security threats, and accidents as the top three risks. The report also revealed a significant rise in the concern for women's safety, which jumped from 12th place in 2021 to 5th place in 2022. It emphasized the need for companies to take proactive measures to ensure the safety of their female employees. Interestingly, terrorism and insurgency were considered the lowest risk factors by respondents.





Technology and E-Commerce Updates

1. Accenture Ventures Invests in SpiderOak to Advance Zero-Trust Cybersecurity for Space Systems

Accenture, through its investment arm Accenture Ventures, has strategically invested in SpiderOak, a leading provider of zero-trust cybersecurity and resilience solutions for the next generation of space systems. Headquartered in Reston, Virginia, SpiderOak's OrbitSecure product suite introduces zero-trust security to zero gravity environments. By combining no-knowledge encryption and distributed-ledger technology, OrbitSecure addresses the unique cybersecurity requirements of space. The suite encompasses a decentralized key management system that ensures uninterrupted availability and operations in space, even in disconnected or highly contested networks. This bolsters the resilience of multi-vendor, multi-network, mesh proliferated low-Earth orbit networks by significantly reducing vulnerabilities and opportunities for adversaries to interfere with space communications and satellite services.

2. India's Long-Awaited Digital Law Takes Shape: Focus on AI Oversight and User Protection

India's Minister for Entrepreneurship, Skill Development, Electronics, and Technology, Rajeev Chandrasekhar, has begun revealing details about the nation's highly anticipated legislation encompassing all aspects of the digital realm. The consultation process for the Digital India Bill commenced in March 2023, with Chandrasekhar noting the outdated nature of the current IT Act, which fails to address the internet. In recent days, the minister has disclosed that a draft of the bill will be unveiled in early June, providing a glimpse into its contents. One area that is expected to draw significant attention is the regulation of artificial intelligence (AI). Chandrasekhar stated that the bill will incorporate oversight mechanisms for AI, with a focus on safeguarding users against harm. Furthermore, the minister emphasized that while India acknowledges the global interest in AI regulation, the country holds its own perspective on implementing guardrails for AI and will not hesitate to deviate from established norms if necessary. Additional reports indicate that the draft law will define high-risk AI systems and subject them to special regulations.

3. Exploring Law Firms' Perspectives on Generative AI for Legal Work

The Thomson Reuters Institute's April report indicates that while numerous law firms express enthusiasm for utilizing generative artificial intelligence (AI) in their legal work, there remains a notable portion that lacks awareness of the technology's capabilities. The report highlights the positive sentiment among law firm attorneys towards the potential of generative AI and AI-enabled tools like ChatGPT. In fact, over 80% of surveyed law firm leaders expressed their belief that generative AI can currently be utilized in legal work, with more than half emphasizing the active implementation of this technology in their legal operations.

4. Indian E-commerce Market Poised for Exponential Growth: Three Players to Dominate

The e-commerce market in India is projected to experience a substantial surge, almost doubling in size by 2025, according to a report from brokerage firm Bernstein. Similar to the e-commerce landscapes in the United States and China, the Indian market is anticipated to evolve into a three-player market. The report further highlights that the current market leaders, namely Flipkart, Amazon, and Reliance Industries, who presently account for around 70% of the market, are expected to assert their dominance and capture approximately 90% of the market share in the coming years.





Fashion & Sports Law Updates

1. The Growing Influence of Sustainable Fashion in China: Shaping the Industry and Fostering Environmental Consciousness

The fashion and apparel industry is experiencing a significant shift with the emergence of the sustainable fashion movement, driven by a global awareness of the environmental consequences associated with consumer habits. This movement is gaining traction in China as well, particularly among young urban consumers who are increasingly mindful of environmental issues. The rise of fast fashion, characterized by the mass production of inexpensive and disposable clothing, has prompted environmental activists to scrutinize the fashion industry, which is believed to contribute 4-10 percent of global greenhouse gas emissions according to certain estimates.

2. Supreme Court Appoints Former SC Judge Nageswara Rao to Finalize AIFF Constitution, Address Stakeholder Concerns

The Supreme Court has directed former SC Judge Nageswara Rao to prepare a report by July 31st, regarding the finalization of the constitution for the All India Football Federation (AIFF). This decision was made in response to the concerns raised by different stakeholders regarding the draft document. Chief Justice DY Chandrachud and Justice JB Pardiwala, who formed the bench, stated that Justice Rao will consider the extensive objections raised by various parties and work towards resolving them.

3. Fashion Brands Embrace the iGeneration: Innovations in Online Gaming and the Metaverse

As the online gaming industry continues to thrive, fashion brands are finding innovative ways to captivate the emerging iGeneration, also known as GenZ, comprising individuals born from the mid-1990s to the early 2010s. This generation possesses significant purchasing power and places great importance on ethics and sustainability, thereby reshaping the luxury sector. Notably, around 87% of iGen individuals reported engaging in online gaming on a weekly basis, presenting an opportunity for fashion to tap into this digitally-oriented demographic and explore additional revenue streams. Through character customization and the purchase of digital merchandise, gamers seek personalized and immersive gaming experiences. In addition to their presence in the online gaming realm, many global fashion brands are swiftly embracing the metaverse, venturing into initiatives such as hosting digital fashion weeks in virtual environments like the 'Fashion district' within the virtual world called 'Decentraland.'

4. "Imprisonment for Selling Illegal Premier League Streaming Packages: Impact of Illegal Streaming on Sports and Films"

A group of five individuals has been incarcerated for distributing illicit streaming packages of Premier League games at discounted prices. This operation is estimated to have yielded £7 million in revenue, attracting approximately 50,000 subscribers. As a consequence, one of the men involved received an 11-year prison sentence. Major sporting events, including the World Athletics Championships, Olympics, and Premier League fixtures, along with popular films, often fall victim to illegal streaming practices. During the lockdown period, incidents of unauthorized film streaming surged nearly threefold, as reported by the intellectual property protection organization FACT. Illegal streaming refers to the unauthorized streaming of films or premium sports events without the permission of the copyright owner. This activity takes place through various means, such as dedicated illegal streaming websites, social media platforms, or the use of physical devices like boxes or USBs. The magnitude of this problem is substantial. A report by finder.com in April 2021 revealed that over six million individuals in the UK had engaged in streaming illegal content within the previous three months, with 21% of the content being sports events or games.



Corporate & Commercial Law Updates

1. All-time high of UPI transactions recorded in April- as calculated and released on 2nd May

On 2nd May, an all-time high of Rs. 14.7 trillion was reached as stated by NPCI (National Payments Corporation of India). While IMPS transactions recorded a swift decline, the UPI payments have observed a hike.

2. Sanchaar Saathi” launched by the Government for detecting AI-based frauds

On 1st May, Government launched a new portal called “Sanchaar Sathi” for the purpose of detecting the recently surging frauds that are based on AI technology. In case any phone gets stolen, the portal shall assist in restricting any access to the personal data and will also allow the same to get disconnected from the network service provider.

3. Announcement of New E-Payment Platform by the Supreme Court On 1st of May, 2023

The Supreme Court of India introduced a new platform for payments called the “ePath” (a new electronic payment hub). The idea of introducing this by the Supreme Court is to enable smooth and seamless payment transaction or participants and the public for the purpose of making any payments to the Supreme Court.

4. Uttar Pradesh Government, Canara- largest buyers from the GeM Portal

On 3rd May, the Government e-Portal (GeM Portal) facilitates the purchases of goods and services online by various departments of the Ministries and other such entities that belong to the central/ state governments. As per the data provided by the government, Uttar Pradesh (among all states and union territories) has become the largest buyer of goods and services from this portal in the year 2022-23 and Canara Bank (among state-owned lenders) has become the largest purchaser.





Hospitality & Real Estate

1. GR issued by The Department of Revenue and Forest of the Government of Maharashtra

The Department of Revenue and Forest of the Government of Maharashtra has issued a G.R. bearing number NAP-2022/Case No. 103/ J- 1 A dated May 23, 2023 stating that under the provisions of the Maharashtra Regional and Town Planning Act, 1966, the competent authority while granting building permission should ensure that the proposed non-agricultural use of such land is permissible. Thus, no separate permission from the Collector would be required under the provisions of the Maharashtra Land Revenue Code, 1966.

2. MEES changes from April 2023

The Minimum Energy Efficiency Standards regime ("MEES") was brought into effect by the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015. Until 31 March 2023, the MEES rules required landlords granting a new lease of a commercial premises to produce an energy performance certificate ("EPC") for the property, showing a rating of E or above, unless they have registered an exemption. Landlords are prohibited from granting a new lease of commercial properties with an EPC rating of F or G. From 1 April 2023, it became unlawful for a landlord to continue to let a commercial property with an F or G rating unless (1) they have carried out all the cost-effective energy efficiency improvements prescribed for it in its EPC, and the EPC still shows a rating of F or G, or (2) one of the exemptions applies.

3. Supreme Court Relaxes Directions Concerning Eco-Sensitive Zones

'Eco-Sensitive Zones' ("ESZ") or 'Ecologically Fragile Areas' are notified by the Ministry of Environment, Forests and Climate Change ("MoEF") under the provisions of the Environment Protection Act, 1986 around the boundary of a 'protected area' (i.e. national park, sanctuary, conservation reserve or community reserve) ("Protected Area(s)") to create a "shock absorber/ transition zone" in the Protected Areas and to preserve the areas outside such areas, which are often considered as vital ecological corridor links, by regulating and managing the activities around such Protected Areas.

4. ULC premium applicable solely on surplus vacant land: Bombay High Court

In a ruling likely to offer significant relief to landowners and real estate developers in Maharashtra, the Hon'ble Bombay High Court ("BHC") in the matter of Salim Alimahomed Porbanderwalla and Anr ("Petitioners") vs. The State of Maharashtra and Anr. ("Respondent"), has vide its order dated March 30, 2023, ruled that the Government of Maharashtra ("GOM") cannot charge a premium or make any entry in revenue records [to the effect that the land is affected by the Exemption Order passed under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 (since repealed) ("ULC Act"), and transfer prohibited without prior permission] vis-a-vis land retainable under the ULC Act (i.e. the land which is not a surplus vacant land)





Litigation & Dispute Resolution

1. SC Constitution Bench holds Governor justified in inviting Eknath Shinde to form Government; 7-judges bench to reconsider Nabam Rebia judgment

The five Judge Constitution Bench of the Supreme Court has upheld the Governor's decision of inviting Eknath Shinde to form the Government in the State of Maharashtra and has refused to quash Udhav Thackeray's resignation as it was submitted voluntarily before the floor test.

2. Allegations of fraud inter se parties does not affect arbitrability of a dispute

The Calcutta High Court in the case of Urgo Capital Limited v. Raj Drug Agency & Ors., opined that mere possibility of criminal proceedings arising from the same facts and circumstances in a case where arbitration has been invoked, would not debar the dispute from being arbitrable in nature.

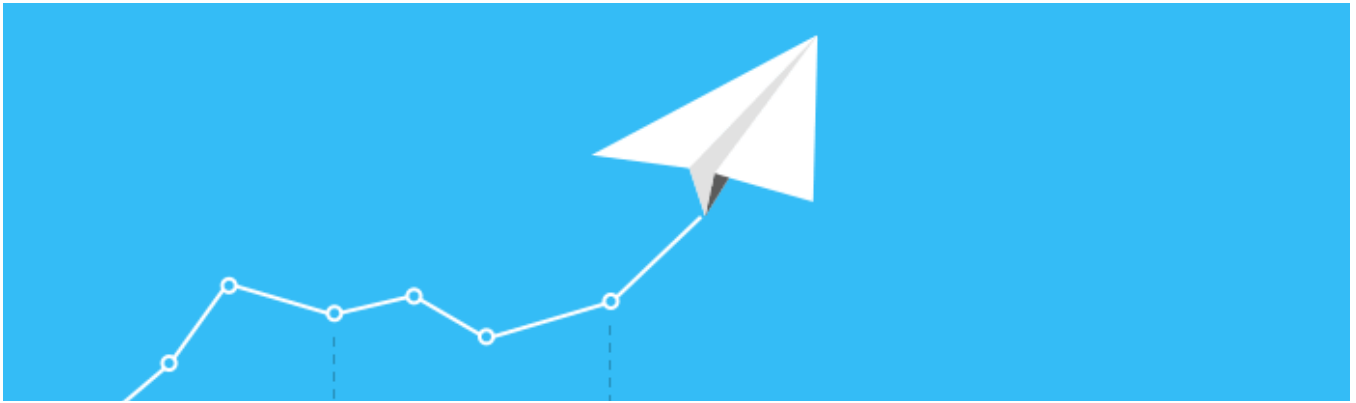
3. Delhi Govt Has Control Over "Services" Excluding Public Order, Police & Land: SC (Government of NCT of Delhi vs Union of India, 2023)

In February 2019, a Division Bench of the Supreme Court dealt with the issue of who has control over Services- The government of NCT of Delhi or the Lieutenant Governor. The Court gave a split verdict. In 2022- a three-Judge Bench referred the issue to a Constitution Bench. The Supreme Court held that the National Capital Territory of Delhi has the authority to legislate and execute administrative services within the National Capital, with the exception of public order, police, and land-related matters. Further, the Court also stated that the Lieutenant Governor must adhere to the decisions of the Delhi government concerning services, except in cases relating to public order, police, and land.

4. SC upheld the validity of the practice of Jallikattu (The Animal Welfare Board of India And Ors. v. UoI And Anr., SC, 2023)

Jallikattu is a traditional sport in Tamil Nadu held during the Pongal festival. In this sport, Bulls are released, and participants try to grab their hump while they attempt to escape. In the case of Animal Welfare Board of India v A. Nagaraja, 2014, the Supreme Court banned the use of bulls in Jallikattu and bullock cart races across India. In 2016, the Tamil Nadu govt. enacted the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, to legalize bovine sports, including Jallikattu, and several state governments passed similar amendment acts to legalize Bullock Cart Race like Kambala. These Amendment acts were challenged in this case. The Supreme Court upheld the constitutionality of the amendments made by the states of Tamil Nadu, Karnataka, and Maharashtra to the Prevention of Cruelty to Animals Act.





Start-Up Advisory & Consultancy

1. Shortage of Skilled Tech Workers Persists: EY and iMocha Report

EY, a professional services organization, and iMocha, a leading skills intelligence and assessment platform, have jointly released a report titled "Tech Skills Transformation: Navigating the Future of Work in 2025 and Beyond." The report highlights that a significant majority, around 81%, of surveyed organizations are grappling with a shortage of "power user or developer" tech skills. The findings reveal that only 19% of the organizations have established a skill taxonomy, while 43% have conducted skill benchmarking at the employee level. Additionally, the report sheds light on the global tech talent pool, estimating that there are over 26 million individuals, with 65% engaged in software engineering roles, followed by 27% in IT roles and 8% in business app-related roles. The study emphasizes the integration of technology skills across job roles beyond traditional IT roles, focusing on three key aspects: in-demand tech skills across domains, organizational impact of tech skills transformation, and organizations' response to tech skills transformation. The report's insights are based on comprehensive interviews with industry leaders from various sectors, ensuring representation from multiple industries across different geographies such as India, the US, the UK, and the EU.

2. BharatPe Rebrands PAYBACK India to Zillion for Enhanced Loyalty and Rewards

BharatPe Group has unveiled the rebranding of its multi-brand loyalty program, PAYBACK India, to Zillion. The new brand identity aligns with the company's vision to establish Zillion as a ubiquitous loyalty and rewards platform throughout the country. The revamped brand aims to cater to customers across all age groups, offering a wide range of options to earn and redeem rewards with various partners across India. Customers will have the opportunity to earn 'Zillion coins' for their routine expenses, which can be accumulated across offline and online partner networks encompassing groceries, fuel, entertainment, travel, apparel, and more.

3. Slang Labs Launches CONVA 2.0: AI Co-Pilot for Enhanced E-commerce Shopping Experience

Slang Labs, a Google-backed startup, has introduced CONVA 2.0, a multilingual AI co-pilot powered by GPT, designed for e-commerce shoppers. This new generation of CONVA focuses on delivering an intuitive and context-aware conversational voice search experience that complements existing keyword-based search engines, thereby enhancing the understanding of user intent. The co-pilot functionality enables users to find relevant answers to their questions directly on the transaction screen, eliminating the need to switch to external applications like Google Search. CONVA 2.0 supports voice search for information available within the application itself while leveraging relevant knowledge from external sources. The application is capable of understanding user intent and providing personalized suggestions for purchase decisions, all within the context and visual experience of a traditional e-commerce app.



4. Chargeup Expands to Mathura with 35 New EV Stations, Offering Battery Swapping and Financing Services

Chargeup, a driver-centric company focused on building India's first Fi-Ne-Tech platform (Finance-Network-Technology Platform) in the EV sector, has announced its entry into Mathura district with the launch of 35 EV stations. These stations provide battery swapping services and offer leasing and financing options to prospective electric vehicle (EV) buyers. With this expansion, the total number of Chargeup stations across the country has now reached 300. Recognizing the need for sustainable and future-ready last-mile commute options in Mathura, Vrindavan, Govardhan, and nearby areas, Chargeup aims to serve both two-wheelers and three-wheelers with its new stations. The Mathura stations are expected to cater to approximately 700 drivers daily, facilitating a seamless and cost-effective transition to EVs while enabling local commute drivers to enhance their services, earn higher incomes, and improve the overall passenger experience.



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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