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LawPickle Volume 3

Topical Updates: To IP & Beyond

Snapshots

DELHI HIGH COURT

INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA V. THE COMPETITION COMMISSION OF INDIA AND ORS.

While setting aside an order passed by the CCI directing the DG to investigate into the Continuing Professional Education (CPE) program of the ICAI, the Court stated that the CCI cannot act as an appellate court against decisions of statutory regulators which are not interfaced with trade or commerce. Further, the CCI cannot compel a statutory body to outsource its functions.

ALLAHABAD HIGH COURT

KULDEEP TIWARI & ANR. V. UNION OF INDIA & ORS.

The Court opined that the dialogues and depiction of religious Gods and icons of the Ramayana in the film 'Adipurush', has been vulgar and shameful, and prima facie does not qualify the test of Article 19. Further, the film did not meet the guidelines under the Cinematograph Act. Accordingly, the Court granted a last opportunity to the relevant authority (CBFC) to revisit the issue and take appropriate action.

HIGH COURT OF KERALA AT ERNAKULAM

XXXX V. STATE OF KERALA & ORS.

The Petitioner, arraigned as a victim in a FIR registered under the Immoral Traffic (Prevention) Act, approached the Court for removal of online content disclosing her name and images, which had resulted in cyber-attacks and humiliation. The Court, while observing that privacy is the constitutional core of human dignity, directed the Director General of Police to take steps towards removal of online images and details of the Petitioner.

SUPREME COURT OF INDIA
COAL INDIA
LIMITED & ANR.
V. COMPETITION
COMMISSION OF
INDIA & ANR.

The Court held that Coal India Ltd. (a Government Company which runs a mining business) despite being a PSU, is not a department of the Government performing sovereign functions and is an “enterprise” u/s 2(h) of the Competition Act.

ALLAHABAD HIGH COURT
SUDHIR KUMAR V.
UNION OF INDIA &
ORS.

In restraining Al Jazeera news channel from telecasting/broadcasting the film “India...Who lit the Fuse?” on socio-religious grounds, it was held that the reasonable restrictions on freedom of speech and expression in relation to films, are couched in safeguards provided in various legislative enactments. MIB was directed to ensure that the film is not telecast unless necessary certification for the film in keeping with such safeguards, is obtained.

Significant Judgments

COMMERCIAL COURT,
BENGALURU
FRESCO NZ INDIA
PRIVATE LIMITED
& ANR. V. PAUL
TECHNO PROCESS
PRIVATE LIMITED &
ORS.

Injunction was granted refraining the Defendants, who were former employees of the Plaintiff company, from disseminating, disclosing, publishing, misappropriating or exploiting commercially or otherwise, the Plaintiff's confidential documents and information which they had downloaded in breach of their confidentiality obligation. The said information was allegedly used by a rival company (Defendant No. 1) to install a processing system identical to the one shared by an ex-employee (Defendant No. 2) to the Plaintiff, during the course of his employment and it was apprehended that the Plaintiff's existing clients were also being approached by the Defendants using the same.

BOMBAY HIGH COURT
SUPER CASSETTES
INDUSTRIES PRIVATE
LIMITED V. RBEP
ENTERTAINMENT
PRIVATE LIMITED & ORS.

The Court, while interpreting a Long Form Agreement pertaining to inter alia assignment of copyright, held that the termination of the said agreement because of non-payment of dues, does not result in the copyright being re-assigned to the original assignor.

A deed of re-assignment needs to be executed in writing as per Section 19 of the Copyright Act as a prerequisite. This is especially when the agreement states that in the event of termination, “copyright shall be re-assigned”, which is distinct from “copyright stands assigned.”

Relying on Yennes Infotech v. Managing Director, eNoah Solution, the Court held that -

“a claim of money may lie in such circumstances, but re-assignment of the copyright in the absence of the document in writing, cannot be contemplated”.

DELHI HIGH COURT

MARICO LIMITED V. DABUR INDIA LIMITED

Marico sought to restrain Dabur from circulating a print and a WhatsApp ad of its 'Dabur Amla' hair oil, it claimed was disparaging. The Court held that the print ads, which warned a consumer against using a cheaper/inferior product, devoid of any direct

reference to Marico's product, would amount to puffery and not disparagement.

However, relying on Puro Wellness Pvt. Ltd. v. Tata Chemicals Ltd., the Court clarified that distinct elements of the WhatsApp message cannot be conflated as constituting a single 'campaign' and must be examined separately. Accordingly, Dabur was restrained from circulating the WhatsApp ads which show that the print ad is directed at Marico's product.

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