



MEDIA & ENTERTAINMENT

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INDIA

Kerala High Court Refuses To Stay TRAI's Tariff Amendment – NTO 3.0

Cable operator companies and the All India Digital Cable Federation (AIDCF) filed a plea requesting the Court to strike down the implementation of the new TRAI amendments on the tariff orders (NTO 3.0) which is to come into effect from February 1, 2023.

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I&B And Health Ministries Contemplating Tobacco Warning On OTT Platforms

Various experts have pointed out that the lack of a law to restrict anti-tobacco content has led to a rise in the abuse of tobacco by young adults and teens.

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Supreme Court Overrules J&K High Court: Theatres Can Bar Moviegoers From Carrying Outside Food And Beverages

The Jammu & Kashmir High Court had earlier stated in a 2018 decision that cinema halls and multiplex theatres did not have the right to prevent audiences from carrying their own food and beverages into the movie hall. The Multiplex Association of India and multiple theatre owners filed appeals before the Supreme Court of India.

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Threats from Bajrang Dal's Gujarat Unit & Plagiarism Issues Plague "Pathaan" Release After CBFC Cuts

After the track 'Besharam Rang' from the upcoming video "Pathaan" was released, there were threats from right-wing leaders in Uttar Pradesh and other states regarding banning its exhibition in theatres as they claimed that the actress, Deepika Padukone wearing a saffron-coloured "monokini" abused religious sentiments of the Hindu community as the colour is considered sacred. Many ministers also filed complaints on the ground that the actress' costumes and dance moves were unsuitable for children as it exuded vulgarity and obscenity.

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Delhi High Court Allows Release of 'Trial By Fire' Web Series

Real estate businessman Sushil Ansal who was convicted in the 1997 Uphaar fire tragedy had filed a suit for injunction in the Delhi High Court against the release of Netflix's web series, Trail By Fire following the release of its trailer on YouTube and other social media platforms. Additionally, the Plaintiff prayed before the Court to pass an order stopping circulation and publication of the book 'Trial by Fire: The Tragic Tale of the Uphaar Tragedy' written by Neelam and Shekhar Krishnamoorthy on which the web series is based, as it allegedly included defamatory remarks about his involvement in the tragedy.

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Delhi High Court Allows Bhojpuri Actor To Exit Artist Agreement On Loss of Personal Trust

Global Music Junction filed a suit for copyright infringement in the Delhi High Court claiming that they had exclusive rights over the work created by the artist, Khesari Lal Yadav. They contended that he breached the exclusivity or right of first refusal clause under the 'work for hire' production agreement by releasing songs to third parties. They tried resolving the dispute by amending the agreement giving the plaintiff exclusivity only in respect of the Youtube channel "BlueBeat Bhojpuri", but allowing them to retain the right of first refusal. However, Khesari terminated the principal agreement, even though he did not have the said right under the Agreement.

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Yashraj Films Asks For Injunction Before Delhi High Court Against Video-Sharing App 'Triller'

The Yash Raj Films filed a plaint in the Delhi High Court seeking permanent injunction for copyright infringement against the American social media application 'Triller', which allows users to store and reproduce their copyrighted content without authorization or license, including the musical compositions, lyrics and the sound recording as a whole. The plaintiff claimed that there was no heed paid to the repeated legal notices issued to them and that the defence of safe harbour protection granted to intermediaries under the DCMA Act, 1998 or the Section 79(2)(a) of the IT Act, 2000 could not be availed by app 'Triller' because of their "audio-extraction tool".

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Allahabad High Court seeks Censor Board's reply on the PIL filed against the upcoming movie 'Adipurush'

The Lucknow Bench of Allahabad High Court had issued a notice to the Censor Board to file its reply on a PIL filed against upcoming mega-starrer 'Adipurush'. The petition claimed that the film's producers released the promo of the movie without obtaining a certificate from the Central Board of Film Certification (CBFC), which is a clear violation of rules.

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Mib issued an advisory to Private Channels for adherence to Programme Code under the Cable Television Networks (Regulation) Act, 1995

The Ministry of Information & Broadcasting (MIB), issued an advisory to Private Channels for adherence to Programme Code under the Cable Television Networks (Regulation) Act, 1995. The Ministry has observed that several television channels including mainstream channels have reported incidents of accidents, deaths, and violence including violence against women, children, and elderly in manners that grossly compromised on "good taste and decency", and were quite unpalatable to the eyes and ears of a common viewer. According to the MIB, such telecast by the television channels is a matter of grave concern and in view of the larger public interest involved and having regard to the nature of the audience of television channels including the elderly, women, and children, all private television channels are strongly advised to attune their systems and practices of reporting incidents of crime, accidents, and violence, including death in conformity with the Programme Code.

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I&B ministry busts six YouTube channels spreading fake news

The fact-check unit of Press Information Bureau (PIB) of the information and broadcasting ministry has busted six YouTube channels which were working in a coordinated manner to spread fake news in India. The list of channels are: Nation TV, Samvaad TV, Sarokar Bharat, Nation 24, Swarnim Bharat, and Samvaad Samachar. The YouTube channels exposed by the PIB Fact Check unit were spreading fake news about the elections, proceedings in the Supreme Court and Parliament of India, functioning of the Government of India.

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Supreme Court says no coercive action to be taken against the filmmaker Leena Manimekalai

The Supreme Court granted interim protection from coercive action to filmmaker Leena Manimekalai in connection with FIRs registered against her in various states over a controversial poster of her upcoming documentary film showing goddess Kali smoking a cigarette. "No coercive action should be taken against the petitioner in respect of the FIRs lodged against her. At this stage, it may be noted that lodging of FIRs in multiple case may be of serious prejudice. We are inclined to issue notice so that all FIRs can be consolidated in one place in accordance with law," a bench comprising of Chief Justice DY Chandrachud and Justice P S Narasimha.

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Delhi High Court dismisses PIL on seeking a censor board for YouTube and OTT music

A PIL was filed before the Delhi High Court requesting the Court to direct the Ministry of I&B to establish a regulatory committee to censor and review the components of various independent songs isolated from cinematographic films which are circulated across various social media platforms. The Plaintiff claimed that due to the lack of a vetting mechanism, the streaming of songs and music videos on YouTube and OTT are against the modesty of women and promote drinking culture amongst the youth. Such songs conveniently escape the ambit of CBFC review and are available to minors with access to basic internet. The Delhi High Court has dismissed the PIL directing appointment of a regulatory authority would result in legislation by the court which is not permissible.

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Petition Before Madras High Court Claiming that the movie PS-1 Defames Indian History

A case has been filed in the Madras High Court against Mani Ratnam's Ponnian Selvan-1 for distorting historical events in the Chola Dynasty for commercial purposes. He argued that the Central Government has taken great efforts to preserve these historical figures and that the director has violated the provisions of the Antiquities and Art Treasure Act, 1972 and the Ancient Monuments and Archaeological Sites and Remains Act, 1958 in making and distributing this film.

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Hindu Seer Sets Up Censor Board and Guidelines Against 'Anti-Dharma Content'

Avimukteshwaranand Saraswati at the Magh Mela has issued guidelines for filmmakers to follow in order to prohibit and restrict content in films, serials and university-level theatre productions that portray the Sanatan Dharma in bad light. The filmmakers not following such guidelines will be subject to sanctions by a legal cell. They have further constituted a 'Dharma Censor Board' to keep a vigilant check on any content which distorts fact or speaks about the Dharma in an inaccurate manner.

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Delhi High Court directs makers of the movie 'Faraaz' to resolve dispute with Dhaka terror attack victims' mothers

Delhi High Court directed Filmmaker Hansal Mehta and producers of the upcoming movie 'Faraaz' to discuss with the mothers of the victims of the 2016 Dhaka Terror attack and try to resolve the dispute. The court was hearing a plea by women who are mothers of the victim of the Dhaka, Bangladesh terror attack seeking a stay on the release of the movie 'Faraaz'. The court ruled that it could not stay the release of the film, which is set to be released on February 3, 2023, because all of the details are already in the public domain.

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Jamia Students detained after attempts to screen controversial BBC Modi Documentary, Now Banned in India

Delhi Police has pre-emptively detained at least seven students at Jamia Millia Islamia University after student groups announced their plan to arrange an evening screening of the recently released JMM documentary that has been in the limelight for its controversial treatment of Indian PM Narendra Modi, which has now been blocked in India. The JMM Administration had earlier issued a statement prohibiting the screening of such film and later warned that those responsible for organising such event would face disciplinary action.

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Orissa High Court Calls 2019 State Film Awards List "Embarrassing" On Account of Blatant Storyline Copying

A petition was filed by Director Bobby Islam claiming that many of the films on the 2019 list were undeserving of recognition under Rule 3(b) of the Orissa State Awards for Films Rules, 2010 as it was rampantly plagiarised. Justice SK Panigrahi affirmed the same after personally viewing two films on the list titled 'Khusi' and 'Golmal Love' as they were a blatant replica from Korean and Punjabi films. He made a statement anguishing about the rise in copyright infringement in current state of the film business and set aside the entire Odisha State Film Awards List of 2019. The Orissa High Court has directed for the declaration of a new list for such awards.

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Centre issues guidelines to social media influencers to regulate promotions

The guide 'Endorsements Know-hows!' is for celebrities, influencers and virtual influencers on social media platforms and also aims to ensure that individuals do not mislead their audiences when endorsing products or services and that they are in compliance with the Consumer Protection Act and any associated rules or guidelines. The endorsement guidelines for celebrities and social media influencers that mandates compulsory disclosure of monetary or material benefits of a product or a brand they are promoting through their social media platforms and failing to do so will attract a penalty up to INR 50 Lakhs.

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Apple, Google say finance committee proposal for digital competition law is "regressive"

Big Tech companies such as Apple, Google, Meta, Amazon and others have strongly opposed the recommendation by the parliamentary standing committee on finance for a digital competition law. These companies, through their association Asia Internet Coalition (AIC), have said that the finance committee's proposal would restrict competition or innovation of digital ecosystems in the name of fairness.

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Three Appellate Grievance Committees Formed Under IT Rules, 2021

There has been a glaring gap in the way redressal mechanisms have addressed grievances filed by (and against) internet intermediaries. As a result, a large number of complaints have filed up and are pending before the existing Committees constituted under the IT Rules, 2021. To solve this inadequacy, the Central Government set up three Grievance Appellate Committees (GACs) headed by three members each, in pursuance of the recent 2022 Amendments to the 2021 IT Rules. The Centre in their notification claimed because of extensive public consultation, these GACs would inculcate more accountability amongst internet platforms & intermediaries. Another unique feature of the GAC is that the entire appeal process filing of application, presentation of grievance, hearing of both parties and declaration of final decision will be entirely an online operation, making it convenient for the members and the complainants.

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Superstar Rajinikanth Issues Legal Notice Over Personality Rights

Because of the vigilance of many Indian celebrities such as Amitabh Bachchan and Rajinikanth, judicial interpretation in the recent years has become stronger in recognising personality rights in India. Personality rights aren't specifically statutorily recognised in the Indian Copyright Act, 1957, so the judiciary needs to step in to champion and protect such rights. Rajinikanth recently issued a legal notice threatening to sue anyone who violates or infringes upon his name, voice, image, reputation, signature, silhouette, likeness, attributes in both civil and criminal court proceedings.

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Digital India Act to address the imbalance between content creation and monetisation: Centre

Union Minister of State for electronics and information technology Rajeev Chandrasekhar stressed that the disbalance between the small creators and Big Tech news aggregators has affected both the digital news industry and parent print media organizations.

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Indian Army gets exclusive rights of new combat uniform

The Indian Army received Intellectual Property (IP) of the new Camouflage Pattern and Design of Improved Combat Uniform. The registration process to establish ownership of Indian Army was completed by the Controller General of Patents, Designs and Trademark.

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INTERNATIONAL

Singer Shakira Accused of Plagiarism By Internet Users

Shakira's newly released BZRP Music Sessions #53 track, which has gone on viral on YouTube, has been identified by many users as bearing a striking resemblance to 23-year old Venezuelan singer Briella's 2022 song Sólo tú (Bubbaloo). Several netizens pointed out similarity in many parts of the melody of both the songs. However, Briella has responded positively, so there is a low chance that the singer will file a copyright infringement suit against Shakira.

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AI Robot Lawyer to Defend Person in Speeding Ticket Suit

A legal services robot powered by artificial intelligence technology has been developed by the start-up 'DoNotPay'.

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Canada Extends Copyright Protection Term For Another 20 Years Amidst North American Free Trade Deal

Canada extended its copyright protection by 20 years, making works that were going in public domain, lose its protection in 2043 now. Until December 30, 2022, the term of protection was life of authors + 50 years, but now, the term has become lifetime + 70 years. This policy was brought in due to the new North American free trade deal that requires Canada's copyright term laws to align with that of the US since 1998.

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Universal Music Group sued by rap duo Black Sheep over Spotify equity

Black Sheep have filed a class-action lawsuit alleging breach of contracts against Universal Music Group.

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Getty Images targets AI firm for illegally copying pictures

Getty Images, a popular US company, has publicly threatened to file a lawsuit against Stability AI, a tech-based company at the High Court of London on account of illegally using millions of their photos for use in an AI art tool which allows the users to create “mash-up images” from limited text. They contended that such tool incorporates material that is taken from the internet, without taking any license or express permission from them. Interestingly, Stability AI is already undergoing legal proceedings in the United States after being sued by creators and artists with similar claims as Getty’s that these tools infringe upon copyrighted work.

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Hundreds of Singers, and Songwriters support the Copyright Office Proposal regarding US Streaming

A plethora of American songwriters and managers signed an open letter last week supporting a US Copyright Office proposal which would force a change to the royalty distribution policies of collecting society. That proposal relates to the termination right under US copyright law and the workings of the compulsory licence that covers the mechanical copying of songs in the US. The songwriters and managers have called on the Copyright Office to grant final approval for the proposed rule and have warned of potential consequences if it is not approved.

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