

**STARBUCKS V/S CAKE BUCKS**

Ref: The Economics Times, Thursday, 02.03.2017



Starbucks has initiated litigation against a bakery branded as The Cake Bucks on the premise of similarly sounding tradename/trademark. The Hon'ble Delhi High Court has issued notice dragged a local bakery called The Cake Bucks to the Delhi High Court, alleging trademark violations by the use of a similar-sounding name. This case is supplementary to the other branding legal battles being tackled by companies like Burger King, H & M, Walmart wherein the concept of globally well - known trademark as against its presence in India shall be adjudicated. It has opened a Pandora box whereby on one hand are the Indian entrepreneurs who novate a brand, get it registered and commence business to build their brand and goodwill and on the other hand are MNC's who enter Indian market recently and claim priority and protection from their registration and business activity across the world. The finality of these matters shall bring clarity in the matter.

**NEUTRALISED FACEBOOK**

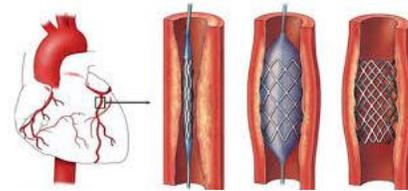
Ref: The Times of India, Monday, 06.03.2017



Recently Facebook launched its "Disputed" tag whereby the stories which are not correct can be tagged as disputed. The same is being done by organizations which cross check the facts and then tag it accordingly. The tentative process shall be that stories marked as "Fake news" shall be shared with the organizations to check the veracity and if they confirm that it is misleading, the news shall come with "Disputed" tag and details as to why the same might be fictitious. The news shall then go lower in the feed and the users will receive a warning for not repeating such act.

**MRP MANDATORY FOR MEDICAL DEVICES**

Ref: The Times of India, Tuesday, 07.03.2017



All Medical devices shall soon fall within the ambit of Legal Metrology (Packaged) Commodities Act and Rules and it shall be mandatory for them to prescribe the MRP of their products. The consumers shall be duly apprised of the prices and the hospital, chemists and other supplemental agencies cannot charge whimsical prices. The rules are being finalized and after notification they will be implemented for all products. They will also be required to declare and stage best before date, expiry date, etc. These rules are being welcomed by the public at large as they need not worry about frivolous pricing by hospitals and are aware of the expenses involved in advance.

**TRADEMARK AMENDMENT RULES NOTIFIED**

Ref: The Economic Times, Tuesday, 07.03.2017



Trademark Rules, 2017 have been notified to come in effect from March 6, 2017. The number and types of form have reduced substantially, however the fees has been raised by almost 150% or 2.5 times. Earlier, the fee for filing a trademark application was Rs. 4000/- for all, whether individuals, corporates, organizations or start-up. However, with this notification the fees for Start Ups/ MSME/ Individual have been revised to Rs. 5,000/- (E – filing Rs. 4,500) and for corporates to Rs. 10,000/- (E filing Rs. 9000). Also, now there is a limit and costs if either party seeks more than two adjournments so as to ensure expeditious disposal and clearance of pendency.

**PUBLISHERS AMICABLY SETTLE WITH PHOTOCOPIER**

Ref: The Times of India, Friday, 10.03.2017



University of Delhi



Delhi University Photocopiers were thrilled at the withdrawal of litigations by the consortium of publishers against them. The legal battle which commenced in 2012 was going in favour of the photocopiers being within the Fair use exception as stipulated in Section 52 of the Copyright

Act. The courts were of the prima facie view that this act is not infringement as it is for imparting education for the students without any ulterior motive. This case was withdrawn after the publishers lost twice and has been a sigh of relief to all the owners of photocopying services.

**INDIA R & D OF 'MERCEDES' ENDORSED**

Ref: The Times of India, Saturday, 11.03.2017



Mercedes Benz, the pioneer in luxury automotive acclaims the research and development team present in India for innovation in technology and products. The Indian team has filed more than 250 patents in last two years whereby affirming that they are in league to the Silicon Valley teams and might be soon producing all the parts and assembly of the luxury vehicle. This has resurrected the image of Indian technology in a very uprising manner.

**WHETHER DUBBING IS ANTI COMPETITIVE??**

Ref: The Times of India, Friday, 17.03.2017



In a landmark ruling, the Hon'ble Supreme Court has upheld that obstruction of dubbed films/serials under the aegis of protecting a language shall come within the ambit of an Anti-Competitive practice under Competition Act, 2002. The matter was initiated by two associations namely Eastern India Motion Picture Association (EIMPA) and the Coordination Committee of Artists and Technicians of West Bengal Film and Television investors who contended that airing of dubbed version of "Mahabharat" serial would adversely effect the interests of Bengali producers and thus asked channels to stop that telecast on the premise of an old customary convention lest they would boycott the channels.

However, the Competition Commission of India, on the plea of one of the Channel owner found this threat to be anti-competitive, which was later reversed by the Competition Appellate Tribunal who held that it did not throttle competition. The Supreme Court stated that the threat of boycott was an anti-competitive practice as it obstructed the commercial activities of the channel.

#### **AIRTEL V/S JIO MUDPEDDLING**

Ref: The Economic Times, Wednesday, 22.03.2017



Both the mobile giant companies, Airtel and Jio are rebuking each other through misleading adverts with an ulterior motive to entice away the public at large to either service provider. The issue of endorsement of fastest network being certified by Ookla has been the contentious matter. Jio has approached Advertising Standards Council of India and is also pursuing legal remedies against Airtel as well as Jio.

Jio and Airtel have been involved in several conflicts before and after the Mukesh Ambani owned company launched commercial operations early last September, including on the points of interconnect issue.

#### **AMUL V/S HUL**

Ref: The Times of India, Saturday, 25.03.2017



Frozen Desserts Vis a vis Pure milk Ice cream. This is the bone of contention between Hindustan Unilever and Vadilal on one hand and Amul Ice Cream on the other. The companies have initiated legal action and filed a suit in Mumbai High Court alleging misleading advertisement and anti-competitive practices of Amul to misdirect the customers for their products as against those of Vadilal or HUL. The senior officials are defending the respective stances of their corporates and the matter is pending adjudication. The Courts have upheld the claim of Amul as against the others, thus Amul is the only full milk ice cream.

#### **TRADEMARK FOR JINGLES & CHIMES**

Ref: The Times of India, Monday, 27.03.2017

#### **YAHOO! YODEL**

The new notification of trademarks has brought within its ambit sound marks as well through submission of MP3 files. The companies like Airtel, National Stock exchange are registering their tunes as sound marks. The originality and relation to the product or service is of paramount consideration for registration of a sound mark as a trademark. Marketing and branding goes hand in hand with different tunes and thus become associated with

product/service. Thus, this amendment shall open a new era of sound marks and their registration in India.

### ROCHE GETS APPROVAL

Ref: <http://www.reuters.com/article/us-roche-ocrevus-idUSKBN170046>,  
29.03.2017



U.S. approves Roche drug that targets severe form of multiple sclerosis (MS) Multiple Sclerosis (MS), a major ailment can now be potentially treated with the approval of Roche's drug Ocrevus. The approval has become the first US medicine for the neurological disease disorder. The listing price of this drug is approximately \$65,000 annually which has given it an edge against the medicine or Merck. The trial results of this drug were far more promising than the others with respect to disease progression. This drug, Ocrevus works whereby it reduces the assault of immune system of the body's own neurons and thus it targets inflammation. Though the competitors are also developing medicines and products for treatment of neurological diseases, Roche has got the first approver benefit in the market as well as in the medical parlance.

### RIGHT TO BE FORGOTTEN- IS IT A FUNDAMENTAL RIGHT

Ref: Sri Vasunathan v. Registrar General, 2017 SCC OnLine Kar 424, decided on 23.1.2017

# WHAT'S IN A NAME?

Karnataka High Court, while adjudicating a matter has upheld that an individual has a fundamental right that is "right to be forgotten". In sensitive cases involving the morality and reputation and individual can request the judicial authority to remove the name from digital records.

This shall ensure the right to privacy and also curtail the extensive ambit of sites likes Google and Yahoo to indulge in reporting cases with names of people. This is a precedent if followed in the true spirit it shall protect the dignity of an individual.



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