

Lecture- 23



Landmark judgments on Information Technology Act, 2000

Shreya Singhal v. Union of India (2015)

In this case, 2 girls were arrested for posting comments online on the issue of shutdown in Mumbai after the death of a political leader of Shiv Sena. They were charged under Section 66A for posting the offensive comments in electronic form. As a result, the constitutional validity of the Section was challenged in the Supreme Court stating that it infringes upon Article 19 of the Constitution.

Issue

Whether Section 66A is constitutionally valid or not?

Judgment

The Court, in this case, observed that the language of the Section is ambiguous and vague, which violates the freedom of speech and expression of the citizens. It then struck down the entire Section on the ground that it was violative of Article 19 of the Constitution. It opined that the Section empowered police officers to arrest any person whom they think has posted or messaged anything offensive. Since the word 'offensive' was not defined anywhere in the Act, they interpreted it differently in each case. This amounted to an abuse of power by the police and a threat to peace and harmony.

M/S Gujarat Petrosynthese Ltd and Rajendra Prasad Yadav v. Union of India (2014)

In this case, the petitioners demanded the appointment of a chairperson to the Cyber Appellate Tribunal so that cases can be disposed of quickly and someone can keep a check on the workings of CAT. The respondents submitted that a chairperson would be appointed soon.

Issue

Appointment of the chairperson of CAT.

Judgment

The Court ordered the appointment of the chairperson and must see this as a matter of urgency and take into account Section 53 of the Act.

Christian Louboutin SAS v. Nakul Bajaj and Ors (2018)

In this case, a suit was filed by a shoe company to seek an order of injunction against the defendants for using its trademarks and logo.

Issue

Whether the protection of “safe harbour” under Section 79 of the Act be applied in this case?

Judgment

The Court in this case observed that the defendant was not an intermediary as their website was a platform for the supply of various products. It used third-party information and promoted vendors in order to attract consumers for them. The Court held that e-commerce platforms are different from the intermediaries and the rights granted to them in Section 79 of the Act. It ordered the intermediaries to work with due diligence and not infringe the rights of the trademark owner. They must take steps to recognise the authenticity and genuineness of the products while dealing with any merchant or dealer.

The Court added that if the intermediaries act negligently regarding IPR and indulge in any sort of abetment or incitement of unlawful or illegal activity, they will be exempted from the protection of safe harbour under Section 79 of the Act. Any active participation in e-commerce would also lead to the same. It also referred to the intermediaries guidelines, which state that no intermediary must violate any intellectual property rights of anyone while displaying any content on its website.