

INDIA: Over-the-Top Platforms Now Regulated

Published: January 6, 2021



Shilpi Mehta Nanda
ZEAL Attorneys
Delhi, India



Malvika Shanker
ZEAL Attorneys
Delhi, India

Verifier



Abhilasha Nautiyal
Ira Law
New Delhi, India

Over-the-top platforms (OTT), largely unregulated for years in India, have been brought under the ambit of the Ministry of Information and Broadcasting (MIB).

OTT refers to streaming media services offered directly to viewers via the Internet. Examples of well-known OTT platforms include Netflix, Amazon Prime, Disney Hotstar, and Hulu. Several OTT platforms operating in India are owned by major international brands.

As notified in *The Gazette of India* on November 10, 2020, films and audiovisual content, as well as news and current affairs on OTT platforms will now fall under the purview of the MIB. The Government of India (Allocation of Business) Rules, 1961, were amended accordingly.

The actual way by which these powers might be exercised by MIB and the exact standards against which these platforms will be judged or curated is still unknown. It remains to be seen if the new rules will curtail the freedom of speech and expression of the OTT platforms' brand owners, filmmakers, and production houses since there is ambiguity whether the surveillance will be on the basis of quality of the broadcasted content or only the validity of rights.

However, it would not be a stretch to say that inclusion of OTT platforms under MIB may reduce fake viral news and pave the way for a reduction in pirated content and “hydra-headed” copyright infringing rogue websites. This would happen by regular surveillance of the Internet for mirror websites of existing malicious websites. These websites focus on making quick money by distribution of content without relevant licenses, thereby infringing the rights of the authorized content creators.

Although every effort has been made to verify the accuracy of this article, readers are urged to check independently on matters of specific concern or interest. Law & Practice updates are published without comment from INTA except where it has taken an official position.

© 2021 International Trademark Association

Take a look at...

IP SNIPPETS

CHINA: Milestone Reimbursement of Expenses of Trademark Administrative Actions

June 22, 2022

As reported on April 14, Emerson Electric Co. (Emerson) succeeded in receiving a favorable final ruling from the Fujian...

Trademark Administrators

China

MORE >

FEATURES

‘The Game Plan’—How North American Professional Sports Franchises Conduct Trademark Clearance for New Team Names

June 22, 2022

Giving yourself as much time as necessary for name selection and trademark clearance is critical in brand development...

Searching and Clearance

Recreation, Sports, and Toys

Rebranding

MORE >

MORE /

LAW & PRACTICE

UNITED STATES: Girl Scouts Cannot Stop Boy Scouts from Using ‘Scouts’ or ‘Scouting’.

June 22, 2022

The Boy Scouts of America (BSA) has the right to describe its leadership and development activities as “scouting,” without...

United States

Likelihood of Confusion

MORE >



© 2022 International Trademark Association. All rights reserved. [Privacy Policy](#), [Cookies Policy](#), and [Terms of Use](#).