

# *The Legacy Outreach*

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## THE UN DRAFT CONVENTION ON CYBER CRIMES – A BRIEF GLIMPSE AND ANALYSIS

*‘With great power comes great responsibility’.* Technology has taken over every part of the human life, with the objective of making things more accessible and easy. However, as may be apparent from various other inventions, there have also been various instances where the usage of technology has been made to cause harm to the public-at-large, thereby bringing the aforementioned Spiderman-originated proverb into the picture.

In recent years, with the public release of artificially intelligent (AI) technology, these brighter and not-so-brighter sides have been increasingly visible, thus, reigniting the emotions behind Uncle Ben’s dialogue. While AI holds great potential in making usual life easier, its inadvertent ability to allow miscreants to conveniently misuse inbuilt applications for various crimes, including the creation of deep fakes, committing financial frauds through voice modulation, as well as using this groundbreaking technology for far heinous crimes like terrorism, has not gone unheard. This purported misuse has further threatened the integrity of various individuals as well as nations, altogether, which were already putting their best steps forward against non-AI related cybercrimes.

While various governments have enforced laws and policies to curb this rampant misuse, the calculated implementation of such policies has been admittedly inadequate, thus highlighting the need for combined efforts, which may have a more efficient impact. In consideration of this, on August 9, 2024, the United Nations General Assembly (UNGA) published the ‘Draft UN Convention against Cybercrime;

strengthening international cooperation for combating certain crimes committed by means of information and communications technology systems (ICT) and for the sharing of evidence in electronic form of serious crimes’ (Draft Cybercrimes Convention or DCC).

With three-fold objectives of strengthening and promoting the prevention of cybercrime, facilitating international cooperation in such prevention, and supporting technical assistance as well as capacity building for the benefit of developing countries, the Draft Cybercrimes Convention offers a comprehensive and well-drafted approach for dealing with a range of offences, including but not limited to, terrorism & transnational organized crimes, online child sexual abuse, and money laundering. Offering an elaborated approach to cybercrimes, the DCC provides for a great promise, with a few minor concerns, which may be dealt with during its accession in the laws enacted by State Parties. Needless to mention that the Convention has also reignited the discussion on the management of cybercrimes in the era of AI-misuse.

### **Provisions relating to Criminalization (Articles 7 – 21)**

#### Acts Against ICT Systems

Chapter II of the DCC enlists provisions relating to criminalization which directs State Parties to adopt legislative & other measures, as may be necessary, for dealing with such ‘intentional acts’ which seek to commit various cybercrimes as provided under the provisions, and including the following:



- Illegally accessing either the whole or any part of an ICT system (Article 7);
- Causing technical interception of non-public transmissions of electronic data (Article 8);
- Damaging, deleting, causing the deterioration of, altering, or suppressing electronic data (Article 9);
- Hindering the functioning of an ICT device by inputting, transmitting, damaging, deleting, altering or suppressing electronic data (Article 10); and
- Obtainment, production, sale, procurement for use, import, distribution, and likewise of a device, including a program designed primarily for the purpose of committing the offences provided under Articles 7 – 10 of the Convention (Article 11)

In addition to the aforementioned, the DCC also asks the State Parties to deal with other cybercrime, including those relating to forgery, theft, fraud, and non-consensual dissemination of intimate images. A key element of the Draft Cybercrimes Convention is its dealing with offences relating to sexual offences against children and child pornography, wherein two detailed provisions have been dedicated within the document to deal with such offences.

#### Acts relating to Sexual Offences Against Children and Child Pornography

The DCC has laid down a separate definition for the term ‘child sexual abuse’ or ‘child sexual exploitation material’, wherein any visual, written or audio content describing, depicting, or representing a person under 18 years of age engaging in sexual activities, or being subjected to torture, or being physically exposed, has been covered.

Article 14 of the DCC directs State Parties to adopt legislative and other requisite measures against all intentional acts or conduct that lack any rights and cause to produce, offer for sale, transmit, distribute, solicit, or possess, amongst other acts as described, any child sexual abuse or child sexual exploitation material through an ICT system. The Article further seeks to ask State Parties to penalize any financing of the offences as provided hereinabove, with respect to which State Parties have been left at discretion to establish a separate penalty.

Other than the aforementioned, Article 15 of the DCC deals with all intentional communication, solicitation, grooming, or arrangement of child sexual abuse or child sexual exploitation material through an ICT system.

#### **Provisions relating to Procedural Measures and Law Enforcement (Articles 23-34)**

In its bid to prioritize the pursuance of a global criminal justice policy to protect society against cybercrimes through the adoption of appropriate legislations, establishment of common offences and procedural powers, the Draft Cybercrimes Conventions has put Chapter IV in place by way of which State Parties have been directed to enact various procedures for dealing with offences under the Convention.

#### Scope of the Draft Cybercrimes Convention and the Advent of AI-related Crimes

Article 23 of the DCC holds an integral provision which seeks to extend the powers and procedures emanating from the convention, not only to the offences established as part of the DCC but also to all other offences committed through an ICT system alongwith the collection of electronic evidence of criminal offences.



In the era of AI, where cybercriminals have been coming up with new ways to test the bounds of legality in their usage of technology, the aforementioned provision plays a substantial role in allowing state parties to continue to add crimes to the convention, as per cases and circumstances. While there may also be certain drawbacks to this open-ended sword, it is needful to say that the lesser evil may prevail in this case.

### Real-Time Collection and Interception – Indian Context

In addition to the various other procedural provisions enshrined under the DCC, Articles 29 and 30 hold a major part of the spotlight due to their nature of directing State Parties to adopt legislations or measures for collecting or recording real-time traffic data or content data (in relation to a range of serious offences) associated with specified communications, either through the ‘application of technical means’ or by compulsion of service providers.

A concerning aspect of this power lies in the wordings specified under Article 30, viz., ‘in relation to a range of serious offences’, wherein the term ‘serious offences’ has not been defined under either of the provisions of the Draft Cybercrimes Convention, thus, leaving an unhinged scope for the States to intervene in cases where their circumstance-specific definitions of ‘serious offences’ come into play. While it may not be definitely claimed that such may be the case, it is, however, needful to note that a number of countries, including India, have been witness to cases where the ruling parties have intercepted real-time communication of various individuals and organizations, by citing ‘reasonable beliefs of the commission of severe crimes.’

In fact, in the case of India, the Hon’ble Supreme Court, in the landmark case of Peoples’ Union for Civil Liberties vs. Union of India & Anr[1], has restrained such interception only to the cases where

*“It is necessary or expedient so to do in the interest of (i) sovereignty and integrity of India, (ii) the security of the State, (iii) friendly relations with foreign States, (iv) public order or (v) for preventing incitement to the commission of an offence. When any of the five situations mentioned above to the satisfaction of the competent authority require then the said authority may pass the order for interception of messages by recording reasons in writing for doing so.”*

While it may be admitted that clause (iv) highlighted by the Hon’ble Court may cover the provisions enshrined under Article 30 in case India accedes to the convention, however, it may also be needful to note that in accordance with the guidelines laid in the case of Maneka Gandhi v. Union of India[2], it is necessary for every ‘*procedure which deals with the modalities of regulating, restricting or even rejecting a fundamental right falling within Article 21 (sic) to be fair, not foolish, carefully designed to effectuate, not to subvert, the substantive right itself. Thus, understood, "procedure" must rule out anything arbitrary, freakish or bizarre. A valuable constitutional right can be canalised only by civilised processes.*’

Needless to mention, for the aforementioned conundrum to come into play, India will have to accede to the convention if and when the same is passed.



## Promoting International Cooperation to Work Against Cybercrimes & Dealing with Increasing Threats to Cybersecurity

The finalization of this Convention is a landmark step as the first multilateral anti-crime treaty in over 20 years and the first UN Convention against Cybercrime at a time when threats in cyberspace are growing rapidly [3]. With the growing use of AI, cybersecurity is under a continuing threat, due to the accessibility provided by the technology for miscreants to commit crimes. In such situations, the DCC brings an air of relief for various nations, which were facing difficulties in keeping up with the innovation of wrongdoers.

Provisions like those relating to international cooperation, technical assistance and information exchange, provide for an active promotion of active cooperation between state parties to facilitate efficient implementation of the provisions of the convention. These provisions will not only facilitate capacity building to benefit developing country parties like India but also provide for nuanced articles dealing with various subjects like extradition, personal data protection, and mutual legal assistance between all State Parties.

### End Notes

1. Peoples' Union for Civil Liberties vs. Union of India & Anr., AIR 1997 SC 568.
2. Maneka Gandhi v. Union of India, AIR 1978 SC 597.
3. Statement made by UNODC Executive Director Ghada Waly, available [here](#).



## SNIPPETS - RANKING HIGHLIGHTS

Since July 2024, Legacy Law Offices LLP and its various lawyers have been the bearer of extremely pleasant news in terms of the rankings and recognitions received in different international journals.

### Asian Legal Business

**Mr Gagan Anand** and **Ms Shalini Munjal**, the Managing and Co-Managing Partners of Legacy Law Offices LLP, were recently added to the list of **Super 50 Lawyers in India** for their immense contributions to the field of law. Inclusion in this prestigious list was based on the client recommendations they received for their work.



### AsiaLaw Rankings 2024

In the 2024 research schedule, Legacy was pleased to have attained rankings in the practice areas of **Construction, Capital Markets, Labour & Employment, and Dispute Resolution**, with added ranking in the sector of **Infrastructure**. Mr Gagan Anand was also ranked as a **Distinguished Practitioner**.

These rankings reflect the immense expertise held by Legacy and its lawyers in the aforementioned practice areas and are based on the recommendations received from our clients across the world.



## CRIMES IN THE METAVERSE – A GLIMPSE INTO THE READINESS OF INDIAN CRIMINAL LAWS

An alternate reality dimension, where human interaction occurs but on a virtual plane, in the form of avatars, who can sell, purchase, and possess a number of commodities, but neither of such possession has a physical form. While this explanation may seem to belong to a science fiction movie, the continuing development of Metaverse has brought some sort of reality into it through the development of highly complex yet advanced technology.

With the expansion of Metaverse, many individuals look forward to finding new avenues to interact, while companies have been investing greatly towards getting a strong grasp over the metaverse market. While companies like Meta Inc., Nvidia, and Epic Games are on the verge of developing a number of gadgets and platforms allowing virtual interactions of individuals and organizations, other companies like Reliance and HCL have also come close to establishing groundbreaking platforms.

However, while the excitement traverses through various testing phases and gadgets, the regulatory domain faces great challenges with its purported inability to govern any interactions in a reality, which is actual and yet, virtual.

### Understanding the Metaverse

The term 'Metaverse', having a multitude of definitions with a few common elements, was originally referred to by Neil Stephenson in his 1992 novel 'Snow Crash', as a place where digital avatars of humans could 'hang out', shop, and attend concerts.

Since then, the metaverse was conceptualized by various authors and movie directors as a dream-filled place where 'everything was possible'.

The initial development of the metaverse, however, dated back to 2002, when a virtual world under the name of 'second life' was developed by Linden Labs as a platform allowing users to form avatars as per their liking for interacting with other users and living in an alternate reality. Since then, there have been a number of advancements, majorly in the gaming sector, where companies have added 'life-like' elements to their games to help users develop real-time connections with other gamers as well as with non-playable characters (NPCs).

In the present day and time, elements of the metaverse have undergone tremendous transformation owing to the development of digital currencies, non-fungible tokens (NFTs), and other elements, which have provided users with the opportunity not only to interact but also to have valuable monetary possessions on virtual platforms.

A number of companies, including Facebook (Now known as Meta Inc.), have also invested a great number of resources in the research and development of platforms and technology, which will entice both individuals and companies to spend time and money on the metaverse. In fact, in its bid to realize the dream of the metaverse, Meta recently also released its augmented reality glasses which provided a unique approach to viewing videos and interacting with the virtual medium in the 'real world'.



## Crimes in the Metaverse

In the month of July 2023, India underwent a transformative change where the entire criminal law framework was overhauled, and new laws were introduced to ‘free the country from colonial-era legislation.’ While this change was welcoming, various stakeholders felt a need for the introduction of such amendments that deal with offences and other procedural provisions aligning with the present-day world, where normal human interactions are becoming an occasional phenomenon.

Even though India has a number of legislations, including the Information Technology Act, 2000, which deal with criminal acts through Information Technology Systems, however, with the advent of the metaverse, a number of complications have arisen, especially those concerning the definition of various offences as well as the jurisdictions where the proceedings against such offences may lie.

For instance, in a situation where one avatar of a person domiciled in one State of India steals a virtual boat which was purchased by another avatar owned by an Indian citizen through actual physical currency, a question will arise as to whether such theft would even be covered under the realms of the Bharatiya Nyaya Sanhita, 2023, Section 303 of which defines the offence of theft as,

*“Whoever, intending to take dishonestly any movable property out of the possession of any person without that person’s consent, moves that property in order to such taking, is said to commit theft.”*

If, in case, it is even claimed that Section 303 shall be deemed to govern the aforementioned virtual theft, wherein such issue shall concern the question of the jurisdiction where the complaint for the offence of theft has to be lodged.

It is further manifest to acknowledge that there may also be cases where the alleged wrongdoer avatars may be untraceable, thus creating a metaverse that is a lawless safe haven for criminals.

Needless to say, such complexities may become manifold in cases of transnational offences, owing to the endless bounds of the metaverse platforms.

## Finding a Balance between Technology & the Law

India is the largest populated country in the world, wherein a substantial portion of the population is comprised of youth who are ready to consume technology and live in the metaverse. Thus, it becomes crucial for the legislature to work either towards the formulation of new legislations and policies or towards the inculcation of various provisions within the existing legislations and policies, which may seek to govern the interaction in the metaverse. While it may be admitted that subject to the ongoing development of the metaverse on its own, it may be complex for the legislature to determine the future. However, it may also be a necessary step to initiate the process in order to simultaneously bring legislation with the establishment of the platforms.

Another way to govern the avatar interactions in the Metaverse may also be through the compulsion towards the use of blockchain technology, which offers a permanent record of data which may be used to track the origin of the wrongdoer. However, if a lesson is taken from the case of WhatsApp, the Indian government may have to decide between being a consumer of technology or taking the drastic and undesirable measure of banning the technology in case the developers produce encrypted platforms where the conversations



and interactions are protected.

In any case, it is undeniable that Metaverse holds the future of human interaction, and whether the same remains governed or ungoverned, the future does not stop for anyone.

### ***SNIPPETS - DEAL HIGHLIGHTS***

Since July 2024, Legacy Law Offices LLP has acted as Legal Advisor on a number of landmark deals for companies engaged in a variety of sectors. A brief of the work carried out by the team lawyers of Legacy Law Offices LLP, comprising **Ms. Shalini Munjal (Co-Managing Partner)**, **Mr. Amarendra Gogoi (Partner)**, **Mr. Pradyun Chakravarty (Principal Associate Advocate)**, and **Mr. Nandish Munjal (Associate Advocate)**, has been provided below:



Legacy Law Offices LLP acted as Legal Advisor to the Initial Public Offering of P S Raj Steels Limited, a leading manufacturer of steel pipes and tubes in India. The Company recorded a revenue of Rs 297.74 crores in the previous year and offered the fresh issuance of 20,20,000 equity shares, each with a face value of Rs 10. Legacy rendered services relating to the filing of Draft Red Herring Prospectus and legal due diligence to facilitate the listing of the company.



**SOLAR 91**

The team acted as Legal Advisor for the IPO of a leading renewable energy company based out of India, where the services rendered included legal due diligence and legal advisory in relation to the submission of the DRHP to the Regulator.

The Issuer Company sought to raise approximately USD 12 Million (100 Crore INR) through the IPO.



Legacy acted as Legal Advisor for the IPO of the Rajasthan-based media and publicity company, which filed its DRHP in the month of September 2024. The Company offered a fresh issuance of 59,62,800 Equity Shares of face value of Rs.10/- each.



Legacy Law Offices LLP acted as Legal Advisor for the IPO of a well-reputed Investment Advisor and IEPF Consultant. The SME IPO, having listed in the month of September 2024, witnessed a subscription of 14.6 times, wherein the highest demand was recorded at the end of non-institutional and retail investors who oversubscribed their respective portions by 22 and 18 times.



## TRADEMARK INFRINGEMENT DISPUTES IN INDIA: ANALYSIS OF BURGER KING DISPUTE

In a landmark verdict, the Pune District Court dismissed a thirteen-year-long pending injunction suit filed by the Burger King Corporation against a local eatery. Burger King, a well-known and established English food franchise, started operating its first joint in 1954 and has since spread its operations across different countries with many outlets across the globe. On account of the magnanimity of the business, the company holds thousands of trademarks for the name 'BURGER KING' in other classes, and they are distinctly recognized by their name and goodwill earned over several years of operation.

The original dispute pertained to an injunction application filed against the local Pune eatery operating under the name of Burger King. Within the application, Burger King sought the issuance of a permanent injunction against the Pune joint and the subsequent rejection of its trademark registration application. The Trial Court, on March 5, 2011, passed an ad-interim ex parte order restricting the local Pune eatery from using Applicant's trademark "Burger King". The same order was challenged by the owners of the local Pune eatery but was further upheld by the Court on January 20, 2012. The Pune District Court lifted the 13-year-long ad-interim stay order through an order dated July 16, 2024. The judgment of the Pune District Court examined several factors of the case to set aside the 2011 order and lift the stay on the local Pune eatery, allowing them to use the trademark, Burger King.

Subsequently, the Hon'ble High Court of Bombay reversed the July 16 judgment on August 26, 2024, to allow further hearings into the dispute.

However, the decision of the Pune District Court highlighted various loopholes and shortcomings in India's overall trademark registration and infringement policy. Despite believing that Burger King as a food chain has earned enough goodwill and a good reputation in India, one of the intriguing factors to understand was why the stay order was lifted in favour of the local Pune eatery.

India's law governing intellectual property rights is complex and detailed, yet there are loopholes that need to be properly addressed and adequately backed or substantiated. There are implementation gaps with limited precedents and cases to rely on. Such hurdles pose a severe issue with uniform interpretation and safeguarding of intellectual property rights in India. In the current trademark infringement dispute, the primary question posed before the Court was to decide upon the validity of the infringement claim and whether the given circumstances would amount to an infringement under the ambit of applicable legislation in India.

One of the prevailing concerns was about the registration timeline of the trademark by Burger King Corporation earlier than that of Pune-eatery and their non-usage until 2006. The Applicants registered their trademark in India under Class 30 and 42 in 2000 and 2006 when they opened their outlet in Delhi. The Counsel of Pune-eatery argued that they started using the trademark before the Burger King Corporation had any presence or goodwill in India and are thereby entitled to its usage in India.



Examining the same, the Hon'ble Court upheld that the Burger King Corporation has failed to prove any actual financial loss due to the claimed infringement. The Pune District Court rejected the application of Burger King Corporation, stating that "*..... the plaintiff (US company) has started to provide services through restaurant under its trademark Burger King in India, particularly in the year 2014 whereas since 1991-92 defendants are using the trademark Burger King to provide restaurant services. Even the plaintiff has not placed on record the registration certificate about the registration of its trademark in India under class 42 prior to 1991-92.*

*Admittedly, the plaintiff has registered its trade mark Burger King under class 42 pertaining to restaurant services as of 06.10.2006. So, considering the fact that the defendants are prior users of the trademark in question, I am of the opinion that the plaintiff has no cause of action to seek relief of perpetual injunction. Thus, in the absence of cogent evidence, I find that the plaintiff is not entitled to damages, rendition of accounts and the relief of perpetual injunction."*

The judgment highlights various inconsistencies in India's intellectual property law. There is an immediate need to reform and review the current IPR framework and make necessary and appropriate changes to safeguard Intellectual properties in India. These reforms will not only enhance legislative security but will also provide more significant economic and regulatory benefits to the stakeholders of these virtual assets in India. In addition, better accommodation and uniformity in the trademark allotment process will also promote ease of doing business in India, as well as ease of entry and exit from the Indian market for foreign commodities to invest in the IP landscape of India.



Image source: LiveMint, available [here](#).

## KUDOS TO OUR OLYMPIC ATHLETES

The month of July 2024 marked the beginning of the 2024 Olympics. Featuring 4,400 athletes from around the world competing in 22 sports, the Games were hosted across some of Paris's most iconic venues, including the Eiffel Tower, the Château de Versailles, and the Grand Palais.

For India, this landmark event marked incredibly inspirational milestones for the Paralympic Team, which made history by bagging a total of 29 medals, including seven gold, nine silver, and 13 bronze medals, thus marking the best performance of Indian athletes in Olympic history.

The various disciplines where the Indian Paralympic Players accomplished great praise included Women's 10m Air Rifle Standing SH1, Badminton, Men's Javelin Throw, High Jump, and Archery's Mixed Team Compound Open.

Legacy Law Offices LLP extends its heartiest congratulations to the team, for this incredible accomplishment!



Image source: LiveMint, available [here](#).



## SNIPPETS - THOUGHT LEADERSHIP HIGHLIGHTS

In the month of August 2024, our Director, **Ms Vandana Randhawa**, and Associate Advocate, **Ms Shipra Sahu** attended the General Counsel Conclave organized by the Association of Corporate Lawyers held in the beautiful State of Goa. The conference saw the participation of In-House Counsels and Law Firm Partners from across the globe and was filled with a number of highly intriguing sessions and engaging networking events.



During the mid week of September 2024, **Mr Gagan Anand**, Managing Partner of Legacy Law Offices LLP attended the Annual Conference hosted by the International Bar Association in Mexico. The 3-day Conference held a number of thought-provoking sessions with various networking evenings.



In the month of September 2024, **Mr Gagan Anand**, and **Ms Vandana Randhawa** attended the FIDIC Global Infrastructure Conference 2024, in Geneva. The Conference offered a range of opportunities for networking and brought together many engineering professionals and consultants from all over the world, who held discussions and panels on various contemporary topics concerning the infrastructure sector.

The Conference also included a Gala Dinner, which was sponsored by **Legacy Law Offices LLP**.



## COMPETITION COMMISSION OF INDIA (CCI) NOTIFIES AMENDED COMBINATION REGULATIONS AND RELATED PROVISIONS

By way of a major development, the Ministry of Corporate Affairs (“MCA”) enforced notifications dated 9th September, 2024, inter-alia, bringing into force the amended provisions relating to merger control as contained in the Competition Act, 2002 (“Act”) which have come into effect from 10th September, 2024. Through the Competition (Amendment) Act, 2023 (“Amendment Act”), which was notified on April 11, 2023, the Act's merger control regime was amended. However, the provisions pertaining to combinations were not put into effect until after the provisions found in Sections 6 to 8, 21 to 24, 28, 30, 34, and 38 of the Amendment Act were notified vide Notification No. S.O. 3846(E) dated 9th September, 2024.

A significant amendment of the Amendment Act is the insertion of sub-section (d) to Section of the Act whereby the Deal Value Threshold for a transaction has been provided for. In terms of the said provision, a transaction whose value exceeds two thousand crore (INR 2000 Cr.) and the enterprise being acquired, taken control of, merged or amalgamated has such substantial business operations in India shall be mandatorily be notified to the CCI for its approval. Further, the definition of “control” as provided for in the Explanation appended to Section 5 has been widened to include *“the ability to exercise material influence, in any manner whatsoever, over the management or affairs or strategic commercial decisions.”*

Vide Notification No. G.S.R. 548(E) dated 9th September, 2024, the MCA enforced the Competition (Criteria of Combination) Rules, 2024 wherein the combinations meeting the criteria specified therein are required to file the notice in Form 1.

In terms of the above Rules, for the purpose of Section 6(4) of the Act, the parties to the combination, their group entities and affiliates who fulfill the following criteria may give notice of such combination:

- 1.They do not produce or provide similar or identical or substitutable product or service;
- 2.They are not engaged in any activity relating to production, supply, distribution, storage, sale and service or trade in product or provision of service either at different stage or level of production or that are complementary to each other.

Further, the Competition (Criteria for Exemption of Combinations) Rules, 2024, (“Exemption Regulations”) that have been notified under Notification No. G.S.R. 549(E) dated 9th September, 2024 provide for the categories of combinations which fulfil the criteria prescribed in the Schedule to the said Exemption Regulations that are exempt from the requirement of filing in order to comply with the requirements laid down under Section 6(2), 6(2A) and 6(4) of the Act and the same are similar to the exemptions provided for under the previous regulations.

Vide another Notification dated 9th September, 2024 bearing Notification No. G.S.R. 547(E), the MCA enforced the Competition (Minimum Value of Assets or Turnover) Rules, 2024 (“De-minimis Regulations”) prescribing the minimum value of assets and turnover for the purposes of clause (e) of section 5 of the Act, which is the de-minimis threshold for a transaction to qualify as a combination.



The amended de-minimis threshold prescribed is INR 4.51 billion (approx. USD 54.2 million) in India and the value of turnover prescribed is INR 12.50 billion (approx. USD 151 million) in India.

Concurrent to the coming into force of the amended provisions, the Competition Commission of India (“CCI”) also notified the new Competition Commission of India (Combinations) Regulations, 2024 (“Combination Regulations”) vide Notification No. F.No.CCI/CD/Comb. Regl./2024 dated 9th September, 2024. The Combination Regulations, inter-alia, provide the manner of determination of the value of transaction and criteria for determining the substantial business operations in India, procedure for review of combinations and the procedure for modification of a proposed combination, the form of notice for notifying the combination to the CCI, the fee to be paid.

By way of the notification of the abovementioned Amendment Act, another major development has been the reduction of the time frame for approval of combinations from 210 days to 150 days [Section 6(2A) of the Act]. The notification requirement of a transaction is required to be examined as per the provisions of Act (as amended). If the same constitutes a notifiable transaction and has not been fully consummated as on the date on which the provisions of the Act (as amended) comes into force, the notice shall be required to be filed. It has however been clarified by the CCI that the transactions partially initiated before the amendments came into force would not attract any penalty under Section 43A of the Act.



*Image source: CCI Website, available [here](#).*

## About the Author

**Ms Tanvi Kakar** is an Advocate-on-Record and a Partner in the Dispute Resolution Practice Team at the Delhi Office of Legacy. With over 10 years of experience in handling disputes across a variety of sectors, Ms Tanvi has entered appearances on behalf of a number of clients including the Competition Commission of India before the Hon’ble Supreme Court of India, on regular occasions.



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Specialist advice must be sought about specific circumstances.

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