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A GNLU CENTRE FOR LAW AND TECHNOLOGY INITIATIVE

## Monthly Newsletter - TechTalk



Gujarat National Law University



Welcome to the GNLU Centre for Law and Technology Newsletter!  
Serving as the conduit to the dynamic intersection of science, technology, and the law, our mission is to provide updates on the latest developments, promote academic excellence, and empower legal professionals to navigate this ever-evolving landscape. Join us in bridging the gap between these crucial fields and shaping the future of legal practice in our interconnected world.

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Enclosed in this newsletter are the following highlights:

Updates on law and technology, showcasing the latest developments in this ever-evolving field. Our curated content might just spark your next research topic idea. Stay informed and stay inspired and keep reading!

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## AUSTRALIA INTRODUCES GROUNDBREAKING SOCIAL MEDIA BAN FOR MINORS

Australia has enacted a landmark law banning children under 16 from using social media, imposing fines of up to A\$49.5 million on non-compliant tech giants. The Social Media Minimum Age Bill, set to take effect in 2025 after a trial phase, aims to address mental health concerns linked to social media use among minors. The legislation, which is stricter than similar laws in France and some U.S. states, passed despite opposition from privacy advocates, child rights groups, and tech companies like Meta and Snap. Public support for the ban stood at 77%, following testimonies from parents of children affected by cyberbullying.

Prime Minister Anthony Albanese's government introduced the law amid growing scrutiny of Big Tech, including regulations requiring platforms to pay royalties for sharing media content and tackling online scams. Critics, including LGBTQIA and migrant advocacy groups, argue the ban may disconnect vulnerable youth from essential support networks. Privacy concerns also loom, with fears of increased data collection enabling state surveillance. However, last-minute amendments mandate alternatives to identification document uploads.

Supporters like anti-bullying advocate Ali Halkic see the law as a step toward protecting children, while skeptics warn it could push youth toward riskier online spaces. Tech companies have expressed reservations about rushed implementation and unclear guidelines, with Snapchat pledging cooperation but voicing concerns. Critics, such as Greens senator Sarah Hanson-Young, deride the law as out-of-touch, while young Australians like student Enie Lam argue the ban might backfire, fostering technological bypass strategies.

As the global debate on regulating Big Tech intensifies, Australia's bold move positions it as a test case for balancing youth safety, privacy, and societal participation in the digital age.

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The Indian government, through the Ministry of Electronics and Information Technology (MeitY), is developing voluntary codes of conduct and ethics for companies working with artificial intelligence (AI) and generative AI. These informal directive principles aim to guide organizations in building and deploying large language models (LLMs) and using data for AI training. The initiative is part of efforts to ensure ethical AI development and address concerns of misuse, bias, and transparency.

Although an AI-specific law is not expected soon, the government is engaging with stakeholders to design common principles. The guidelines, anticipated for release early next year, will outline measures for companies during AI training, deployment, commercial sale, and addressing instances of potential misuse. Inspired by the G7's 11-point code of conduct for AI companies, India's version will adapt to its unique needs while focusing on responsible innovation.

In March, MeitY issued an advisory emphasizing the need to prevent bias, discrimination, and threats to electoral integrity through AI applications. It also required explicit government approval for deploying AI models or algorithms in beta or experimental stages. However, the advisory and registration requirement were later withdrawn, highlighting the evolving regulatory landscape.

The upcoming guidelines reflect India's proactive stance in balancing innovation with accountability in the AI sector. By creating a voluntary framework, the government seeks to foster industry cooperation while addressing ethical and security concerns. This move aligns with global trends, as nations grapple with the challenges posed by rapid AI advancements.

The framework is expected to encourage companies to self-regulate, ensuring that AI applications prioritize safety, fairness, and transparency. It underscores the government's intent to mitigate risks associated with emerging AI technologies while promoting their ethical and responsible use.

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Denmark has unveiled a framework to guide public and private entities in using generative AI responsibly under the EU AI Act, the world's first major AI law. The framework, outlined in the "Responsible Use of AI Assistants in the Public and Private Sector" white paper, was developed by a government-backed alliance of Danish corporates led by IT consultancy Netcompany. Microsoft has already adopted the guidelines, emphasizing their global relevance.

The white paper provides best practices for scaling AI responsibly while complying with the EU AI Act and GDPR. It addresses mitigating risks, reducing bias, ensuring secure data storage, fostering public-private collaboration, and training employees for AI deployment. Designed for heavily regulated sectors like financial services, it offers a structured approach for using AI while delivering reliable services to consumers.

The EU AI Act, effective since August 2023, employs a risk-based approach to regulate AI technologies. However, most provisions, including those governing general-purpose systems like ChatGPT, will take effect by 2026 after a two-year transition period. Denmark's digital affairs minister, Caroline Stage Olsen, called the white paper a crucial step in aligning businesses and governments for responsible AI development.

Netcompany CEO André Rogaczewski initiated the framework to standardize AI usage across industries. Microsoft's endorsement highlights the framework's potential to harmonize AI practices globally. The U.S. tech giant, a key supporter of OpenAI, integrates AI solutions via its Azure cloud platform.

Denmark's initiative offers a blueprint for other nations and firms seeking to comply with evolving AI regulations, ensuring ethical and secure adoption of transformative technologies.

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## ANI TAKES LEGAL ACTION AGAINST OPENAI FOR UNAUTHORIZED USE OF CONTENT IN AI TRAINING

Indian news agency ANI has filed a lawsuit against OpenAI in the New Delhi High Court, accusing the ChatGPT creator of using its published content without permission for AI training. ANI alleges that this unauthorized use violates copyright laws and undermines fair competition. The agency also claims that ChatGPT has attributed fabricated news stories to ANI, further harming its reputation.

In its court submission, ANI argued that OpenAI has refused to obtain lawful licenses for its content, even as it forms commercial partnerships with other media organizations like the Financial Times and Associated Press. ANI expressed concern that OpenAI's practices favor its competitors, creating an uneven playing field.

OpenAI, however, denies any wrongdoing. The company stated that it builds its AI models using publicly available data under fair use principles, backed by established legal precedents. OpenAI also disclosed that ANI's website was added to its internal block list in September 2023 to prevent future use of its content in training.

Despite this, ANI argues that its works are permanently stored in ChatGPT's memory, with no system in place for deletion. OpenAI and other tech firms have faced similar lawsuits globally, including those from major newspapers like The New York Times and The Chicago Tribune. These lawsuits highlight growing concerns about copyright and the ethical use of intellectual property in AI development.

The first hearing took place in New Delhi, where the court issued a notice to OpenAI, requesting a detailed response. The case will be heard again on January 28, 2025. Meanwhile, OpenAI continues to explore partnerships with news organizations worldwide, including in India, as it seeks to address copyright challenges while advancing AI innovation.

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WhatsApp, owned by Meta, is appealing a €225 million (\$236 million) data privacy fine imposed by Ireland's Data Protection Commission (DPC) to the Court of Justice of the European Union (CJEU). The penalty, issued in 2021, followed complaints about WhatsApp's handling of personal data in Ireland and was significantly increased after intervention by the European Data Protection Board (EDPB).

WhatsApp's earlier challenge was dismissed by the General Court of the European Union, which ruled that the company was not directly affected by the EDPB's decision. The court argued that the Irish DPC retained some discretion in determining the final penalty. WhatsApp disagrees, asserting that the EDPB's decision has direct legal effects on the company and raises critical questions about the regulatory authority of EU bodies in composite administrative processes.

Representing WhatsApp, lawyer Hans-Georg Kamann told the CJEU judges that the earlier ruling was "flawed and unworkable" because it failed to acknowledge the EDPB's influence on the fine. WhatsApp is seeking clarity on whether companies can challenge decisions by EU supervisory bodies like the EDPB.

The CJEU's verdict, expected next year, could have far-reaching implications for how data privacy cases are handled within the EU. It may also influence the accountability mechanisms for companies navigating the complex interplay between national and EU regulators.

This case highlights the growing scrutiny around data privacy practices and underscores the importance of clear regulatory frameworks as companies face increasing fines for violations. This case, C-97/23 P WhatsApp Ireland v European Data Protection Board, could shape the future of privacy enforcement in the European Union.

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## US SUPREME COURT REFUSES TO HEAR APPEAL IN FACEBOOK DATA BREACH LAWSUIT

The U.S. Supreme Court has declined to hear Facebook's appeal in a securities fraud class action stemming from the 2015 Cambridge Analytica data breach. The lawsuit, led by Amalgamated Bank, accuses Facebook of misleading investors by failing to disclose the breach, which compromised data from over 30 million users. Shareholders allege that Facebook violated the Securities Exchange Act by portraying data breach risks as hypothetical, even though a breach had already occurred.

The Supreme Court dismissed Facebook's appeal in a brief, unexplained order, leaving a lower court's ruling in place that allows the lawsuit to proceed. The case now moves forward, with plaintiffs expected to seek discovery, an information exchange process that could uncover new evidence. Facebook spokesperson Andy Stone criticized the decision, calling the claims baseless, and reaffirmed the company's intent to defend itself in district court.

The data breach, tied to British political consulting firm Cambridge Analytica, had far-reaching consequences. It led to U.S. government investigations, congressional hearings, and significant financial penalties. Facebook settled a 2019 U.S. Securities and Exchange Commission enforcement action for \$100 million and paid an additional \$5 billion to the Federal Trade Commission for privacy violations.

The Biden administration supported the shareholders, emphasizing corporate accountability in securities disclosures. The case is one of two securities fraud disputes recently reviewed by the Supreme Court; a decision on a separate case involving Nvidia remains pending.

The Supreme Court's refusal to hear the appeal leaves unresolved questions about whether companies must disclose past risks that have materialized, setting the stage for continued legal battles in the Facebook case. Legal experts suggest Facebook may renew efforts to dismiss the case under revised arguments, potentially delaying proceedings further.

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## SPOTLIGHTING RESEARCH TOPICS: EMPOWERING RESEARCH PAPER ASPIRATIONS

We understand that embarking on a journey to create impactful research papers can be both exciting and daunting. As you navigate through your academic pursuits, we're here to help illuminate your path and fuel your scholarly ambitions. This section presents a curated selection of broad research paper topics designed to spark your intellectual curiosity and inspire your next paper based on the latest developments of this month. Each topic represents an opportunity for exploration, discovery, and the potential to contribute to the ever-evolving landscape of law and technology. We believe that a well-chosen research topic is the cornerstone of a successful publication, and our aim is to empower you to make informed choices.

- *Platform responsibility for online harms*
- *Data Sovereignty in the Digital Era*
- *A Comparative Analysis of Global Regulatory Frameworks*
- *The Future of Data Breach Litigation*
- *Cross-border data transfers and privacy rights*
- *Data Privacy and Surveillance*

## MESSAGE FROM THE NEWSLETTER TEAM

The news articles discussed or included in this newsletter represent the views of the respective news websites. We do not endorse or assume responsibility for the content or opinions expressed in these articles. Our purpose is to bring recent developments to your knowledge, providing a diverse range of information for your consideration. Your input matters to us, and we'd love to hear your thoughts. If you have any suggestions, ideas, or feedback on how we can improve the newsletter or if there's something specific you'd like to see in future editions, please don't hesitate to reach out. Your insights help us grow and ensure we're delivering the content you want.

Stay curious, stay informed!



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