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Advocates & Solicitors

# TECHNOLOGY, MEDIA, & TELECOMMUNICATIONS

**Practice Profile**

Mumbai I New Delhi I Bengaluru



# About the Firm

Founded in 2008 on immutable principles of professional ethics and excellence, Bharucha & Partners is a full-service law firm, with offices in Mumbai, New Delhi, and Bengaluru in India.

We are a Firm of practitioners, with 15 Partners and over 80 lawyers offering a blend of rich experience, creativity, and the energy of youth. Each of the partners has a proven track record of handling complex commercial transactions or disputes, while each associate has a passion for the law, and is individually groomed to share the vision and mission of the partners and the Firm. The hallmarks which each of our practitioners share are commitment to the profession, communication and transparency, and conviction and integrity in our dealings with each other, our clients, counterparts in the profession, and no less importantly, with ourselves.

The Firm caters to a diverse clientele including Fortune 500 companies, multinational corporations, public sector undertakings, banking and financial institutions, government and state authorities, and various not-for-profits. Our clients consistently praise the 'work ethic' of the Firm, the 'timeliness' of our lawyers, and the 'hard-working' team of lawyers that serve 'the best interests of the clients'.

The Firm has been consistently recognised on various platforms like Chambers and Partners, Euromoney, Legal 500, Who's Who Legal, IFLR1000, asialaw, Benchmark Litigation, and India Business Law Journal, to name a few.

# Mission

### To our clients
We are committed to further your interests: by delivering work product of the highest quality; on time, every time; consistent with high ethical standards; at a reasonable cost; always delivering value.

### To our professional colleagues
As our learned friends, we offer courteous and straight dealing.

### To our counter parties
Respectful of your legitimate rights, we will not make unreasonable demands while working for the best results for our clients. In a hostile situation, may the best man win and we will work to ensure that the best case for our client is put forward.

# Vision

In the 21st century, time is at a premium; competence is said to be a commodity;
and loyalty is for sale. We accept none of that.

Organisations and systems make time manageable. Excellence is rare, it cannot be equated with competence.

We have seen the legal profession grow and change with growth. We believe that growth cannot be at the cost of excellence. To the contrary, growth must foster excellence. We will not be part of any system where values or quality may be impaired in the rush to get the deal done.

We have come together based on immutable principles of truth, ethics, and excellence.

We will not compromise.

Growth will be driven by these principles. We will select the right people, groom them, invest in them. We will not just invest money. We will invest our time and our commitment. Some will fall by the way, as they must, but a few will make the grade. Those who share our values and our vision will be partners. They will be lawyers who will succeed in any jurisdiction.

Within ourselves, we have the capabilities of a full-service law firm. We will grow our capabilities to better serve our clients.

We are proud of every member of our Firm, be they professionals, fee earners, or support staff. Each is a flag bearer. We are committed to going forward and each constituent of our Firm is proud to belong to the law firm that delivers excellent value to its clients and enriches the profession.

# Technology, Media, & Telecommunications Practice

The Firm's Technology, Media, & Telecommunication (TMT) Practice evolves with changing technology, business, and business models, and we are known for our innovative advice on dynamic and complex issues.

The Firm advises and represents clients on all aspects of the TMT practice, ranging from support and documentation on all types of transactions (mergers and acquisitions, initial public offerings, private equity investments) to advising on technology and intellectual property aspects of transactions and local law, as well as regulatory compliance on contentious matters. Our strength lies in understanding the issues faced by corporate decision-makers as many of our practitioners have held key government and in-house positions in the past.

Our clients include technology companies engaged in IT/ITES, fintech & banking, software licensing & protection, media & entertainment, individuals engaged in films, television, FM radio, OTT, content publishing, and telecom companies engaged in basic telephony as well as value-added data services.

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# Technology, Media, & Telecommunications Practice Leaders



## MP Bharucha, Founder, Senior Partner

MP, as he is popularly known, spearheads the Commercial Litigation Practice at the Firm. MP has been consistently ranked by Chambers and Partners, Euromoney, and Legal 500 as amongst India's leading lawyers and has wide experience in TMT matters. He is known for his multidisciplinary abilities in both dispute resolution and general corporate advisory.



## Kaushik Moitra, Partner, Practice Lead - Regulatory, IP, TMT | Practice Development

Kaushik's invaluable in-house experience with diversified media conglomerates guides the Firm in matters regarding media platforms and personnel. His experience with diversified media conglomerates provides him with a 360-degree view of the media and entertainment sector that helps him and his team provide advice and representation that has deep sectoral insights relevant to the client's business. Kaushik is known for his prompt and business-centric advice in the transaction space and his ability to address intellectual property mandates which require representation in tribunals and courts across the country.



## Alka Bharucha, Senior Partner

Alka heads the Firm's Transactions Practice, working extensively in capital markets transactions, with over 30 years of experience in mergers & acquisitions and private equity investments. Alka has in-depth expertise in telecom, power, logistics, e-commerce, aggregators, and oil and gas sectors. She is known for advising Indian and multinational telecom companies on mergers and acquisitions, financings, refinancings, initial public offerings, and regulatory matters. Alka has been consistently ranked as one of India's foremost transaction lawyers by Chambers and Partners, Legal 500, and Who's Who Legal. She has also been listed amongst India’s top 100 lawyers by the India Business Law Journal.



**Sneha Jaisingh, Partner, Practice Lead - Disputes Practice Group**

Sneha is a multi-faceted practitioner with extensive experience in litigation before the Supreme Court and High Courts, as well as tribunals. Her expertise also encompasses arbitration. She specialises in commercial disputes, including media rights and licensing disputes, insurance claims, and employment law. Sneha has successfully managed significant regulatory cases, particularly in the telecommunications sector, and serves clients spanning telecom, construction, manufacturing, and various service sectors. She is recognised for her meticulous attention to detail coupled with sharp tactical insight.



**Karnika Vallabh, Partner**

Karnika advises clients throughout the entire life cycle of content, beginning from the planning and production stages, advising on content distribution and advertisements, and up to navigating any disputes brought before various fora, including various High Courts and the Supreme Court of India. She routinely assists clients with respect to their brand development and strategy, and the exploitation and protection of their intellectual property across jurisdictions. Karnika has experience in advising technology companies and start-ups on various business needs, including aligning their business and operations to ensure compliance with applicable data protection regulations.

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# Indicative Experience

1. Representing A.R. Rahman, one of the most decorated, acclaimed, and influential composers in India and the world over, before the Delhi High Court in a suit filed against him by a Hindustani Dhrupad musician seeking inter-alia, injunction, and damages for alleged infringement of copyright in musical work.

2. Representing the British Broadcasting Corporation with respect to matters related to tax, negotiation of commissioning agreement and license agreements, foreign direct investment, renewal of channel license, change of their channel license logo, transfer pricing, employment law compliance etc. including representation in defamation proceedings before the Delhi High Court and the Rohini district court.

3. Advising NDTV with relation to drafting of the channel placement agreement that may be executed with Multi System Operators, or any other Distribution Platform Operators.

4. Advising Minnow Films, a UK-based production house, through the pre-production, production, and post-production of several journalistic documentaries released in India and across the globe on platforms such as Netflix and Amazon Prime. The Firm has:
    a. Rendered advisory services relating to production of documentary series titled “Bad Boy Billionaires”, including advising on licensing, assignment, and fair use of intellectual property, obtaining broadcast insurance, replying to legal notices, and representation before the Supreme Court, Telangana High Court, and district courts in Araria, Bihar and Lucknow, in matters filed by the subjects of the documentary including Mehul Choksi, Subrata Roy, and Ramalinga Raju.
    b. Rendered advisory services relating to production of documentary series titled “Crime Stories: India Detectives”, including advising on licensing, assignment, and fair use of intellectual property, obtaining broadcast insurance, and representation before the Bangalore High Court, and district courts in Bangalore, in matters filed by a subject of the documentary. The documentary series chronicles the functioning of the Bengaluru City Police as they attempt to solve 4 violent crimes.
    c. Rendered advisory services relating to production of documentary film titled "Mumbai Mafia: Police vs the Underworld" including, but not limited to advising on licensing and assignment of intellectual property, privacy concerns, obtaining broadcast insurance, and content licensing. The documentary film retraces and sheds light on the intense clashes between the Mumbai Police and Dawood Ibrahim and other members of the D-Company.

5. Advising Passion Docs Limited through the entire life cycle of their documentaries released in India and across the globe on Netflix and Amazon Prime, including negotiating the client’s rights with the commissioning platform. The Firm has:
    a. Rendered advisory services relating to production of documentary film titled “Caught Out: Crime, Corruption, Cricket” which depicts the Central Bureau of Investigation's inquiry into various Indian and international cricket players who were allegedly engaged in match fixing and assisted the client in preparing errors and omission letters for broadcast insurance.
    b. Rendered advisory services relating to production of documentary film titled “This is AP Dhillon” which follows his life from a small village in Punjab, to performing on the global stage and redefining the global music industry.

6. Advising BritDocs Films Limited in relation to the documentary film titled “While We Watched”, a newsroom drama that chronicles working days at the New Delhi Television Limited (NDTV) office and follows broadcast journalist Ravish Kumar as he navigates the spread of disinformation in India.

7. Advising and representing Sony Pictures Network India Pvt. Limited in various matters including inter-alia:
    a. Advise and representation with respect to cases pertaining to patent and copyright infringement in respect to the game show, “Kaun Banega Crorepati”.
    b. Representation in 'John Doe' proceedings initiated prior to the release of films such as “Piku”, “Youngistaan”, “Kya Kool Hai Hum”, “Darr @ the Mall”, the Indian Premier League, and India-New Zealand Cricket Series.
    c. Representation before the Bombay High Court with respect to the commercial suit filed by Ashiq Usman Productions and certain others for infringement of the client's copyright, trademark, and broadcasting rights in their mark 'SONY SIX' and with respect to the usage of footage from the 2014 FIFA World Cup in the movie “Argentina Fans Kattoorkadavu”.
    d. Representation before the Bombay High Court with respect to a suit based on allegations of copyright infringement filed against a popular Indian soap opera.
    e. Representation regarding licensing of copyrights in a movie titled “Is it a Murder?” from the alleged producers of the movie “Murder of a Journalist”.
    f. Representation before the Bombay High Court and Supreme Court of India with respect to challenging an order passed by Competition Commission of India ordering an investigation on the allegations involving the imposition of unfair terms and limiting services to less favoured distribution operators, in violation of the Competition Act, 2002.

8. Advising Notice Pictures Inc., a reputed production company under the award-winning filmmaker Nisha Pahuja, the Director and Producer of various Emmy-nominated films inter-alia “The World Before Her” and “Diamond Road”, pertaining to issues of intellectual property licensing, privacy concerns, potential contempt actions, and advise on exhibition of the documentary film “To Kill a Tiger” in India.

9. Advising Tanvi Gandhii, a reputed executive producer and line producer in the Bollywood industry who has worked on projects such as “Vikram Vedha”, “Mardaani 2”, “Super 30”, “Udta Punjab” and “Queen”. We have been representing the client for upcoming projects, and on IP rights acquisition and transfer, negotiating the rights of the client with producers, drafting and negotiating on various documents in the course of production of feature films and web series such as “Laar” and “Love Sex Aur Dhokha 2”.

10. Advising ALT Digital Media Entertainment Limited in various matters including:
    a. Rendering advice regarding content moderation during the airing of the game show “LockUpp”, which was streamed live on ALT and MX Player starting 27 February 2022.
    b. Rendering advice on the legality of the game show titled “LockUpp” and opining whether the game being played was a game of chance or game of skill as per the extant laws of India.
    c. Representing the client before the Delhi High Court in commercial disputes with MX Player Pte Limited.
    d. Rendering advice related to terms & conditions, privacy policy and end user license agreement for the OTT Platform, ‘ALT’.

11. Representing Balaji Motion Pictures with respect to disputes with co-producers and interest rights group in contractual disputes and content accuracy, etc.; as well as Arbitration proceedings initiated by Sujoy Ghosh (film director) arising out of the Director Agreement for Espionage, entered between Sujoy Ghosh and Balaji Motion Pictures Limited.

12. Advising Abhinandan Gupta, a reputed director and writer in the Indian Film Industry who has worked on projects such as “OK Jaanu” (associate director), “Padmaavat” (associate director), and “Chandigarh Kare Aashiqui” (first assistant director). We have been representing the client for his upcoming projects, and on IP rights acquisition and transfer, negotiating the rights of the client with producers, drafting and negotiating on various documents in the course of production of feature films and web series, and advised the client through termination of agreements and buy back of IP rights.

13. Advising Bhuvan Bam, a prominent comedian, singer, actor, songwriter, and influencer, on all agreements and consents required for his OTT debut titled "Taaza Khabar" produced by BB Ki Vines Productions and published on Hotstar in India.

14. Advising the production house Eleeanora Images Private Limited and its director, the Padmashree awardee Nila Madhab Panda, during the course of their content productions and negotiating on their behalf with other actors, producers, and platforms.

15. Advising the production house, Kahaaniwaaley Media and Entertainment Ventures Private Limited and Ms. Swara Bhaskar, who has won two Screen Awards and received four Filmfare Award nominations for her supporting work in mainstream productions, in relation to inter-alia copyright protection in works, artist agreements, drafting of defamation notices, and advisory regarding various concerns that may arise from time to time in the Indian entertainment industry, preparing and filing responses to notices, and assisting the client with filing and addressing complaints.

16. Advising Juggernaut Productions, who are engaged in producing web series, brand films, short-form and VR content, digital and mobile audio content, short films, and animated videos, regarding two upcoming series set to launch in India. The advice covers legal cases pending in relation to the proposed series, related subject matters, procedures, potential sub judice issues, and their impact on production and release of the series.

17. Advising BPL Media Limited and assisting in drafting agreements, and negotiations with counterparties for content licensing and channel management for the Punjabi language general entertainment channel, 'Tabbar Hits'.

18. Advising M/S Uprising Science Private Limited who offer clean beauty products under the brand 'Minimalist' regarding defamatory and infringing posts by a competitor on their social media about Minimalist products, and defamatory and infringing posts made by influencers on YouTube at the behest of the competitor.

19. Advising Happily Unmarried Marketing Private Limited, a leading provider of men's and women's grooming and FMCG products in India, with respect to its Series G investment round from IIFL Seed Ventures Fund and representing the client before Delhi High Court in a matter involving the trademark 'Not tested on animals, only on rascals', and assistance in negotiating their advertisement agreement for the brand 'Ustraa'.

20. Advising Aashni & Co, an online e-commerce platform offering products from various luxurious designers, in respect of the re-sale of branded products on an e-commerce platform, and the compliance requirements at Indian law and prepared a detailed legal opinion in this regard. B&P also advised on compliance requirements for the e-commerce platform.

21. Advising Burberry UK, a reputed and established global clothing brand, with respect to data protection compliance requirements at Indian law.

22. Advising Sterlite Copper Limited (Vedanta) with respect to defamatory content and its proliferation on OTT Platforms namely, Vimeo and Tamil OTT, the documentary titled "The Pearl City Massacre" and issuing legal notices against defamatory and inflammatory material posted on social media websites against Sterlite Copper, Vedanta, and its personnel.

23. Advising and representing Vedantu Innovations Private Limited in various matters including:
    a. Representation before the Advertising Standards Council of India with respect to a third-party complaint that their advertisement featuring Aamir Khan was misleading consumers and the general public.
    b. Advice with respect to the investment by Tiger Global, Accel, Omidyar, TAL Education Group, West Bridge, Prince Maximilian, and GGV Capital.

24. Advising Reliable E-Solutions Private Limited with respect to the acquisition of its application 'ROPOSO', a social media video sharing application created by Glance InMObi Pte. Limited.

25. Advising Digivive Services Pvt Ltd on a variety of agreements such as Content Licensing, Material Release Letters, Software Licensing agreements, and DRM agreements. Digivive is a leading OTT Platform, White-Label Technology, and service provider which offers video services to leading telcos, cable operators, broadcasters, educational institutions, transport operators, and media companies.

26. Representing Vodafone Idea Limited before Telecom Disputes Settlement and Appellate Tribunal (TDSAT) in various matters with respect to Cyber Appeals and advising on prosecuting trademark applications for Vodafone Idea Limited.

27. Advising and representing Voxbone, S.A. (Belgian Communication as a Service company) before the Telecom Regulatory Authority of India (TRAI) with respect to domestic and cross-border legal provisions in India.

28. Advising General Atlantic with respect to intellectual property matters on its multiple investments and exits, including Billdesk (payments solutions), Nobroker Technologies Solutions Private Limited (real estate tech startup), and Sorting Hat Technologies Private Limited i.e., Unacademy (edu-tech start-up).

29. The Firm is the only Indian Law Firm to be a member of Asia Video Industry Association (AVIA), and has assisted AVIA by:
    a. Preparing the India leg on its Regulatory Handbook setting out: (i) matrices for compliances, regulations, and the foreshadowed changes governing PayTV, OTT, OCC Advertising in India; and (ii) the regulatory updates and potential trends in the gaming, visual effects, and animation industries.
    b. Conducting a knowledge session for members of AVIA on Indian privacy laws as part of the AVIA Policy Roundtable 2021.
    c. Making a presentation on the Laws Governing Content Platforms and Satellite Communication in India for all AVIA members.

30. The Firm routinely attends and advises the SatCom Industry Association – India (SIA) in various regulatory and policy meetings. SIA-India is a not-for-profit body which represents the interests of the satellite communication ecosystem in India. As part of its general corporate advisory mandate, the Firm has also reviewed SIA's Research MOUs with various organizations and contributes to the SIA newsletter.

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# Clients

We act for public and private companies, acquirers and targets, financial and strategic investors, banks and financial institutions, boards of directors and promoters. The Firm has an even spread of domestic and international clients across a range of industries.

- Aditya Birla Group
- Adani Group
- Apollo Global Management
- Ameriprise Financial, Inc.
- Axis Bank Limited
- BAE Systems plc
- Badminton Association of India
- Balaji Motion Pictures Limited
- Buongiorno SpA
- Burberry Group plc
- Collage Group
- Curtiss-Wright Controls, Inc.
- Danone S.A.
- Diageo plc
- Edelweiss Comtrade Limited
- Firstsource Solutions Limited
- Flipkart India Private Limited
- Fokker Aerostructures B.V.
- Girnar Software Private Limited
- Grover Zampa Vineyards Limited
- Harris Corporation
- HSBC Limited
- IDBI Bank
- IJM Corporation Berhad
- Imperial Auto Industries Limited
- Indian Broadcasting Foundation
- Indostar Capital Finance Limited
- ISS A/S
- ITC Limited
- JCDecaux Group
- JM Baxi Group
- Johnson & Johnson Private Limited
- Kalaari Capital
- Kalpataru Power Transmission Limited
- Kotak Mahindra Bank
- Larsen & Toubro Limited
- Lucid Colloids Limited
- Luxottica Group SpA
- Macquarie Group Limited
- Marks & Spencer Group plc
- Minnow Films Limited
- Morepen Laboratories Limited
- Next Radio Limited
- NIIF Infrastructure Finance Limited
- Peugeot Citroen S.A.
- Porvair plc
- Rolls Royce plc
- Samsung Group
- Shemaroo Entertainment Limited
- Skyline Radio Network Limited
- Standard Chartered Bank Limited
- Star India Private Limited
- State Bank of India
- Sun TV Network Limited
- Tata Communications Limited
- The Federal Bank Limited
- The Times Group
- Twitter, Inc.
- V-Ships Group
- Vestas Wind Systems A/S
- Vodafone Idea Limited
- Wadhawan Group
- Zostel Hospitality Private Limited

# Practice Areas and Sector Support

## Practice Areas

- Mergers & Acquisitions
- Commercial Litigation
- International & Domestic Arbitration
- Private Equity / Venture Capital
- Laws of Crime
- Governance, Ethics, & Anti-Corruption
- Banking & Finance
- Project Finance
- Capital Markets & Securities Law
- Employment & Human Resources
- Regulatory & Compliance
- Intellectual Property
- Insolvency Resolution, Restructuring, & Stressed Assets
- Competition & Antitrust
- Direct Tax
- Indirect Tax
- Real Estate
- Private Client
- Social Impact & Policy
- General Corporate Advisory

## Sector Support

- Banks & NBFCs
- Defence & Aerospace
- Real Estate
- Energy (Conventional & Renewable)
- Ports & Logistics
- Roads
- Technology, Media, & Telecommunications
- Securities & Financial Markets Intermediaries
- Fintech
- Food & Beverages (including Water)
- Trade (Wholesale & Retail)
- Private Clients

# Awards & Recognitions




























Bharucha & Partners




M P Bharucha




Alka Bharucha




Hiroo Advani




Justin M. Bharucha




Vandana Pai

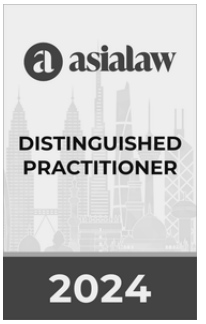



Sonam Gupta




Sneha Jaisingh



















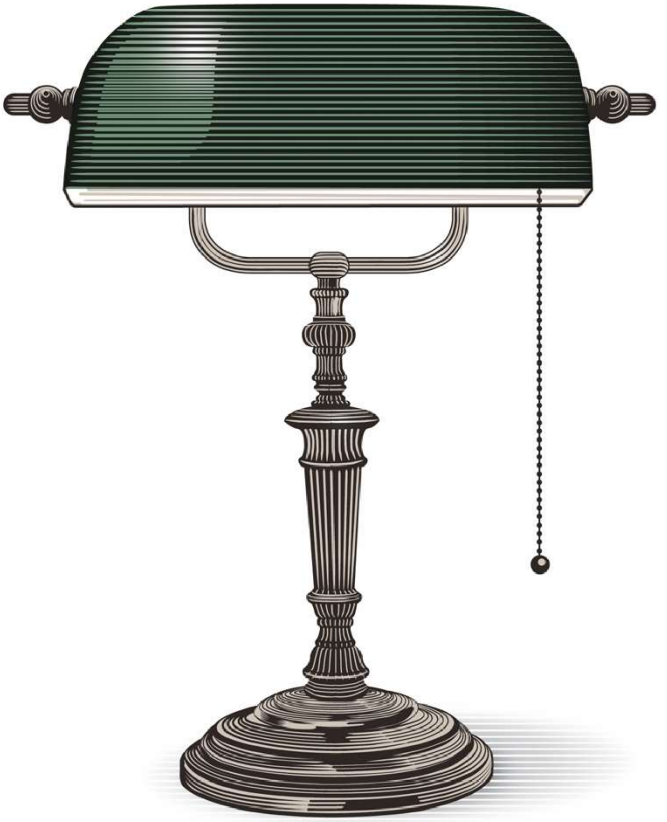
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# Reviews

- *"Highly qualified team acting on the full range of corporate matters including M&A, foreign direct investment and joint ventures. Provides general corporate advice to major companies, financial institutions and investors on both the sale and purchase sides. Provides support to private equity and venture capital entities as well as target companies on the entire life-cycle of investment and fund issues. Handles fund formation, management buyouts, minority and controlling-stake acquisitions and a range of follow-on transactions. Notable ability in the financial services, telecommunications, logistics and energy sectors."* - Chambers and Partners
- *"They are very thorough, proactive and knowledgeable."* - Chambers and Partners
- *"We receive top-notch partner time. They are realistic in negotiations, which results in the work being handled faster in a more congenial atmosphere."* - Chambers and Partners
- *"They are a competent team, very capable."* - The Legal 500
- *"They are customer centric and respond in detail to points raised or opinion sought. They are not ambiguous in their response."* - The Legal 500
- **MP Bharucha** is lauded by market sources as "one of the leading lawyers in the country" who "has been on the top of his game for a long time. Active on a range of commercial disputes, he maintains a particularly high reputation as a litigator in the Mumbai market." - Chambers and Partners
- **Alka Bharucha** "boasts a stellar reputation in corporate transactions. She is renowned for her expertise in cross-border M&A as well as her proficiency in providing advice on general corporate issues, in particular within the power, telecommunications and banking sectors." - Chambers and Partners
- **Hiroo Advani** "is highly sought after for the breadth of his experience in arbitration issues. He often takes on cases in the energy, infrastructure and construction sectors." – Chambers and Partners**.**
- **Justin M Bharucha** "specialises in foreign direct investments in highly regulated sectors. He is regularly active on complex cross-border transactions, utilising his deep knowledge of inbound and outbound M&A."- Chambers and Partners
- **Vandana Pai** "commands a strong reputation among market commentators, who praise her excellence in providing assistance with private equity transactions. Her clients are effusive with praise, with one reporting: "She foresees business and legal issues and is very proactive in addressing potential concerns."- Chambers and Partners





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