

INDIA JURIS

Delhi HC judgement on Comparative Advertisement

The Hon'ble High Court of Delhi, delivering a judgement on 17th February, 2017 has held that comparative advertising, i.e., comparing own product with that of competitor's and calling own superior / better than competitor's, would not amount to disparaging the goods/products of the other.

Dismissing suits by 'hypersensitive' shampoo manufacturers, Hon'ble Delhi High Court dismissed all three suits between Procter & Gamble Home Products Private Limited and Hindustan Unilever Ltd., claiming disparagement of goods of the plaintiff in the suit by the defendant in television commercials (TVC) of its goods and seeking relief of injunction and damages. The subject advertisement in each of the suit unquestionably compares the two products and though does not name the product of the other but, besides showing the sachet of the advertiser's own product.

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"Right to be Forgotten"

The Hon'ble Karnataka High Court delivering a landmark judgment in the case of Sri Vasunathan vs The Registrar on 23rd January, 2017 has accepted, applied and approved the 'Right to be Forgotten' in Indian context. The "right to be forgotten" or "the right to be erased" allows a person to demand for removal of his/her personal information or data online. The origin of this right can be traced back to the French jurisprudence on the 'right to oblivion' or droit à l'oubli.

The underlying principle behind "Right to be forgotten" was to allow offenders who had served their sentence to object to the publication of information regarding their crime and conviction in order to ease their process of social integration. In this age of Internet, access to information is quick and procuring personal information or past history of an individual has become much easier. Therefore, acknowledging this fact and the sensitive nature of case in hand, The Hon'ble Karnataka High Court, while delivering an order in a writ petition, directed its registry to make sure that an internet search made in the public domain would not reveal the woman's name in a previous criminal order passed by the same High Court. The Karnataka High Court upheld a woman's 'right to be forgotten', as her father's writ petition stated that he did not want her name to appear on search engines in association with digital records of the high court of a previous criminal case.

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Asia Europe USA UK Middle East Africa

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In this issue:

- **Delhi HC judgement on Comparative Advertisement**
- **"Right to be Forgotten"**

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