

KUNAL GUPTA

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Noida, Uttar Pradesh

EDUCATION

Amity law school, Noida	2014-19
B.B.A., LL.B. (<i>hons. in intellectual property and telecommunications laws</i>)	69.12%
St. Theresa convent school, Karnal, Haryana	2014
Class XII [<i>CBSE board</i>]	85.5%
Delhi public school, Karnal, Haryana	2012
Class X [<i>CBSE board</i>]	80%

INTEREST FOCUS

- Intellectual Property (*opposition & litigation*)
- Information Technology Act, 2000 (*content regulation & licensing*)
- Arbitration and Commercial law
- CPC & Crpc
- Consumer protection & Advertising
- Data Protection laws
- Telecommunication law

ADDITIONAL CERTIFICATIONS

- Diploma in Technology contracts, FinTech regulation and Technology laws' by LawSikho - current -June '22
Understanding spectrum licensing and auction process, Telecom licensing agreements, tussle between OTT and ISP on net neutrality, understanding cyber forensics, compliance of social-media intermediaries under IT guidelines, GDPR compliance, online scams and drafting cyber complaints, drone regulation, gambling laws, and gaming laws;
- Online course on IP Laws conducted by WIPO [DL-101;Online] - Grade A -July '18
Understanding concepts of different IPRs, accessing traditional knowledge digital library, understanding filing statistics of international applications under Madrid protocol;
- Diploma on 'Cyber Laws' offered by Indian Law Institute, New Delhi - Grade B+ Apr. '17
Introduction to cyber-space and online crimes, regulatory framework of the cyber-space, e-commerce and e-governance;

WORK EXPERIENCE

Litigation Associate, Rahul Chaudhry & Partners [Defence colony, New Delhi] Sept. '19 - Mar. '22

Litigation work: drafted plaint and FIR in infringement and counterfeit IP suits, drafted written statement in groundless threat and coordinated with off-counsel in Ajmer district court, drafted execution petition in Delhi high court, assisted in drafting written submissions to appeal of injunction order in Bombay high court, drafted company name change complaint, drafted domain name complaints (wipo, nixi and nominet registry-for UK), conducting negotiations and drafted settlement/co-existence agreements, drafted trademark assignment agreement, drafted cease-and-desist notices (domestic and international).

Non-contentious: devised critical *pre-litigation* evaluations with sound business-judgment and enforcement strategies giving chances of success across different industry sectors- *Automobile&Oil Manufacturing, Logistics, Fashion, FMCG, Sports&Entertainment, Pharmaceuticals&Wellness, and Software industries*, understanding and handling large IP portfolios of the top fortune-50 companies, identifying infringements, drafted take-down notices (including *DMCA*), drafted rebuttal and correspondence letters, drafted undertakings, violation letters, vetted non-disclosure agreement, product-placement agreement, drafted notice of opposition, representation letters to IP registry under RTI, drafted analysis letter under Import Rules, 2007.

Major research tasks undertaken: jurisdiction of courts in commercial disputes, deletion of improper party in a civil suit. exclusivity claim on part of mark, trademark infringement in hyperlinks and social-media tags, trademark infringement in mobile applications(including international use), Fair-use and Descriptive use of trademarks in softwares, protection of trade secrets read with section 8(1)(d) of Right to Information Act, 2005, Copyright protection in public art and privacy policy/terms of conditions; due diligence of significant social-media intermediaries under Information Technology (Intermediaries Guidelines) Rules 2021, Ambush Marketing, Cyber-squatting, domain name parking, compilation of case laws on trademark infringement and passing off, infringement in cognate/allied goods; service of judicial documents under Hague Convention, protection of registered geographical indication marks,

MAJOR LITIGATIONS HANDLED

Sh. Bhavpreet Singh Soni v. Sony Corporation & Ors., Civil Suit 100/2020 (Groundless Threat);
Exxon Mobil Corporation v. Karan Dharmendra Parikh & Anr., CS COMM 624/2019 (Execution);
Exxon Mobil Corporation v. Jayesh K. P. & Ors., OS 4333/2019 (Civil Disobedience);
Exxon Mobil Corporation v. M/s Bike Zone/Siddhivinayak & Ors., CS COMM 606/2021 (Counterfeit);
Strix Limited v. Maharaja Appliances Limited, CS COMM 403/2018 (Damages in Patent Infringement);

INTERNSHIPS

An indicative list of the work undertaken are as follows:

Ira Law [New Delhi]

Aug.'19

Drafting: notice of oppositions, case brief notes, research article on Amway v. Amazon case;

Research: 'Safe-harbour protection under IT Act, 2000 and communications decency act, 1996, direct-selling guidelines, 2016, keyword infringement under *Google ad-word program*, trademark infringement in meta-tags, inevitable disclosure of trade-secrets, surrogate advertising, trademark public-search, attending court proceedings in Delhi high court.

Inttl Advocare IPR Attorneys [Noida]

Feb.'19 - June'19

Drafting: notice of oppositions, counter-statement, evidence affidavits under rules 45 & 46, reply to examination report, domain-name complaint (nixi), appeal to refusal order under Section 91;

Research: delay in filing written statement in a civil suit. disparagement in comparative advertising, rights of partner after dissolution of firm, prior user prevails over subsequent user, claims note on patented water-purification system with UV-light technology, issuance of notice under Arbitration Act, 1996, case-compilation of trademark infringement and passing off,

ALG India Law Offices LLP [New Delhi]

Jan.'19

Drafting: legal opinions, client communications, cease and desist notice ;

Research: trademark search (Indian & International), trans-border reputation of trademark, evidentiary value of whatsapp chats, collating evidence for pre-litigation enforcement strategy.

Khaitan and Khaitan (Advocates and Solicitors) [New Delhi]

Oct.'18

Drafting: written statement under state consumer dispute redressal commission for privy of contract, assisted in drafting petition for dismissal of revision petition under *NCDRC*;

Research: collating and vetting documents for establishing pharmacy in Delhi and Gurgaon for sale, distribution and import of cosmetics under drugs and cosmetics Act, 1940, pharmacy act, 1948, companies act, 2013, legal metrology (packed commodities) rules, 2011, consumer protection act, 1996, vetting rent agreement and service agreement, assisted and observed court proceedings under *SCDRC* and Delhi high court.

Sr. Adv. Siddharth Luthra, former ASG, Supreme Court of India [Delhi]

July'18

Attended court proceedings in supreme court and Delhi high court, client meetings;

Research: doctrine of innuendo, magistrate's power to take cognizance, admissibility, genuineness and authenticating of electronic evidence under Evidence Act, 1872, Criminal procedure code, 1973, IT act, 2000;

Kanth & Associates [New Delhi]

Dec.'18 - Jan.'19

Drafting: case briefs, condonation of delay in filing written statement, affidavit of service;

Research: principle of 'known-disability' under arbitration act, 1996, determination of 'seat' and 'venue' in domestic arbitration;

Chambers of Adv. Atul Tripathi, New Delhi

July'17

Drafting: quashing of FIR under section 482 of criminal procedure code, 1973;

Attended Karkardooma district court proceedings and preparing case briefs.

Sr. Adv. Shyamlal Nirwania & Amit Nirwania, Haryana

July'16, Dec.'16, Dec.'15, Dec.'14

Attended Haryana district court proceedings, preparing summary notes on case-files;

Research: notes on succession of property, dishonour of cheque, fraud, cheating, Indian penal code, 1860.

EXTRACURRICULAR ACTIVITIES

-Article on '5G Network Auctions and Developments – What we know and, when you will have it?', published on Lawbhoomi [<https://lawbhoomi.com/5g-network-auctions-and-developments-what-we-know-and-when-you-will-have-it/>] (July, '22);

-Research article on 'Indian Pharmaceutical Sector - The Struggling Era of FDCs', published on Internal Journal of Legal Research, 2018, volume 5 issue2, Pg 110-121, [ISSN-2349-8463];

-Physically attended conference on 'IPR and Industrial Revolution 4.0' organised by FICCI with Director of WIPO (Nov.'18);

-Basketball Association of Karnal(BAK): State-level player - 2nd position (Dec.'16);

-Legal-aid cell: workshop cum training session on right to information, 2005 (Jan.'15);

-General-assembly committee[member] in Amity International Model United Nations (Jan.'15);

-Amity innovation-incubator [CCFIS hacker cup '15]: successfully completed training held by *Cyborg Cyber Forensics and Information Security Pvt. Ltd.* on 'CyberGen' (Jan. '15);

-Participated in Hindi-moot court competition (Oct. '14);

-Organised Annual moot-court competition (Oct. '14);

-Drama-play in 'The Merchant of Venice' - written by *William Shakeshpeare*, english-debate competition, personality development, music society, Art of Living (all at school-level).