



Riya Gupta

Interest Areas: Intellectual Property Rights | Corporate Law | Prosecution | Litigation |

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EDUCATION

- **LL.B. (HONS), O.P. Jindal Global University, Jindal Global Law School** 2021 – 2024 | Sonipat | **CGPA: 7/8**
- **B.A. (Political Science, Economics, Sociology), Mount Carmel College** 2018 – 2021 | Bengaluru | **Aggregate: 76.6%** (First Class Distinction)
- **Loreto Convent (ISC), Commerce** 2016 – 2018 | **Aggregate: 74.5 %**
- **Loreto Convent (ICSE)** 2016 | **Aggregate: 85.8 %**

WORK EXPERIENCE

- **Nikhil Chawla & Associates, Delhi (September-December 2024)**
Intellectual Property Rights Associate
 - Assisted in securing a dynamic + injunction against rogue websites for a major entertainment and media company.
 - Assisted in representing a leading music label in a high-profile dispute against internationally renowned hip-hop artists.
 - Assisted clients in navigating regulatory frameworks for data privacy, licensing, and IP transactions.
 - Drafted various contracts and legal documents, and managed compliance to ensure all processes are adhered to legal and regulatory requirements.
 - Prepared Counter Statements for trademark opposition proceedings, effectively addressing objections and safeguarding clients' intellectual property rights.
 - Drafted comprehensive pleadings, including the plaint and all accompanying documents, for filing a civil suit in the High Court of Delhi.
 - Prepared evidence for trademark applications and opposition proceedings under Rule 46 of the Trademark Rules, 2017, successfully addressing objections and strengthening clients' claims.
 - Drafted, and reviewed critical agreements such as licensing agreements, IP assignment deeds, and non-disclosure agreements (NDAs), Replications; ensuring the protection of intellectual property rights of our clients.
 - Prosecuted trademark applications, overcoming objections and oppositions to secure registrations, and enforced IP rights through strategic legal and administrative actions.
 - Coordinated anti-counterfeiting actions, including drafting cease-and-desist notices, assisting in enforcement raids, and advising on brand protection strategies to safeguard clients' intellectual property.

INTERNSHIP EXPERIENCE

- **Nikhil Chawla & Associates, Delhi (July - August 2024)**
Intellectual Property Rights
 - Contributed to legal research supporting the argument that plaintiff is entitled to interim relief by way of an injunction, even in cases of delay on their part.
 - Assisted in researching the legal circumstances under which an individual, though not holding trademark registration, can take action against infringers if authorized by the trademark owner, including cases involving board resolutions and licensees.
 - Aided in drafting an affidavit under Rule 46 to counter evidence filed under Rule 45 by opposing parties in a trademark dispute.
 - Conducted research to identify case laws that prevent plaintiffs from filing additional documents without reasonable cause under OXI Rule 1(5), focusing on trademark disputes.
 - Researched case laws establishing that replication submissions are not permissible beyond the extended period of 45 days in commercial litigation.
 - Supported research on case laws where using the dominant part of a trademark, even if not all components are used, was deemed sufficient to constitute infringement or passing off and contributed to research on the Trade Marks Act, 1999, emphasizing that honest and concurrent use is not a valid defense against trademark infringement claims.
 - Assisted in researching legal precedents on the registration of deity names as trademarks, particularly in cases where the name has no connection to the services offered.
 - Researched case laws that prohibit the use of deceptively similar or identical translations and transliterations of trademarks.
 - Helped research the legal requirements and regulations for launching and operating an OTT platform in India, ensuring compliance with relevant broadcasting laws and conducted comprehensive trademark searches in Class 32, to identify identical or deceptively similar marks, including both registered and recently filed applications.
 - Assisted in compiling case laws supporting the copyrightability of sports formats, rules, and features, both in Indian and foreign contexts.
 - Conducted research to determine whether the act of filing an opposition can be deemed as taking action against claims of acquiescence in trademark disputes and researched the necessity of trademark registration for customs clearance in India, when the trademark application is under opposition.
- **AAA Legal, Delhi (March 2024)**
Litigation, Customs, and ADR
 - Conducted research on the legal implications of fund transfers between countries for potential money laundering activities.
 - Analysed case law and statutes to determine the validity of multiple show cause notices, concluding that the second notice should be quashed if issued on identical grounds.
 - Researched Section 206 of the Companies Act 2013, focusing on SFIO and ROC actions, and identified relevant judicial precedents.
 - The Supreme Court treats Arbitration Awards as money decrees, requiring a 100% deposit in cash or equivalent security. In certain cases, the award holder can withdraw the full amount after providing satisfactory security. Reviewed relevant judicial precedents, including those from the Delhi High Court and the Supreme Court, on this matter.

-Conducted research on Section 9 of the Insolvency and Bankruptcy Code (IBC), identifying judicial precedents wherein the burden of proof explicitly rested on operational creditors to substantiate claims.

▪ **High Court Advocate Deepan Kumar Sarkar (January 2024)**

Litigation and IBC

-Did research and prepared notes on arguments in execution matters on the power of an executing court to attach property situated outside its territorial jurisdiction.

-In pending writ proceedings, conducted research on the legal implications of a tender being awarded during the pendency of the petitioner's case, challenging a tender process emphasizing that such a subsequent development does not render the petition infructuous.

-Examined the admissibility of subsequent facts and the possibility of molding reliefs in a writ petition and prepared a note for pending writ proceedings before the High Court, Calcutta.

-Did research and prepared a note on whether a statutory authority can issue orders in contravention of a High Court judgment.

-Explored grounds on which Section 8 notices in the Insolvency and Bankruptcy Code, 2016 (IBC) have been struck down by the National Company Law Tribunal (NCLT) in proceedings under Section 9 of the IBC.

-Prepared extensive note on "Limiting Sovereignty and Legitimizing State Intervention," highlighting the concept of State Responsibility to Protect. This concept posits that whilst it is a State's primary responsibility to safeguard the human rights of its citizens, an international obligation arises when the State fails to fulfil this duty, necessitating intervention to protect those rights.

-Actively participated in court proceedings at the Calcutta High Court and other subordinate courts, providing assistance during hearings.

-Assisted in drafting a representation addressing the rejection of an insurance claim. -

Prepared note on the scope of Order 7 Rule 11 and Order 8 of the Code of Civil Procedure, 1908, in relation to pending suits before High Court, Calcutta.

-Assisted in preparation of a Statement of Claim in an arbitral proceeding arising out of a building and construction contract.

-Assisted in the preparation of Lists of Dates for Writ Petitions.

▪ **Hammurabi & Solomon Partners, Delhi (December 2023)**

Dispute Resolution

-Researched the existence of a cognate provision akin to Section 8 of the Arbitration and Conciliation Act within the ICC Rules of 2021.

-Articulated a comprehensive brief on the legal matters assigned by the firm.

-Authored a detailed analysis on the legal complexities associated with the production of hybrid/electric vehicles.

-Contributed to the development of a compendium: "Judgements on the Arbitration & -Conciliation Act, 1996, in the preceding 6 months," thereby enhancing team efficiency.

-Explored the legal question surrounding the court's authority to intervene in an arbitral award when the arbitrator has exhaustively considered all evidence, positing that judicial interference is impermissible merely on the basis of an alternative interpretative stance.

-Conducted an exhaustive search for precedents wherein the court declined intervention in a Section 34 petition challenging an arbitral award.

-Conducted extensive research on the arbitral tribunal's discretionary authority to award pendente lite interest, particularly in instances where contractual restrictions are absent, emphasizing the court's limited intervention in such matters.

-Delved into the legal intricacies surrounding the enforcement of a decree based on a power of attorney executed in favour of a retired employee. -Researched the entitlement of parties to future interest when the opposing party has duly deposited the decretal amount with the court.

▪ **Argus Partners, Kolkata (July 2023)**

Corporate

-Crafted a detailed legal opinion on the application of Section 17 of the SARFEASI Act concerning property disputes, specifically tailored for Standard Chartered.

-Efficiently unearthed hidden clauses, potentially holding Tata Capital Financial Services liable for costs, saving extensive contract review time.

-Prepared meticulous compliance implementation for the Companies Act, 2013, enabling effortless maintenance of statutory registers and meeting minutes, sparing the firm tedious administrative tasks.

-Prepared a detailed note on taxability of Goods Transport Agency under the GST law.

-Vetting and proofreading declaration documents, including those related to mortgage by deposit of Title Deeds, thereby significantly streamlining the workload.

▪ **ASA Legal, South Delhi (January 2023)**

Corporate

-Played a key role in supporting the drafting process for matters related to the Insolvency and Bankruptcy Code (IBC), contributing to the meticulous preparation of legal documents and demonstrating a proactive approach in addressing complex insolvency issues.

-Exhibited an understanding of legal jurisdiction nuances by discerning that the scope of a contempt court typically does not encompass the interpretation of contractual clauses, demonstrating a comprehensive grasp of legal intricacies and procedural distinctions.

-Prepared a detailed analysis on the requirement of charge over the company's assets.

-Prepared ROC reports on charge registration of private companies.

-Inquired into the viability of Section 9 of the Insolvency and Bankruptcy Code (IBC) in the event of a contractual obligation mandating the issuance of an invoice, showcasing a keen understanding of the intersection between contractual requirements and insolvency provisions.

-Prepared reports on the pending litigations of private companies.

-Assisted in drafting the CERSAI report of companies by analysing its movable and immovable assets.

-Assisted in case briefs and forming a database consisting of recent Supreme Court and High Court judgements and extracting their rationale.

▪ **K.V. Narendra & Associates, Bangalore (July 2022)**

Commercial Litigation

-Assisted in research of case laws and legislation for matters relating to civil and criminal law.

-Focused on determinable and terminable contracts, and researched on case laws pertaining to termination of the contract on the will of the parties and without any reason for the same.

-Collaborated closely with senior legal professionals in crafting precise and effective responses to complaints under the Real Estate (Regulation and Development) Act (RERA), showcasing a commitment to excellence in legal documentation and contributing to the streamlined resolution of complex regulatory matters.

-Assisted in drafting the Service Provider Agreement for 'NuShop', thereby accelerating the filing process.

- Assisted in drafting court documents including requests for further and better particulars, plaintiff's submission leading to workload reduction and recorded file notes and prepared minutes of each meeting with clients.

▪ **High Court of Calcutta, Advocate Sajal Kumar Ghosh (January 2022)**

Litigation

-Aided in researching and drafting of legal documents like a deed of conveyance, will and power of attorney and filing such documents at the Hon'ble High Court of Calcutta and other concerned authorities.

-Examined the jurisdictional boundaries of contempt courts in relation to the interpretation of contractual clauses, highlighting an acute awareness of legal frameworks and procedural distinctions.

-Conducted in-depth research on relevant case laws concerning the quashing of suits under Section 304A of the Indian Penal Code (IPC), showcasing a nuanced understanding of legal precedents and contributing to a comprehensive knowledge base.

-Attended client meetings to understand the root cause of action and later team meetings to understand the adequate approach to be taken.

-Accompanied Mr. Ghosh to the High Court for several in-person hearings and attended virtual civil suit proceedings too.

PUBLICATIONS

- Cybersquatting in the age of Digital Era, Papers SSRN, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4480434.
- Disrobing Shell Companies: Combating maliciousness through Corporate Governance; Volume 6 Issue 4 of International Journal of Law Management and Humanities [ISSN 2581-5369], <https://doi.org/10.10000/IJLMH.115471>.
- Transforming India's Labour Landscape: Analysing The Impact Of Recent Labour Code Reforms, Post COVID Imperatives, and The Necessity Of Employee Centric Policies And Industrial Social Responsibility, <https://ssrn.com/author=5966076>.
- Bridging the Gap: A Comprehensive Study of Invalid Guarantees and the Extent of the Creditor's Duty of Disclosure under Sections 142 and 143 of the Indian Contract Act, 1872, <https://ssrn.com/author=5966076>.

ADDITIONAL COURSES AND CERTIFICATIONS

- A Better Toolbox for Maximum Lawyering
- Mediation : Law and Practice
- The rise of Authoritarianism, and Challenges to International Law
- Mergers and Acquisitions
- Insolvency and Bankruptcy Code
- Company Law, National Law University; Bhopal
- MS Excel
- Self-Défense

RESEARCH EXPERIENCE

- Worked on an Independent Research Project on Alternative Dispute Resolution. Confidentiality and Transparency: Redacted award
- Research Intern at Centre for Innovation, Intellectual Property and Competition, National Law University, Delhi
- Research Assistant at Centre for Justice, Law, and Society (September 2021-September 2022)
 - Worked under the project 'Law and Marginalization Clinic at the Centre which critically engages with contemporary issues at the intersection of law, justice, society, and marginalization in South Asia.
 - Assisted in drafting a report on exploring legal and judicial responses to the COVID-19 pandemic across the globe, with commentaries and critiques.

CO – CURRICULAR ACTIVITIES

- Editorial Committee Member at Girl Up, United Nations Foundation (January 2023-Present)
- Member of Young International Arbitration and Mediation Centre, Hyderabad (June 2023-Present)
- Project Assistant at the Think Ocean – The Final Stand (October 2021-October 2022)
 - 'ThinkOcean' consists of networks across the world under The Final Stand, a student-run climate change advocacy.
 - Worked under a project "The Overrated Series" to address oceanic and land based environmental issues through increasing people's awareness.
- Pursued Alternative Dispute Resolution Programme from Chartered Institute of Arbitrators, (CIArb)

EXTRA – CURRICULAR ACTIVITIES

- Core Committee Member of Literary and Fine Arts Society(O.P. Jindal Global University)
 - Ideation team: Creating content for the society Blog, organising and planning the events of the society and handling logistics.
- Member of Rotaract Club (O.P. Jindal Global University)
 - Engaged in community service activities such as blood donation camps, attended awareness programs and webinars.
- Creative Content head of the Equal Opportunity Cell (Mount Carmel College)
- Hospitality core committee member for College fest 'Cul-Ah' (Mount Carmel College)
- Toastmasters International Member
- Volunteered for Humanities Fest MANAN (Mount Carmel College)