NEWSLETTER

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SALOT & SHAH
ASSOCIATES

Welcome to the 13th edition of our Newsletter. Through this edition, we aim to keep our clients and readers apprised of significant legal developments, evolving trends, and key insights shaping the legal landscape, along with practical perspectives on their implications.

In this edition, we present a curated selection of insights across a range of topics, offering informed perspectives and considered commentary on issues affecting both businesses and individuals. Our objective is to distill complex legal concepts, highlight key regulatory developments, and provide practical guidance to support well-informed decision-making in an increasingly dynamic legal and commercial landscape. This newsletter reflects our continued commitment to clarity, relevance, and professional excellence. We appreciate your continued trust and engagement, and look forward to sharing these insights with you. Happy Reading.

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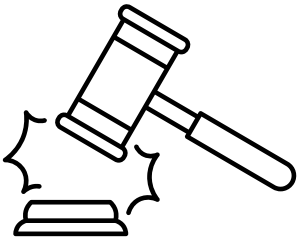
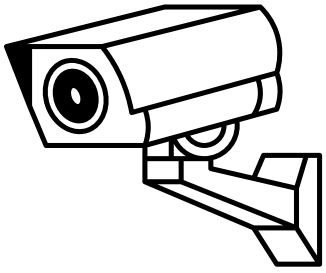


BEHIND THE GATE: THE LAW REGULATING YOUR EVERYDAY SECURITY

INTRODUCTION:

In today's increasingly surveilled environments, CCTV cameras have become an inseparable part of everyday life. From residential societies to commercial complexes, a familiar routine unfolds at their entrances—visitors pausing to record their details, delivery agents stating their destinations, and, from within a modest cabin, a security guard monitoring multiple screens with quiet vigilance. These seemingly ordinary moments are anchored by the constant, unobtrusive presence of CCTV cameras, installed across every nook and corner, silently recording movements as a matter of course.

What appears to be a straightforward security arrangement, however, is far from simple. The moment a request is made to view, access, or copy such footage, this routine system gives way to complex and often contested questions of privacy, ownership, and control. In that instant, an otherwise unremarkable safeguard transforms into a nuanced legal and ethical issue, demanding careful consideration



What is rarely understood is that, in many premises, CCTV monitoring is not merely a technical arrangement installed by society or the establishment. It is often part of a regulated security function performed by personnel deployed through a private security agency. This is where the Private Security Agencies Regulation Act, 2005 (PASARA) quietly becomes relevant to CCTV operations.

WHO CONTROLS THE CAMERAS?

If kept in isolation, a CCTV system is nothing more than equipment. Cameras fixed at gates or corridors do not acquire legal significance merely by being installed, but the legal character changes drastically the moment they are operated, monitored, and managed by security guards appointed through a licensed private security agency. The guard observing live feeds, replaying footage, or handling recordings is not acting in a personal capacity. He is discharging a surveillance function as part of the security service for which the agency is licensed under PASARA. Once CCTV monitoring is entrusted to such an agency, it ceases to be a matter of administrative convenience and becomes a regulated security activity.

The existing legal framework establishes specific requirements which must be followed. The personnel responsible for surveillance must execute their duties according to established protocols, which require appropriate oversight. The surveillance activities which security personnel perform require them to keep all protected information confidential because they will handle sensitive data during their professional duties. Footage which guards handle and view needs to be classified as security information because it contains restricted access material which goes beyond routine access to "society data." The CCTV cabin found in housing societies and commercial establishments actually functions as more than a room equipped with screens. The location operates as a control centre for surveillance activities, which security personnel execute under legal restrictions that apply to private security operations.

The handling of such recordings is made particularly sensitive due to the constitutional recognition of the right to privacy. Accessing the CCTV footage without any restriction shall bring unwelcome risk of exposing personal movements and private lives of residents without acquiring their valid consent. These concerns are only heightened in matters where surveillance is carried out by guards deployed through a PASARA-licensed private security agency.

The hidden risks behind “just showing the footage”, the CCTV footage can't capture incidents in isolation; it is like an omniscient being keeping an eye on everyday patterns. Even a short clip sought for a specific purpose often includes visuals of several individuals who have no connection with the issue at hand.

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The hidden risks behind "just showing the footage"

CCTV footage can't capture incidents in isolation; it is like an omniscient being keeping an eye on everyday patterns. Even a short clip sought for a specific purpose often includes visuals of several individuals who have no connection with the issue at hand.

However, many societies permit casual access to such footage. Residents and committee members are often seen frolicking over the security cabin, buzzing over the guard's head, asking him to display footage or copy clips onto personal devices. And the guard more often than not complies without appreciating the legal implications. What appears to be a routine favour is, in reality, a violation of statutory laws.

The society handles the installation of the CCTV system, but its monitoring responsibility belongs to agency personnel. The footage exists at the intersection of society administration, individual privacy rights, and security services that operate under government regulations. The matter extends beyond ownership of the surveillance camera because it involves surveillance data handling and sharing procedures which must follow legal requirements.

CONCLUSION:

CCTV cameras are commonly viewed as basic safety tools in residential and commercial spaces; however, when their feeds are monitored by private security personnel under PASARA regulations, their operation assumes a statutory dimension. The recordings often capture the routine activities of individuals without their consent, raising important privacy considerations. Thus, CCTV systems function at the intersection of surveillance, privacy, and regulated security, quietly operating as part of everyday security infrastructure.

THE JURISPRUDENTIAL RE- EVALUATION OF MEDICAL LIABILITY: A SOCIO-LEGAL ANALYSIS OF THE CONSUMER PROTECTION AMBIT (2026)

INTRODUCTION:

In India, the doctor-patient relationship's structural integrity is presently going through a significant period of judicial and sociological reevaluation. The Supreme Court of India may be breaking with three decades of established legal precedent when it sent a landmark notice to the Union Government and the National Medical Commission (NMC) on February 10, 2026. This legal development is the result of a Public Interest Litigation (PIL) that was filed by senior professional Dr Alexander Thomas and the Association of Healthcare Providers (India) (AHPI) to obtain a definitive ruling that medical professionals should not be subject to the Consumer Protection Act (CPA), 2019. The core of this challenge rests on the argument that the practice of medicine is fundamentally a noble profession rather than a commercial transaction, and that the continued inclusion of doctors within consumer law has fostered a crisis of defensive medicine that undermines the sanctity of the patient-doctor bond.

THE JUDICIAL EVOLUTION: FROM THE 1995 PARADIGM TO THE 2024 PIVOT:

For almost thirty years, the seminal 1995 ruling in *Indian Medical Association v. V.P. Shantha* served as the cornerstone precedent for medical liability. In this decision, a three-judge panel determined that medical services fall under the purview of consumer dispute redressal commissions since they are considered a "contract for service" under *Section 2(1)(o) of the CPA, 1986*. The court determined that the patient became a "consumer" with the right to pursue damages for "deficiency in service" if a fee was charged. However, the decision in *Bar of Indian Lawyers v. D.K. Gandhi.* In May 2024, a dramatic change marked a change in the legal landscape. The Supreme Court described the advocate-client relationship as a "contract of personal service" in this ruling, categorically exempting legal professionals from the CPA. The Court underlined that professional services are different from commercial endeavours, sui generis, unique, and based on trust.

THE THEORETICAL DICHOTOMY: "CONTRACT FOR SERVICE" VS. "CONTRACT OF PERSONAL SERVICE":

The classification of professional labour and the practitioner's level of autonomy form the academic basis of this debate. A *"contract for service"* is defined by traditional consumer law as an agreement in which a provider provides a technical or professional service without being directly supervised or controlled by the recipient. A *"contract of personal service,"* on the other hand, typically connotes a "master and servant" relationship in which the employer sets the terms and conditions of performance. The 1995 interpretation that disqualified physicians from the "personal service" category is being contested in the current petition before the Court. The "inexact" nature of biological science is ignored, according to the AHPI, when medical care is treated like a predictable business transaction. A medical outcome cannot be guaranteed, unlike a manufactured product; a complication or unsuccessful surgery is not necessarily a sign of a service failure. The petitioners argue that the transactional framework of consumer law is structurally incompatible with the fiduciary nature of medicine, which is marked by empathy and mutual trust.

The legal basis for the 2026 petition was provided by the bench's important observation in D.K. Gandhi that the 1995 V.P. Shantha ruling "deserves to be revisited" by a larger Bench. Nowadays, the medical community aspires to be on an equal footing with the legal profession, claiming that if a lawyer's profession is valued as a noble service rather than a trade, then doctors should follow suit.

THE CRISIS OF DEFENSIVE MEDICINE AND SOCIO-ECONOMIC IMPACT:

A primary sociological driver for the 2026 petition is the documented rise of defensive medicine in India. When practitioners perceive patients as potential litigants, their clinical objectives shift from patient-centric care to legal risk management. This phenomenon, which has reached an estimated 80-90% prevalence among doctors, manifests in two primary ways:

- Positive Defensive Medicine: This involves the systematic over-utilisation of diagnostic resources. To create a robust *"due diligence"* trail for potential litigation, doctors may order redundant CT scans, MRIs, and unnecessary specialist consultations. This practice significantly inflates healthcare costs, leading to high out-of-pocket expenditure for families and economic inefficiency in India's welfare state. Furthermore, it exposes patients to physical risks, such as excessive radiation exposure, which some studies have compared to levels seen in atomic bomb survivors.

- Negative Defensive Medicine: This occurs when practitioners systematically avoid high-risk patients or procedures to minimise the probability of an adverse outcome and subsequent litigation. In emergency and trauma situations, the fear of consumer suits incentivises a *"wait-and-watch"* or *"referral-heavy"* approach, which can be fatal for patients requiring immediate, high-stakes intervention.

The result is a fragmentation of care where the physician viewing the patient as a potential adversary erodes the very trust required for effective clinical management.

PROCEDURAL REALITY: CONSUMER FORUMS VS. CIVIL COURTS:

One of the most contentious aspects of the debate involves the forum of adjudication. Consumer forums were established to provide a *"cheap and speedy"* alternative to traditional litigation. Under *Section 38(7) of the CPA* 2019, commissions are legally mandated to dispose of complaints within 90 days. Filing fees are relatively low, and there is no mandatory requirement for legal representation, making it highly accessible to aggrieved patients.

However, the AHPI petition argues that the *"summary procedure"* of the consumer forum is inadequate for addressing the intricacies of medical science. Adjudicators often lack the specialised training to distinguish between a genuine medical error and a recognised clinical complication. If doctors are exempt from the CPA, patients will be required to file suits in civil courts under the Law of Torts. While civil courts allow for more rigorous cross-examination and expert testimony, they are notorious for prolonged delays, often extending over several years and higher filing fees, which may create a significant barrier to justice for ordinary citizens.

ACCOUNTABILITY AND REGULATORY OVERSIGHTS:

The medical community highlights that, unlike consumer law, they are already subject to several regulatory mechanisms that provide accountability. State Medical Councils and the National Medical Commission (NMC) serve as specialised oversight organisations for professional misconduct. A practitioner's registration may be suspended or revoked, among other sanctions, by these councils. However, this peer-review system has been criticised for having a *"doctors judging doctors"* bias. According to earlier parliamentary reports, medical boards are reluctant to testify against their peers, which results in very low rates of professional prosecution. Additionally, medical councils are unable to provide victims with monetary compensation, unlike consumer courts, so patients are left without financial recourse unless they use the civil court system.

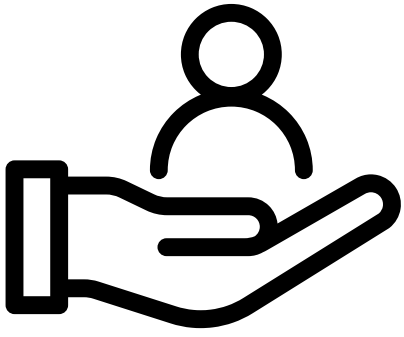
THE 2026 MANDAMUS AND THE "NOBLE PROFESSION" STATUS:

The PIL filed on February 10, 2026, by a three-judge bench comprising Chief Justice Surya Kant, Justice Joymalya Bagchi, and Justice NV Anjaria, seeks a writ of mandamus to exclude medical professionals from the definition of "service" in *Section 2(42) of the CPA*. The petition relies heavily on the reasoning that medical practice is fundamentally different from a commercial business. It argues that the "commercialisation" of healthcare has led to a 110% rise in reported medical negligence cases annually, with 90% of those involving hospital establishments.

The petition stresses that patients often seek acknowledgement and reassurance rather than adversarial litigation. If the CPA is removed from the equation, the medical community believes it can restore the “sacrosanct” nature of the patient and doctor relationship, which has unfortunately become transactional.

CONCLUSION:

The 2026 judicial inquiry represents a critical juncture for Indian professional liability law. The Supreme Court's decision to revisit the 1995 paradigm through a larger constitutional bench will determine whether medical services are a “consumer good” or a “noble skill”. While the exemption of advocates has set a clear precedent for professional immunity under the CPA, the higher standard of physical “care” in medicine may complicate a direct translation of that logic. The eventual resolution will need to balance the need to protect doctors from frivolous harassment with the constitutional right of patients to seek timely justice for genuine negligence. Whether through the establishment of specialised multi-stakeholder inquiry panels as suggested in recent 2025 PILs regarding criminal negligence or the legislative restructuring of medical compensation boards, India is moving toward a more specialised and potentially less adversarial medico-legal future.



TRADEMARK LAW IN THE AGE OF AI, NFTS, AND THE METAVERSE

INTRODUCTION:

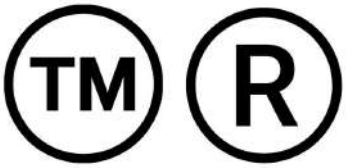
Trademark law has never developed in isolation; it has consistently mirrored the way trade itself has evolved. In its earliest phase, trademark protection was primarily concerned with marks placed on physical goods that moved through local markets, such as textiles, tools, agricultural produce, and other tangible commodities. As industrialisation took hold and international trade expanded, trademark regimes grew more sophisticated, enabling brands to secure recognition and protection across national borders. The advent of e-commerce brought about another significant shift, compelling the law to recognise online retail services, digital platforms, and software-driven enterprises as legitimate commercial activities deserving of trademark protection. The current technological transformation, however, is of a different magnitude.

Developments in artificial intelligence, blockchain, non-fungible tokens (NFTs), and the metaverse are not merely changing how goods are sold; they are redefining what constitutes a product or a service. A digital asset may exist entirely within a virtual ecosystem, yet possess real economic value, attract consumer loyalty, and function as a branded commercial offering. Likewise, an AI-powered platform may represent the principal output of a business, rather than serving as a secondary or supporting function. Virtual clothing, tokenised artwork, and immersive digital experiences are now traded under established brands, often commanding substantial prices. As a result, modern businesses frequently operate across both physical and digital domains. A fashion label may sell garments through traditional retail channels while also offering virtual apparel for avatars in metaverse platforms.

Recognising this fundamental shift, India's 2025 trademark reforms expand the scope of several existing classes, which are most notable includes Classes 9, 25, 35, and 41, to expressly include emerging digital products and services. These amendments are not merely technical refinements. They represent a considered policy response aimed at ensuring that trademark protection remains relevant in a digital-first commercial environment.

THE NEED FOR EXPANDING EXISTING CLASSES:

Trademark classification serves a substantive legal purpose. It determines the scope of protection, the range of enforceable rights, and the framework within which the likelihood of confusion is assessed. When new forms of commerce are forced into outdated or ill-suited categories, uncertainty arises at every stage of the trademark lifecycle, which includes challenges from filing and examination to opposition and infringement proceedings. Before the 2025 reforms, businesses operating in areas such as AI, NFTs, virtual fashion, or the metaverse services were often compelled to rely on broad or approximate class descriptions. For example, NFT-related goods were commonly filed under Class 9 as downloadable digital files.



Although this description was technically defensible, it did not fully capture the commercial function or consumer perception of such assets. This disconnect frequently led to objections from the Trademark Registry, inconsistent examination practices, and uncertainty in enforcement.

More importantly, the absence of explicit recognition for digital goods and services created gaps in protection. A brand registered for physical clothing under Class 25, for instance, might find it difficult to restrain the use of an identical or confusingly similar mark for virtual apparel. Because the two offerings were not expressly recognised as related categories, enforcement became uncertain. Such outcomes undermined the core objective of trademark law, preventing consumer confusion and preserving the goodwill associated with a mark. The expansion of Classes 9, 25, 35, and 41 seeks to address these structural shortcomings. By expressly incorporating contemporary digital offerings into the existing classification framework, the reforms acknowledge the realities of modern commerce and provide greater certainty in both prosecution and enforcement.

CLASS 9: PROTECTION FOR AI SOFTWARE AND WEB3 TECHNOLOGIES:

Class 9 has traditionally covered computer software, electronic apparatus, and downloadable digital content. With the rapid growth of artificial intelligence, machine learning, and blockchain-based platforms, software has evolved into a primary commercial asset for many enterprises. Under the revised framework, Class 9 now expressly includes AI-driven software, machine-learning Web3technologies, and downloadable virtual goods.

This expansion is particularly significant for technology companies and startups whose principal offerings are intangible digital products. In the past, applications describing AI tools or blockchain-based platforms frequently encountered classification objections because such technologies were not specifically recognised within the class headings. Examiners often questioned whether the descriptions were precise or appropriately classified, leading to delays and inconsistent decisions. By expressly incorporating these technologies, the revised Class 9 reduces ambiguity and allows applicants to describe their products more accurately. It also strengthens enforcement by ensuring that infringing digital platforms fall within the same or related categories. More fundamentally, the amendment acknowledges that software, especially AI-driven systems, can constitute the primary commercial offering of a business, rather than merely supporting its operations.

CLASS 25: EXTENDING PROTECTION TO DIGITAL FASHION:

Class 25 has historically been limited to clothing, footwear, and headgear in their physical form. The growth of metaverse platforms, however, has given rise to a parallel market for digital fashion. Consumers now purchase virtual garments for their avatars, and global brands increasingly release digital-only fashion collections. The expanded scope of Class 25 now includes virtual clothing, digital fashion collections, and NFT-based apparel. This change reflects the commercial reality that digital fashion is no longer a novelty or a promotional tool, but a legitimate and revenue-generating product category.

From a legal perspective, this amendment is crucial. Without it, a trademark registered for physical clothing could be vulnerable to unauthorised use in the virtual apparel market. The revised classification ensures continuity of protection across both physical and digital fashion environments, thereby preserving brand identity and consumer trust.

CLASS 35: INFLUENCER MARKETING AND VIRTUAL RETAIL:

Class 35 has traditionally covered advertising, marketing, and retail services. The digital economy has fundamentally transformed the manner in which these services are delivered. Influencers, content creators, and virtual storefronts now play a central role in brand promotion and sales. The expanded scope of Class 35 includes influencer marketing services, digital brand promotion, virtual retail stores, and online marketplaces for digital goods. This development reflects the emergence of the creator economy, where individuals and digital platforms function as independent commercial entities, launching brands, promoting products, and operating virtual storefronts. Previously, trademark applications for such services were often drafted under broad advertising descriptions that did not accurately reflect influencer-led or virtual commerce. The revised class provides clearer protection for these activities and recognises that retail and promotional services may now occur entirely within social media platforms or virtual environments.

CLASS 41: IMMERSIVE EDUCATION AND VIRTUAL ENTERTAINMENT:

Class 41 has traditionally encompassed education, training, and entertainment services. With the rise of virtual reality, augmented reality, and immersive digital platforms, these services are increasingly delivered through interactive and virtual environments. The revised Class 41 now includes virtual reality education platforms, immersive training programs, online gaming ecosystems, and metaverse-based entertainment services. This expansion reflects the growing commercialisation of virtual experiences, such as VR classrooms, corporate training simulations, digital concerts, and interactive exhibitions. By expressly recognising such services, the reforms enable businesses operating in immersive digital environments to secure trademark protection that accurately reflects the nature of their offerings. This is particularly relevant for sectors such as education technology, gaming, and digital entertainment, where immersive technologies are becoming integral to service delivery.

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CONCLUSION:

The expansion of Classes 9, 25, 35, and 41 under the 2025 trademark reforms represents a necessary and forward-looking adjustment to the realities of a digital economy. By expressly recognising AI software, digital fashion, influencer-led commerce, and immersive virtual services, the reforms acknowledge that modern branding extends far beyond physical goods and traditional service models. Legally, these amendments bring greater clarity, reduce classification disputes, and strengthen the enforceability of trademark rights in emerging digital markets. Commercially, they equip brand owners with the means to protect their identities across both physical and virtual environments. In an era where trademarks may signify not only products on store shelves but also digital assets, virtual experiences, and AI-driven platforms, the legal framework must evolve accordingly. The 2025 reforms represent a deliberate effort to ensure that trademark protection remains aligned with technological progress and commercial reality, thereby safeguarding brand value in an increasingly digital world.

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