

# TRENDS IN TECHNOLOGY AND E-COMMERCE IN INDIA:

## Legal and Tax Issues

### TENTATIVE PROGRAMME

**DAY 2: FRIDAY, MAY 15, 2015**

#### DOING E-COMMERCE BUSINESS IN INDIA

01:45 PM - 02:00 PM

##### INTRODUCTION

**Nishith Desai**

Founder and Managing Partner, Nishith Desai Associates

02:00 PM - 02:15 PM

##### PANEL I – OVERVIEW OF THE TECHNOLOGY AND E-COMMERCE SECTOR IN INDIA

- Regulatory landscape for the e-commerce sector in India
- Various business models used in the e-commerce space, e.g. B2B, B2C and e-commerce platforms
- Investor challenges in view of the regulatory landscape
- Evolving deal structures

**Vaibhav Parikh**

Partner - Technology, Private Equity Practice and M&A,  
Nishith Desai Associates

02:15PM - 02:30 PM

##### PANEL II – DISCUSSION ON OPEN INTERNET

**David Conrad**

CTO, ICANN

02:30 PM - 03:30 PM

##### PANEL III – PANEL DISCUSSION: REGULATORY AND LEGAL ISSUES IN E-COMMERCE BUSINESSES IN INDIA

- Enforceability Issues
  - Enforceability of online contracts
  - Applicability of Indian law on offshore e-commerce companies with client base in India?
  - Can consumers approach Indian courts irrespective of the governing law and dispute resolution clauses?

- Intermediary Safe Harbors
  - Who are treated as intermediaries? How and when are intermediaries protected?
- Content related issues
  - In view of the recent uproar in online distribution of objectionable content in India, what precautions should be taken?
- User Generated Content
  - Are websites liable for User Generated content?
  - Does ownership and liability go hand in hand?
- Privacy Concerns
  - What are the compliances for collection and transfer of personal data?
  - Treatment of cross border transfers of personal information
  - How are “do not disturb” regulations implemented? Are social media apps excluded?
- Carriage laws
  - OTT - latest regulatory updates
- Domain names and trademarks
  - How to protect domain names and trademarks?

#### **PANELISTS**

##### **Sharon Matsumura**

Deputy General Counsel, Intuit

##### **Vaibhav Parikh**

Partner - Technology, Private Equity Practice and M&A,  
Nishith Desai Associates

##### **Gowree Gokhale**

Partner - TMT and Intellectual Property Laws Practice,  
Nishith Desai Associates

##### **Rakhi Jindal**

Co – Head Privacy and Commercial Laws Practice,  
Nishith Desai Associates

03:30 PM - 03:45 PM

**COFFEE BREAK**

03:45 PM - 04:30 PM

**PANEL IV – PANEL DISCUSSION:LEGAL ISSUES RELATED TO PAYMENTS AND TAXATION OF E-COMMERCE BUSINESSES IN INDIA**

- Payment Systems
  - How is India treating virtual currency?
  - Bitcoins: Are they legal in India
  - What are the online payment options?
  - Recent issues faced by e-commerce companies
- Competition Law Issues
  - Mega sales
  - Anti-competitive arrangements
  - Safe harbors
- E-commerce taxation
  - Taxation of intangibles
  - Permanent establishment risks
  - Applicability and availing of treaty benefits
- Government policies
  - Lobbying and dealing with government officials

**PANELISTS**

**Gowree Gokhale**

Partner - TMT and Intellectual Property Laws Practice,  
Nishith Desai Associates

**Simone Reis**

Co-Head - M&A Practice, Nishith Desai Associates

**Mahesh Kumar**

Co-Head - International Tax Practice, Nishith Desai Associates

04:30 PM - 05:00 PM

**PANEL V – OPEN HOUSE DISCUSSIONS ON ISSUES TO BE CONSIDERED WHEN OPERATING INDIA FOCUSED E-COMMERCE BUSINESSES**

Discussion will be led by

**Nishith Desai**

Founder and Managing Partner, Nishith Desai Associates

05:00 PM - 05:30 PM

**PANEL VI – PATENT LANDSCAPING: STUDY OF INTERNET OF THINGS & NEW AGE TECHNOLOGIES**

**Shaurir Anand**

Chief Marketing Officer, IPpro