

ENDORSEMENT GUIDELINES FOR CELEBRITIES AND SOCIAL MEDIA INFLUENCERS

Why in News?

- The Central Government has released the endorsement guidelines for celebrities and social media influencers.
- The guidelines mandate compulsory disclosure of monetary or material benefits of a product or a brand they are promoting through their social media platforms.
- Failing to do so will attract a penalty up to Rs 50 lakh.

What is the need to issue new guidelines for Social-media Influencers?

- The size of the social-media influencer market in India last year was Rs 1,275 crore and by 2025, it was likely to be Rs 2,800 crore.
- Individuals or groups with access to an audience and have the power to affect its purchasing decisions or opinions about a product, service, brand or experience.
- There are **more than 100,000 social-media influencers** of substance, and this calls for a check.
- Therefore, the responsibility of the endorsers or other advertisers is to honestly disclose the information that consumers must know before making any purchasing decisions.

What are new guidelines issued by the Central Government?

- The Department of Consumer Affairs under Ministry of Consumer Affairs, Food and Public Distribution released a guide '**Endorsements Know-hows!**' for celebrities, influencers and virtual influencers on social media platforms.
- The guide aims to ensure:
 - that **individuals do not mislead their audiences when endorsing products or services** and
 - that they are in compliance with the Consumer Protection Act and any associated rules or guidelines.
- The major guidelines include –
 - **Disclosures must be Prominent** –

- The guidelines specify that disclosures must be prominently and clearly displayed in the endorsement, making them extremely **hard to miss**.
- This includes not only benefits and incentives, but also monetary or other compensation, trips or hotel stays, media barter, coverage and awards, free products, etc.
- Endorsements must be made in simple, clear language and terms such as "advertisement," "sponsored," or "paid promotion" can be used.
- They should not endorse any product or service in which due diligence has been done by them or that they have not personally used or experienced.
- **Penalty –**
 - On non-compliance with the guidelines, endorsers may face penalties including a fine up to Rs 10 lakh, which can go up to Rs 50 lakh on recurring violations.
 - Influencers and celebrities can be debarred from endorsements on repeated infringements and **may go to jail for six months, which can be extended to two years**.

What is Advertising Standards Council of India (ASCI)?

- The Advertising Standards Council of India is a voluntary self-regulatory organization of the advertising industry in India.
- Established in **1985**, ASCI is registered as a non-profit company under the Company Act.
- **Objective –** To maintain and enhance the public's confidence in advertising.
- Their mandate is that all material must be truthful, legal and honest, decent and not objectify women, safe for consumers - especially children and last but not the least, fair to their competitors.

How does ASCI take action against Advertisements?

- Post receiving the complaints, ASCI processes them as per its normal complaint redressal procedure involving its **Consumer Complaints Council (CCC)** for adjudication.
- If the complaint is upheld then the ad will need to be modified or pulled out as is applicable for all complaints.
- Currently 100% of TV advertisements and over 80% print advertisements against whom a complaint is upheld by ASCI are modified or withdrawn.

WHAT CONSTITUTES A TRADEMARK VIOLATION?

Why in News?

- A 'sub' is not just a Subway sandwich, the Delhi High Court ruled recently, dismissing a trademark infringement case brought by the global fast-food chain against Suberb, a Delhi-based restaurant.

What is Intellectual Property (IP)?

- IP refers to **creations of the mind**, such as inventions, literary and artistic works, designs and symbols, names and images **used in commerce**.
- **IP is protected in law** enabling people to earn recognition or financial benefit from what they invent or create.
- By striking the right balance between the interests of innovators and the wider public interest, the IP system **aims to foster an environment in which creativity and innovation can flourish**.
- **Types of IP:** Copyright, Patents, **Trademarks**, Industrial designs, Geographical indications (GI) and Trade secrets.
- **Governing regulations:**
 - **The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS):**
 - It is an international legal agreement, which **establishes minimum standards** for the regulation by national governments of different forms of IP.
 - **IP rights in India are governed under:**
 - The Trade Marks Act 1999,
 - The Patents Act 1970 (amended in 2005),
 - The Copyright Act 1957,
 - The Designs Act 2000,
 - The GI of Goods (Registration and Protection) Act 1999, etc.
 - **What is a Trademark?**
- **A trademark is a symbol, design, word or phrase** that is identified with a business and when a trademark is



registered, its owner can claim “**exclusive rights**” on its use.

- **The Trademark Act 1999** guarantees protection for a trademark that is registered with the Controller General of Patents, Designs, and Trademarks, also known as the **trademark registry**.
- A trademark is valid for **10 years**, and can be renewed by the owner indefinitely every 10 years.

What Constitutes a Trademark Violation?

- Using a registered trademark **without authorisation of the entity that owns the trademark** is a violation or infringement of the trademark.
- There are several ways in which a trademark can be infringed such as **Deceptive similarity, passing off** (Say, a brand logo is misspelt in a way that’s not easy for the consumer to discern).
- In such cases, courts have to determine **whether this can cause confusion** for consumers between the two.
- In such cases, the infringing products **need not be identical**, but similarity in the nature, character and performance of the goods of the rival traders has to be established.
- **For example**, Cadila Healthcare Limited vs Cadila Pharmaceuticals Limited.

News Summary with respect to the Subway vs Suberb Case:

- **What was the Case before the Court?**
 - Subway filed a complaint in the Delhi HC against Infinity Foods, which operates Suberb restaurants in Delhi.
 - Subway claimed that the brand name and logo "Suberb", with a yellow and green colour scheme, was **identical to its mark "Subway"**.
 - **Subway owns trademarks in the brand name "Subway" as a whole**, as well as for its sandwiches named "Veggie Delite" and "Subway Club".
 - Subway also claimed trademark infringement on Suberb's menu card, outlet decor, and recipes.
 - Suberb argued that Subway is a “**well-known brand**”, and that a consumer would not walk into a Suberb outlet confusing it with Subway.

HYBRID IMMUNITY

Why in news?

- Hybrid Immunity provides better protection against **severe Covid-19**, while all immunity against re-infection wanes within a few months.
- This was revealed by a recent study in the journal The Lancet Infectious Diseases.

What is hybrid immunity?

- Hybrid immunity is gained from a **previous infection plus vaccines** – either the primary doses or both primary and booster doses.
 - As per the recent study, a hybrid immunity offers a higher magnitude and durability of protection as compared to infection alone.
 - Getting a natural infection – best after vaccination so that the risk of death is lower – provides better protection than vaccines alone.
- This is because it prepares the body against the entire virus, rather than say just the spike protein.

What did the study find?

- Protection against severe disease and hospitalisations from a Sars-CoV-2 infection alone was found to be 82.5% at three months after the last shot or infection.
- In comparison, hybrid immunity with just the primary vaccine doses was found to be 96% at three months and 97.4% at 12 months.
- The effectiveness of hybrid immunity gained from infection coupled with the primary as well as a booster dose stood at 97.2% at three months.

Why hybrid immunity is effective?

- Natural immunity (obtained after being infected) comes when the body produces antibodies to protect against a germ or virus.
 - According to WHO, risk of reinfection is relatively low for the six months following infection and then begins to wane over time.
- Vaccines also introduce antibodies to the body, which helps the immune system learn to produce specific antibodies to fight against Covid.
- So, when these two immunities are paired together, they provide greater immunity than if they were apart.

REDUCING ELEPHANT-HUMAN ATTACKS USING BEES (RE-HAB) PROJECT

Recently, the Chairman of Khadi and Village Industries Commission (KVIC) distributed live Bee Colonies, Bee-keeping equipment and 200 Bee-Boxes to the trained beneficiaries at Sulia at Dakshina Kannada, Karnataka under the RE-HAB Project.



About the RE-HAB Project

- Under this project, **Bee-fences are created** by setting up bee boxes in the passageways of elephants to block their entrance to human territories.
- It is a cost-effective way of **reducing human-wild conflicts** without causing any harm to the animals.
- It is an initiative of the Khadi and Village Industries Commission (KVIC) under the submission of the National Honey Mission.

Key facts of KVIC

- It is a **statutory body** established under the Khadi and Village Industries Commission Act, of 1956.
- The KVIC is charged with the planning, promotion, organisation and implementation of programmes for the development of Khadi and other village industries in the rural areas in coordination with other agencies engaged in rural development wherever necessary.
- It works under the **Ministry of Micro, Small and Medium Enterprises**.

BHOJ WETLAND



Recently, the National Green Tribunal has directed the Central Pollution Control Board (CPCB) and Madhya Pradesh Pollution Control Board (MPPCB) to periodically monitor the activities of a cruise vessel polluting the Bhoj wetland in Bhopal, MP.

Why in news?

- The state government has permitted the operation of the cruise with a capacity of 50 passengers, but even broad estimates suggest that human sewage of 19,000 litres will be generated in a week alone.
- The cruise boat operates on diesel, which is a clear violation. It will also directly violate the provisions of the **Environment Protection Act, of 1986.**

Key features of Bhoj wetland:

- It consists of two contiguous human-made reservoirs, the upper and lower lakes located in the city of Bhopal, Madhya Pradesh.
- The lakes are very rich in biodiversity, particularly for **macrophytes, phytoplankton, zooplankton**, both natural and cultured fish species, both resident and migratory birds, insects, reptiles and amphibians.
- It is designated as the Ramsar site in 2002.

The Environment Protection Act, 1986:

- It was enacted to provide for the **protection and improvement** of the environment.
- It empowers the Central Government to establish authorities charged with the mandate of preventing environmental pollution in all its forms and tackling specific environmental problems.
- **One of the features of this act is:** No person shall discharge or emit or permit to be discharged or emitted any environmental pollutant in excess of such standards as may be prescribed.

KANHA TIGER RESERVE

Recently, a new study has found that several alien invasive plants growing together can have a detrimental effect on the biodiversities in tiger habitats in Kanha Tiger Reserve.



Why in news?

- The research paper has deciphered many negative impacts of multiple co-occurring alien plants on biodiversity and what it means for conservation in the era of global changes.
- India's biodiverse ecosystems are threatened by a variety of alien plants like **Lantana Camara, Parthenium hysterophorous, and Prosopis juliflora** introduced during British colonisation.

- Co-occurring invasive plants like **Ageratum conyzoides**, and **Pogostemon benghalensis** cause ecological homogenisation in invaded regions.
- Multiple alien species together affected **soil nutrients**, which may have depleted the richness of diverse plants.
- Invasions might slowly deplete the native plant populations and might lead to **diseases in the herbivores**.

Key facts about Kanha Tiger Reserve:

- It is nestled in the Maikal range of Satpuras in Madhya Pradesh, the heart of India that forms the central Indian highlands.
- This Tiger Reserve stretches over an area of 940 square km in the two districts Mandla and Balaghat in the state of Madhya Pradesh.
- Kanha is best known for its evergreen **Sal forests**.
- **Fauna: Barasingha**, Tiger, Leopard, **Dhole**, Bear, Gaur and Indian Python etc.

WHAT IS EMPLOYEES PROVIDENT FUND ORGANISATION (EPFO)?

The Employees' Provident Fund Organization (EPFO) has recently developed a provision on the member's portal so that retired workers can choose a greater pension in order to comply with a recent Supreme Court order on higher provident fund pensions.



EPFO
Employees Provident
Fund Organisation

Why in News?

- In 2014, the central government issued a notification allowing an EPFO member and their employer to jointly avail the option of contributing 8.33 percent of the actual salary to the Employee Pension Scheme (EPS) without any ceiling, thus enabling the member to receive a higher pension.
- A six-month deadline — later extended by another six months was set to opt for this provision.
- Recently the Supreme Court ruled that employees who had not exercised the option for higher pension would get a further four months from the date of this court order to do so, with their employer's consent.

About Employees Provident Fund Organisation (EPFO):

- It is a **statutory body** under the **Employees' Provident Funds and Miscellaneous Act, 1952**.
- It is under the **administrative control of the Union Ministry of Labor and Employment**.
- **Structure of EPFO:**
 - The Act and all its schemes are **administered by a tripartite board** called the **Central Board of Trustees**.
 - The **board comprises representatives of the Government (both Central and State), employers, and employees**.
 - The board is **chaired by the Union Minister of Labour and Employment, Government of India**.
- The Central Board of Trustees **operates 3 schemes:**
 - The **Employees' Provident Funds Scheme, 1952 (EPF)**
 - The **Employees' Pension Scheme, 1995 (EPS)**
 - The **Employees' Deposit Linked Insurance Scheme, 1976 (EDLI)**
- EPFO is also the **nodal agency for implementing Bilateral Social Security Agreements** with other countries on a reciprocal basis.
- **Coverage:** The schemes offered by EPFO cover **Indian workers and international workers** (from countries with whom the EPFO has signed bilateral agreements).

About Employee Pension Scheme (EPS):

- The scheme makes **provisions for employees working in the organized sector for a pension** after their retirement at the **age of 58 years**.
- The benefits of the scheme **can be availed only if the employee has provided a service for at least 10 years**.
- Under **Employees' Provident Funds Scheme (EPF)**, both the employer and employee **contribute 12%** each of the employee's pay towards the Employees Provident Fund (EPF).
- While the **employee's entire share is contributed towards EPF**, **33% of the employer's share goes towards the Employees' Pension Scheme (EPS)** and **3.67%** goes towards EPF contribution every month.