

INDIA
IPR - ENFORCEMENT
MONTHLY DIGEST — **EDITION - APR 2023**



From **IDEA** to **ICON**

» *Stay tuned for latest updates*

Featuring Inside

- Overview and the Importance of Trademark
- Information on enforcement actions
- Resolving Trademark Disputes : Your legal options



TABLE OF CONTENTS

Preface	03
---------	----

by Brig Neelesh Bhanot

Unmasking counterfeiting in India	04-07
--------------------------------------	-------

- Overview of affected industries
- Exploring Zone, State, and Industry trends
- APRIL 2023 Raid Actions – India

An Overview and the Importance of Trademark	08-10
--	-------

- From Idea to Icon
- Importance of Trademarks
- The Ease of Transitioning - Processes
- Trademark Infringement : Protecting your Brand from copycats
- Resolving Trademark Disputes : Your legal options
- Real-Life Examples

Upcoming Events	11
-----------------	----

About IIRIS Consulting	12
------------------------	----

P R E F A C E



**WE NEED TO ACT
RESPONSIBLY
ENSURING WE MUST
CARE FOR FUTURE
GENERATIONS.**

In today's fiercely competitive marketplace, where businesses strive for recognition and consumers are bombarded with an array of choices, protecting a brand's identity has never been more critical. One of the most effective tools in this endeavor is the registered trademark—a powerful asset that not only safeguards any brand but also confers numerous advantages that can shape the trajectory of its business.

In a world where innovation and imitation go hand in hand, the importance of a registered trademark cannot be overstated. It is a strategic investment that safeguards a brand's identity, enhances its market presence, and fortifies its legal position. By protecting one's intellectual property rights, you not only protect your business but also contribute to the overall integrity and vitality of the marketplace.

In the fast-paced and ever-evolving business landscape, a registered trademark acts as a brand's guardian—a powerful emblem that signifies trust, quality, and authenticity. It is thus essential for businesses to seize the opportunity to secure their mark, and embark on a journey where their brand's identity remains a beacon of distinction amidst the sea of competitors.

Let's come and make joint efforts to ensure environmentally friendly disposal of the material.

Keep fighting the counterfeiters.

Brig Neelesh Bhanot
India Head – IntelliSense
IIRIS Consulting

UNMASKING COUNTERFEITING IN INDIA

OVERVIEW OF AFFECTED INDUSTRIES

Trademark issues can have a significant impact on various industries, affecting businesses across sectors. The repercussions of trademark disputes and infringements can disrupt operations, tarnish brand reputation, and lead to financial losses. One of the industries most affected by trademark issues is the consumer goods sector, where counterfeit products pose a significant threat to brand owners. Counterfeit goods not only result in revenue loss but also compromise consumer safety and trust. The fashion and luxury goods industry also faces trademark challenges, with counterfeit products flooding the market and diluting the value of well-established brands. In the technology sector, trademark infringement can lead to consumer confusion and damage brand equity. Additionally, the pharmaceutical industry is susceptible to counterfeit drugs that endanger patient health and safety.

EXPLORING ZONE, STATE, AND INDUSTRY TRENDS

In the realm of **trademarks**, the battle against counterfeiting remains a critical concern for businesses. As we delve into the May edition, we shift our focus to the prevalence of counterfeit cases during this period. This uncovers the hidden facets of counterfeiting in India, examining the zones, states, and industries most affected by this illicit trade. With a **total of 147 reported cases in April**, it becomes imperative for businesses to grasp the extent of the challenge and take proactive measures to safeguard their trademarks and brand integrity. At **IIRIS**, we understand the paramount importance of brand protection. With our comprehensive range of services, we strive to assist businesses in safeguarding their trademarks and combating counterfeiting effectively. Our expertise and dedication to **brand protection** make us the ideal partner for businesses seeking reliable and proactive solutions in the battle against counterfeit trade.

Through our ongoing monthly digest about IPR - Enforcement actions happening across India, you may know that trademark issues are not limited to these sectors alone but can impact any industry where branding plays a crucial role. It highlights the importance of proactive brand protection strategies and the enforcement of trademark rights to safeguard businesses, consumers, and the integrity of intellectual property in a global marketplace.

The pictorial depiction serves as a clear illustration of the number of enforcement actions that have been performed and how those actions have been allocated among the various categories. This will help to find trends and patterns in the data even in more expedient manner.

The information shared in the report is all statistical and has been compiled from third-party sources, which we believe are reliable.

We have prepared four informative charts to enhance your understanding of the counterfeiting problem in India:

The first chart provides a breakdown of enforcement actions carried out across the country's five zones, offering valuable insights into the geographic distribution of counterfeiting activities and highlighting zones that have witnessed heightened enforcement efforts. The second chart delves into raid actions conducted within various industries; The third chart identifies the top states in India with the highest number of reported counterfeit cases. Finally, the fourth chart presents a comparative analysis of counterfeit cases reported in **April 2022 versus April 2023** on a state-by-state basis, shedding light on any

temporal trends and helping to identify states experiencing changes in counterfeit incidents.



APRIL 2023 RAID ACTIONS – INDIA

Zone-wise Counterfeit Cases in April'23

In the month of **April**, counterfeit cases were reported across different zones in India, shedding light on the distribution of this illicit trade. The North zone emerged as the hotspot for counterfeit activities, accounting for the highest number of reported cases at **60, representing 41% of the total**. The **East zone** followed closely behind with **22 reported cases (15%)**, while the **South** and **West zones** reported **33 (22%)** and **28 (19%)** cases, respectively. The Central zone had the lowest number of reported cases at **4 (3%)**. These numbers emphasize the need for a comprehensive approach to combat counterfeiting in each zone, with businesses urged to implement stringent measures to safeguard their trademarks and brand reputation.

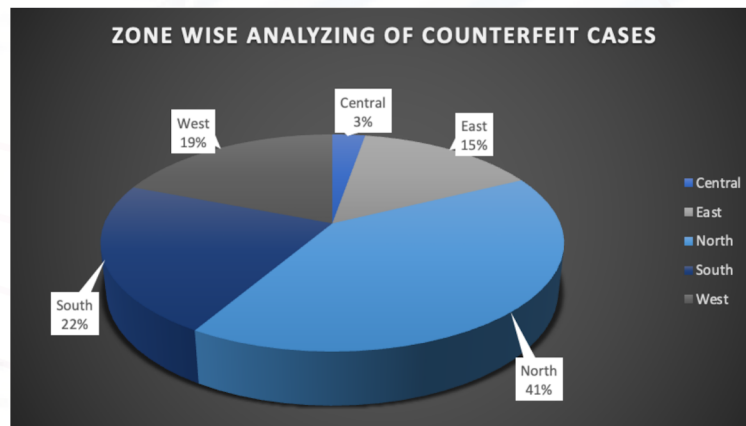


Exhibit 1: Pictorial Depiction of zone wise data shows the central zone registering lowest no. of cases in counterfeiting - April 2023

Industry Breakdown – April's Counterfeit Trends

This report reveals significant counterfeiting incidents in various industries. Among them, the top three most targeted sectors are **currency, alcohol, and FMCG** having **37, 34 & 17 cases respectively**. Currency experiences the highest number of reported incidents, followed closely by alcohol and FMCG. Counterfeit currency poses significant threats to financial systems and economies, while counterfeit alcohol and FMCG products endanger consumer safety and erode trust in reputable brands. Please refer to the chart below for a visual representation of the counterfeit trends in April: The chart illustrates the number of reported counterfeit incidents in each industry, allowing for a clear understanding of the relative scale of counterfeiting across sectors. It serves as a powerful visual tool to highlight the significance of the problem and the need for concerted efforts to combat counterfeiting in these industries.

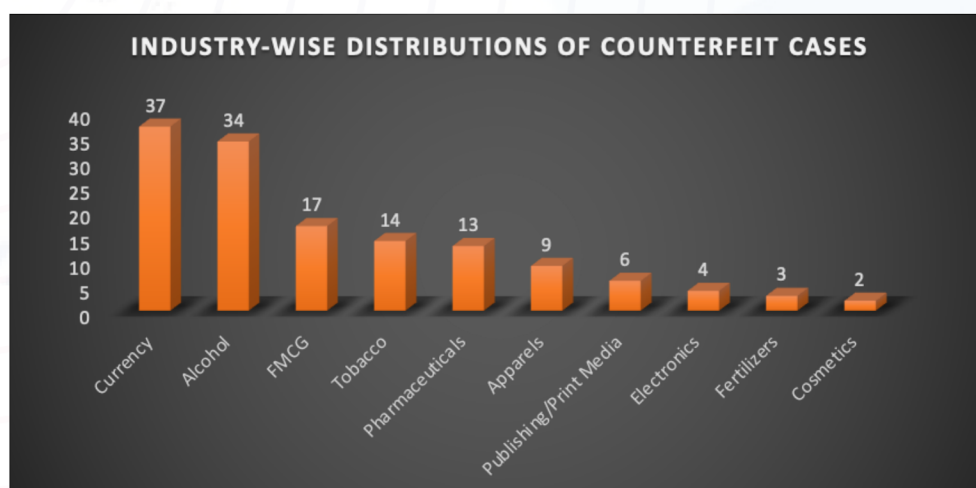


Exhibit 2: Graph showcasing industry wise Enforcement action performed in the month of April 2023

APRIL 2023 RAID ACTIONS – INDIA

State-wise Counterfeit cases in April 2023

This data reveals interesting insights into the distribution of counterfeiting cases across various states. Among the states with the highest number of reported incidents, Maharashtra takes the lead with **18 cases**, followed closely by **Tamil Nadu** and **Haryana**, both reporting **12 cases** each. These states indicate a significant presence of counterfeit activities and call for focused efforts to combat counterfeiting and protect consumers. The chart displays the number of reported counterfeit cases in each state, highlighting the relative distribution of incidents across different regions. Maharashtra, Tamil Nadu, and Haryana stand out as the top three states with the highest number of cases, emphasizing the need for targeted measures to address counterfeiting challenges in these areas. By focusing on these states and implementing comprehensive anti-counterfeiting strategies, law enforcement agencies, regulatory bodies, and businesses can work together to combat the illicit trade, protect intellectual property rights, and ensure consumer safety. To provide a visual representation of the data, please refer to the chart below:

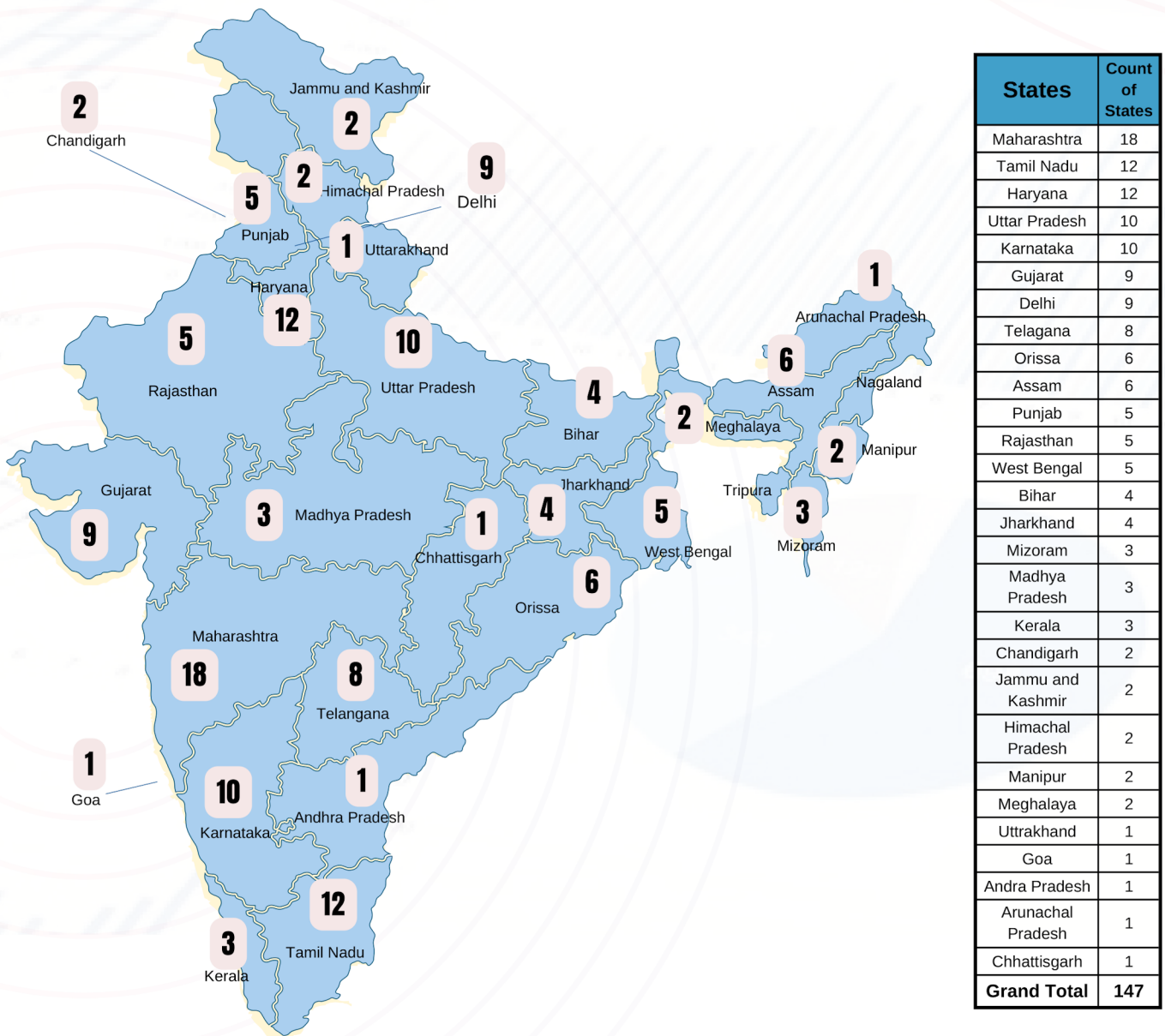


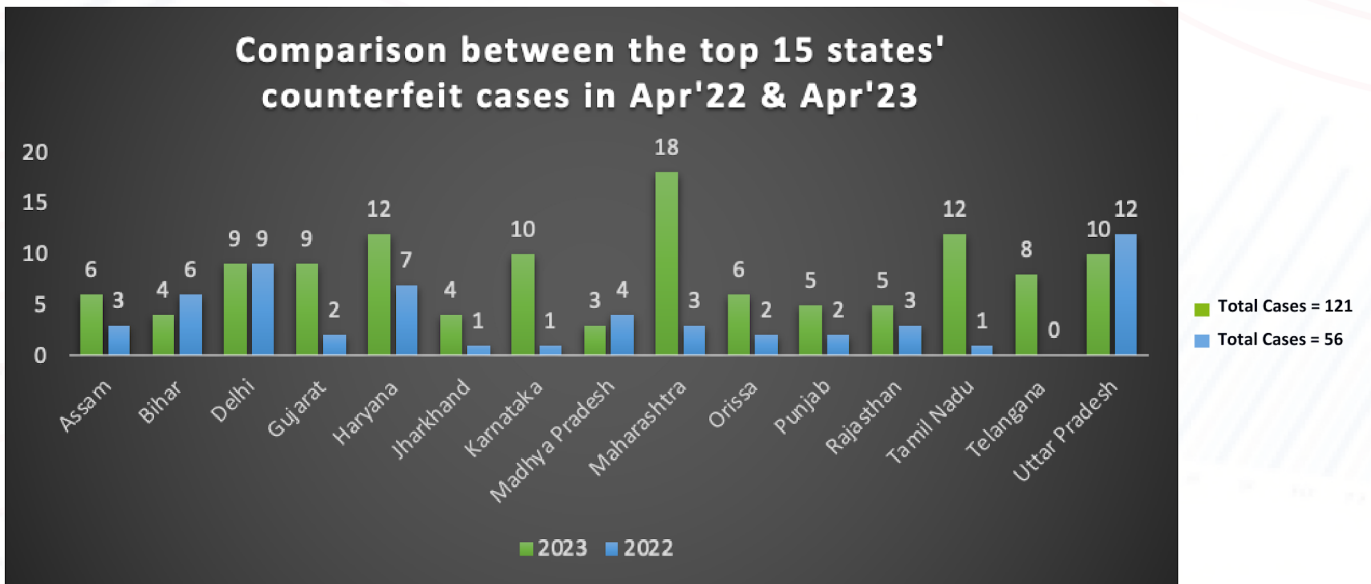
Exhibit 3 : State wise bifurcation of IPR enforcement action – April 2023

APRIL 2023 RAID ACTIONS – INDIA

Comparison of Counterfeit cases in April 2022 vs. April 2023

The chart effectively showcases the comparison between **April 2022 and April 2023**, allowing for a clear understanding of the changing counterfeit trends in different states. The significant increase in reported cases in Haryana, Tamil Nadu, and Uttar Pradesh calls for focused efforts and collaborative initiatives to combat counterfeiting activities.

To address this growing concern, it is crucial for authorities, law enforcement agencies, and relevant stakeholders to work together. By implementing stricter enforcement actions, enhancing consumer awareness, and promoting the use of authentication technologies, these states can combat the menace of counterfeiting effectively. These measures will not only protect consumers but also safeguard the reputation and interests of legitimate businesses, thereby fostering a safer and more trustworthy market environment. To provide a visual representation of the data, please refer to the chart below:



States	Assam	Bihar	Delhi	Gujarat	Haryana	Jharkhand	Karnataka	Madhya Pradesh	Maharashtra	Orissa	Punjab	Rajasthan	Tamil Nadu	Telangana	Uttar Pradesh
April-23	6	4	9	9	12	4	10	3	18	6	5	5	12	8	10
April-22	3	6	9	2	7	1	1	4	3	2	2	3	1	0	12

Exhibit 4: Pictorial depiction of comparison of total number of IP enforcement cases has been undertaken in Indian state in the month of **April 2022 and April 2023**

Disclaimer :

The report findings have been gathered, inter alia, using advanced research and methods using publicly available sources (that may or may not be pay-walled or accessible with reasonable technical acumen). Owing to such reliance, **IIRIS CONSULTING** cannot be held liable for any misrepresentation, fraud, theft, unethical practice, inaccuracies, or lacunae in the report that are attributable to sources that are not capable of further corroboration or supplementation.



AN OVERVIEW AND THE IMPORTANCE OF TRADEMARK

FROM IDEA TO ICON

Trademarks act as beacons of brand identity and recognition in the vast business world. They are more than just symbols or logos; they hold immense significance as valuable assets. Terms such as "mark", "brand" and "logo" are sometimes used interchangeably with "trademark". This is why trademarks hold such importance for businesses. They are pillars upon which brand recognition is built, enabling consumers to distinguish and choose specific products or services over others.

The Trademarks Registry was established in India in 1940 and presently it administers the Trademarks Act, 1999 and the rules thereunder. It acts as a resource and information centre and is a facilitator in matters relating to trademarks in the country.



The objective of the Trademarks Act, 1999 is to register trademarks applied for in the country and to provide for better protection of trademark for goods and services and also to prevent fraudulent use of the mark. The main function of the Registry is to register trademarks which qualifies for registration under the Act and Rules. After this trademark (Amendment) Act 2010 came into being.

Trademarks play a pivotal role in transforming an idea into an iconic symbol that represents a brand, product, or service. They provide legal protection and exclusive rights to businesses, ensuring their distinctiveness and preventing unauthorized use by others. Understanding the overview and significance of trademarks is essential for entrepreneurs, businesses, and consumers alike. By securing a trademark, businesses establish a valuable asset that sets them apart from competitors and enables consumers to identify and trust their products or services.

IMPORTANCE OF TRADEMARKS

A registered trademark gives any business a competitive edge by preventing others from using similar marks or benefiting from the brand's goodwill. Here we delve into the importance of trademarks, highlighting their multifaceted benefits for businesses.

Brand Recognition: Trademarks are instrumental in establishing brand recognition and differentiation. They serve as visual symbols that consumers associate with a particular brand, enabling them to easily identify and differentiate products or services in the marketplace.

Brand Reputation: Trademarks play a crucial role in shaping brand reputation. A well-known and reputable trademark can improve the perception of reliability, dependability, and credibility among consumers, promoting trust and brand loyalty.

Consumer Trust and Loyalty: Trademarks build confidence in consumers by signifying a certain level of quality and consistency.

When consumers encounter a registered trademark, they are more likely to trust the product or service associated with it, leading to increased customer loyalty and repeat business.

Legal Protection: Registering a trademark provides legal protection and exclusive rights to the owner. It allows businesses to prevent others from using similar or identical marks that could confuse consumers or dilute the brand's distinctiveness. Trademark protection helps safeguard the brand's reputation and market share.

Business Value and Asset: Trademarks are valuable assets that contribute to the overall worth of a business. They can appreciate in value over time as the brand gains recognition and reputation. Trademarks can also be licensed or franchised, generating additional revenue streams and expanding the brand's reach.



THE EASE OF TRANSITIONING - PROCESSES

The digital revolution has significantly impacted various aspects of business operations, including trademark processes. Traditionally, trademark registration and management were predominantly conducted offline, involving paperwork, manual submissions, and lengthy processing times. However, the transition from offline to online trademark processes has brought numerous benefits, making the entire trademark lifecycle easier, more efficient, and cost-effective.



- **Cost Savings:** Transitioning to online trademark processes results in cost savings as it eliminates the need for physical document submissions and reduces administrative and documentation expenses.
- **Global Accessibility:** Online trademark processes provide global accessibility, allowing applicants to access trademark registration services from anywhere, simplifying the process of filing trademarks in multiple jurisdictions.
- **Enhanced Trademark Protection:** Online processes offer real-time monitoring tools to actively track and address potential trademark infringements, providing improved protection for brand integrity and intellectual property rights.
- **Simplified Application Procedures:** Online trademark processes have simplified the application process, allowing applicants to submit their applications electronically through user-friendly platforms, eliminating the need for physical paperwork.
- **Expedited Processing:** Online trademark processes reduce processing times by leveraging automation, leading to faster application review and response times from trademark offices.

TRADEMARK INFRINGEMENT: PROTECTING YOUR BRAND FROM COPYCATS

Trademark infringement poses a significant threat to businesses, as it can damage brand reputation and market share. Understanding infringement is key – it occurs when someone uses a similar mark or identical to a registered trademark without permission. Regular monitoring helps detect potential infringements early, enabling businesses to identify copycats, unauthorized sellers, and threats to their brand. By staying vigilant and proactive, businesses can take action to defend their brand and mitigate the risks associated with infringement.

Enforcing trademark rights is crucial in protecting against copycats. Prompt action, such as sending cease and desist letters, helps communicate trademark rights and demand the cessation of infringing activities. Legal actions, like filing infringement lawsuits, may be necessary in severe cases. Online brand protection is essential, with monitoring e-commerce platforms and marketplaces, taking down counterfeit listings, and addressing unauthorized sellers. Utilizing brand registry programs and third-party services further enhances online defenses. A comprehensive approach that includes monitoring, enforcement, and online protection measures helps businesses safeguard their brand and maintain a strong market position.



RESOLVING TRADEMARK DISPUTES : YOUR LEGAL OPTIONS

Trademark disputes can arise when two parties claim rights to a similar or identical mark. Resolving trademark disputes in a timely and effective manner is important to protect your brand and intellectual property rights. Below are the legal options available to address trademark disputes and find a satisfactory solution.

- **Negotiation and Mediation:** Often, trademark disputes can be resolved through discussion and compromise. Parties can engage in talks facilitated by legal professionals or mediators to find a mutually agreeable solution. This approach promotes open communication and can help avoid lengthy and costly legal battles.
- **Cease and Desist Letters:** If you believe someone is infringing on your trademark, you can send them a formal letter asking them to stop using the infringing mark. This "cease and desist" letter serves as a strong message and may encourage the other party to comply without further legal action.
- **Administrative Proceedings:** Some countries have administrative bodies or trademark offices that offer procedures to handle trademark disputes. These proceedings, like opposition or cancellation proceedings, allow both parties to present their arguments and evidence before a neutral authority. It can be a cost-effective alternative to going to court.
- **Litigation:** When negotiation and administrative procedures fail, filing a lawsuit in court may be necessary. Litigation involves presenting your case before a judge or jury. It can be a complex and lengthy process, but it offers a definitive resolution and the possibility of seeking damages or injunctions to protect your trademark rights.
- **Administrative Proceedings:** Some countries have administrative bodies or trademark offices that offer procedures to handle trademark disputes. These proceedings, like opposition or cancellation proceedings, allow both parties to present their arguments and evidence before a neutral authority. It can be a cost-effective alternative to going to court.

REAL-LIFE EXAMPLES ILLUSTRATE THE IMPORTANCE OF TRADEMARK PROTECTION

1 Jack Daniel's, the renowned whiskey brand, emerged victorious in a legal battle against a poop-themed dog toy manufacturer. The toy, called "Bad Spaniels Silly Squeaker," resembled the design of Jack Daniel's whiskey bottle. The case went all the way to the Supreme Court, where Jack Daniel's argued that the dog toy could confuse people and harm their brand's unique identity. And guess what? They won the case! **The court agreed with Jack Daniel's and recognized the importance of protecting trademarks.** Jack Daniel's victory in this trademark dispute sets an example for other businesses seeking to protect their intellectual property. It highlights the need to stay vigilant, monitor for potential infringements, and take legal action when necessary to maintain the uniqueness of a brand and inspire consumer confidence.

2 In a significant legal battle, Toyota's iconic hybrid car, the Prius, has emerged triumphant in a landmark trademark case in India. The case revolved around a claim by an Indian auto parts manufacturer, Prius Auto Industries, that it had been using the "Prius" name in India since 2001, pre-dating Toyota's entry into the market. However, the Delhi High Court ruled in favor of Toyota, recognizing the automaker's strong reputation and market presence established through extensive advertising, impressive sales figures, and substantial market share of the Prius in India. **This victory not only upholds Toyota's trademark rights but also emphasizes the importance of brand recognition and market dominance in trademark disputes.**

Conclusion - These two real-life examples highlight the crucial role of trademark protection for businesses. Whether it's defending against a poop-themed dog toy or establishing brand dominance in a competitive market, trademark disputes are pivotal in maintaining a brand's uniqueness and reputation. These victories remind companies of all sizes to remain proactive in protecting their valuable intellectual property, taking legal measures when needed.

By doing so, businesses can preserve their brand's distinctiveness, inspire consumer confidence, and secure their place in the market.

WRITTEN BY - MS NANDINI CHATURVEDI

Sr. Analyst-Brand Protection, IIRIS



www.iirisconsulting.com






UPCOMING EVENTS

INDIA AND THE WORLD





The 10th Brand Protection Excellence Forum (BPEF) held in **May 2023** brought together senior brand protection, IP, and security professionals from various industries to discuss industry challenges and advancements. This invitation-only event served as a platform for in-depth discussions on topics such as Anti-Counterfeiting, Online Brand Protection, Cross Border Product Security, Cyber Crime, IP legislation, Global Cloud Security, Serialization, and Track & Trace Strategies. The forum featured keynote presentations by industry experts, engaging panel discussions, and interactive sessions that provided valuable insights and fostered knowledge sharing. Real-world case studies highlighted successful brand protection strategies, while networking opportunities allowed participants to forge strong business relationships. The exhibition area showcased the latest technologies and solutions in brand protection and IP enforcement. The 10th BPEF served as a vital gathering for senior executives to gain knowledge, exchange ideas, and establish collaborations, contributing to the advancement of the global brand protection industry.

INDIA

-  5th Edition of Traceability and Authentication Forum | New Delhi
6th - 7th July 2023
-  9th International Conference on IPR
New Delhi, India
7th - 8th November 2023

-  5th Annual Pharma Packaging, Labelling, Track & Trace 2023 | Mumbai, India
10th August 2023

INTERNATIONAL

-  The Global IP ConfEx
London, UK
20st September 2023
-  12th Brand Protection | Excellence Forum | Singapore
2nd November 2023
-  European Brand Protection Congress
Frankfurt, Germany
9th-10th October 2023
-  USA Brand Protection Congress
New York, USA
7th – 8th November 2023

ABOUT IIRIS CONSULTING

IIRIS Consulting aka **Indus IntelliRisk & IntelliSense Services Pvt. Ltd.** stands committed as a value catalyst to corporates bringing in innovative, cutting edge technology aided, risk advisory and intelligence management solutions that help clients not only mitigate risks but also enable better business decisions.



IIRIS is an India born solutions and consulting firm, with wide operations across South Asia, Far East, USA, UK and Middle East. We operates in the fields of advisory, risk management, intelligence, digitization, and forensics.

Each of our services is delivered by experienced leaders using advanced methodologies that combine legally acceptable technological resources, on-the-ground intelligence collection, and data analytics.

Apart from helping clients make better business decisions, IIRIS also acts as an industry mentor that provide certification and skill building to help professionals be better future leaders.

Contact Details : **+91-9205595358**
info@iirisconsulting.com | www.iirisconsulting.com

Brand Protection Offerings

FROM IIRIS CONSULTING

ENFORCEMENT & LITIGATION SUPPORT

BRAND PROTECTION STRATEGIES

ANTI-COUNTERFEITING

VERIFICATIONS

TRADEMARKS

LAW ENFORCEMENT

BRAND DUE DILIGENCE

TARGETED INVESTIGATIONS

INTELLECTUAL PROPERTY RIGHTS

COPYRIGHTS

MARKET RESEARCH

SUPPLY CHAIN AUDITS

