


INDIA IPR - ENFORCEMENT

MONTHLY DIGEST  EDITION - JUN 2023



safeguarding **Creativity**

In DIGITAL Era

 *Stay tuned for latest updates*

Featuring Inside

- Navigating Copyright
- Information on enforcement actions
- Protecting your creative works



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Capt Sandeep Kumar Mehta

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P R E F A C E



**IT IS EQUALLY
IMPORTANT TO
REGISTER THE
COPYRIGHT OF
BRAND THUS
SAFEGUARDING
BRANDS IMAGE AND
THE UNIQUENESS OF
PRODUCT.**

Registration of patterns, names, artistic works by the business houses of their slogans, catchy lines give them a legal framework and firm footing of the copyrights over their exclusive usage. Like the Amul girl created more than 50 years ago is the epitome of retaining the same “copyright” and thus the brand image. This is achieved by without tinkering the Amul girl since inception and this world’s largest cooperative don’t even intend to; it seems the perfect strategy for them as it has gone synonymous with the Amul brand at large.

Though copyrights include unique creation in the fields of arts, lyrics, composition, films, novels etc. but for business houses it implies to include Graphic designs, website contents, computer software etc. In today’s world of digital age, it is all the more pertinent for business houses to go for registration of copyrights to safeguard their interest as they invest big bucks to make a brand. It is equally important to register the copyright of brand thus safeguarding brands image and the uniqueness of product.

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

Keep fighting the counterfeiters.

Capt Sandeep Kumar Mehta
Head - IPR, Brand Protection
IIRIS Consulting

AN OVERVIEW OF MAY 2023'S COUNTERFEIT CASES

COUNTERING COUNTERFEITING: ACROSS INDUSTRIES, ZONES, AND STATES

Counterfeiting continues to be a pressing challenge in today's marketplace, posing serious risks to various industries and economies globally. The month of May 2023 saw a significant number of reported counterfeit cases, further emphasizing the importance of sustained efforts to combat this illicit activity. It is essential to remain vigilant in the face of counterfeiting, as it undermines consumer trust, erodes brand reputation, and leads to substantial economic losses. By analysing the distribution of these cases across different regions, states, and industries, we gain valuable insights into the magnitude of the problem and the areas that require targeted interventions.

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

EXPLORING ZONE, STATE, AND INDUSTRY TRENDS

Counterfeiting continues to be a significant challenge in the modern marketplace, posing threats to various industries and economies around the world. In the month of **May 2023**, a total of 169 counterfeit cases were reported, highlighting the need for continued vigilance in combating this illicit activity. These cases shed light on the prevalence and impact of counterfeiting on businesses and consumers.

The **reported 169 counterfeit cases** in **May 2023** encompassed a wide range of industries, including alcohol, currency, pharmaceuticals, FMCG, and more. Counterfeit products pose significant risks, from substandard quality and safety concerns to revenue losses for legitimate businesses. It is crucial for authorities, industry organizations, and consumers to work together in order to combat counterfeiting effectively. 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.

Counterfeit products, ranging from counterfeit pharmaceuticals to electronics and luxury goods, can jeopardize consumer well-being and compromise the integrity of critical sectors. By understanding the overall landscape of counterfeit cases in May 2023, we can identify hotspots and vulnerable industries, allowing for targeted strategies and resource allocation to combat this illicit trade effectively. It is crucial for stakeholders across sectors to collaborate closely, leverage technological advancements for authentication and tracing, and promote awareness among consumers about the risks associated with counterfeit products. Together, we can foster a marketplace that upholds the value of intellectual property rights, safeguards consumer interests, and supports legitimate businesses in their pursuit of innovation and growth.

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. 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 **May 2022 versus**

May 2023 on a state-by-state basis, shedding light on any temporal trends and helping to identify states experiencing changes in counterfeit incidents.



MAY 2023 RAID ACTIONS – INDIA

Analysis of Counterfeit cases in May 2023 across different Zones

In May 2023, **169** counterfeit cases were reported, revealing insights into counterfeiting prevalence by zones. The North Zone had the highest incidents (**71**), warranting stronger enforcement and awareness campaigns. East and West Zones followed with **32** cases each, stressing the need to combat counterfeiting in these commercial hubs. While South and Central Zones had fewer cases, vigilance and proactive measures remain essential. Analyzing zone-wise data enables targeted strategies, resource allocation, border control enhancements, raids on illicit units, and public awareness to effectively combat counterfeiting.

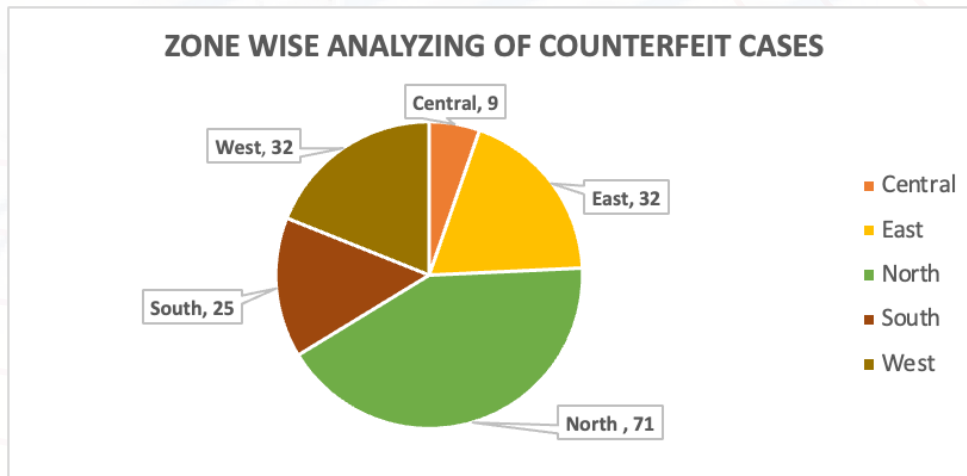


Exhibit 1: Pictorial Depiction of zone wise data shows the total no. of counterfeit cases in **May 2023**

Industry Breakdown – May’s Counterfeit Trends

In May 2023, **169** counterfeit cases shed light on counterfeiting's prevalence and impact across industries. The alcohol industry faced the highest incidents (**51**), posing risks to consumer health and damaging legitimate producers. Currency industry reported 35 cases, threatening financial systems. FMCG (**21**), tobacco (**15**), and pharmaceuticals (**10**) also suffered. Other industries faced smaller cases but require vigilance to protect brands and consumers. Targeted strategies are essential to combat counterfeiting effectively and safeguard revenues and reputations.

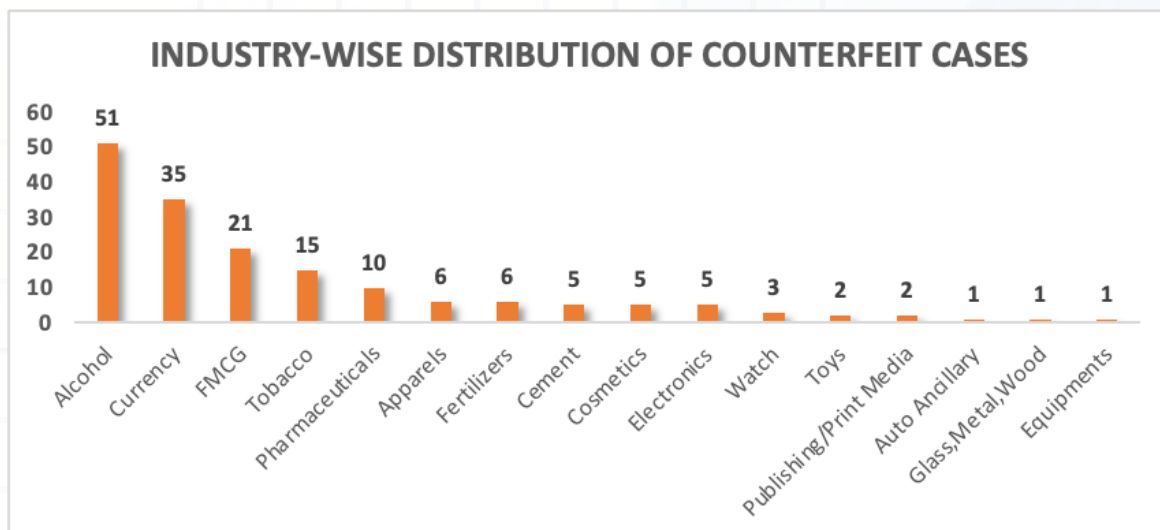


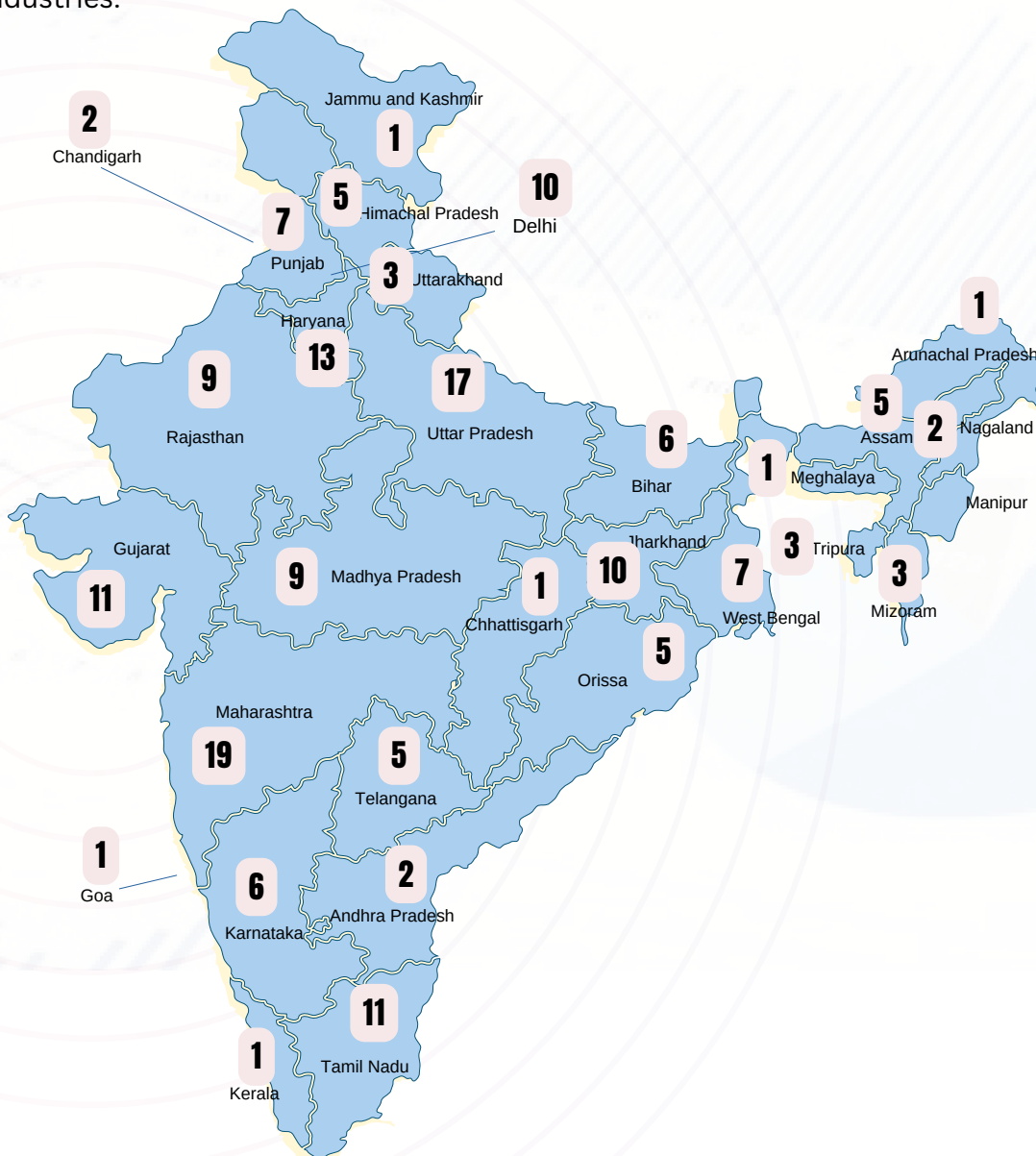
Exhibit 2: Graphs showcasing industry wise Enforcement action performed in the month of **May 2023**



MAY 2023 RAID ACTIONS – INDIA

Mapping counterfeit cases in India: State-Wise Analysis for May 2023

In **May 2023**, India recorded a total of **169** counterfeit cases, providing insights into the distribution of counterfeiting across states. Maharashtra had the highest number of reported cases with **19** incidents, followed by Uttar Pradesh and Haryana with **17** and **13** cases, respectively. Tamil Nadu and Gujarat reported **11** cases each. Furthermore, the analysis reveals a broader picture, with moderate incidences spread across states such as Jharkhand, Madhya Pradesh, Rajasthan, West Bengal, Delhi, Punjab, Karnataka, Bihar, Assam, Himachal Pradesh, Telangana, Orissa, and Uttarakhand. While the number of cases may vary, it underscores the need for sustained vigilance and proactive measures to prevent the growth of counterfeiting in these regions and safeguard consumers' well-being and trust. It is crucial for authorities, law enforcement agencies, and industry stakeholders to collaborate in developing comprehensive strategies. These strategies should include strengthening enforcement efforts, enhancing border control measures, conducting regular market surveillance, and raising public awareness about the risks associated with counterfeit products. By leveraging technology, implementing authentication systems, and fostering a culture of respect for intellectual property rights, India can combat counterfeiting effectively, ensure a safe marketplace, and protect the integrity of its industries.



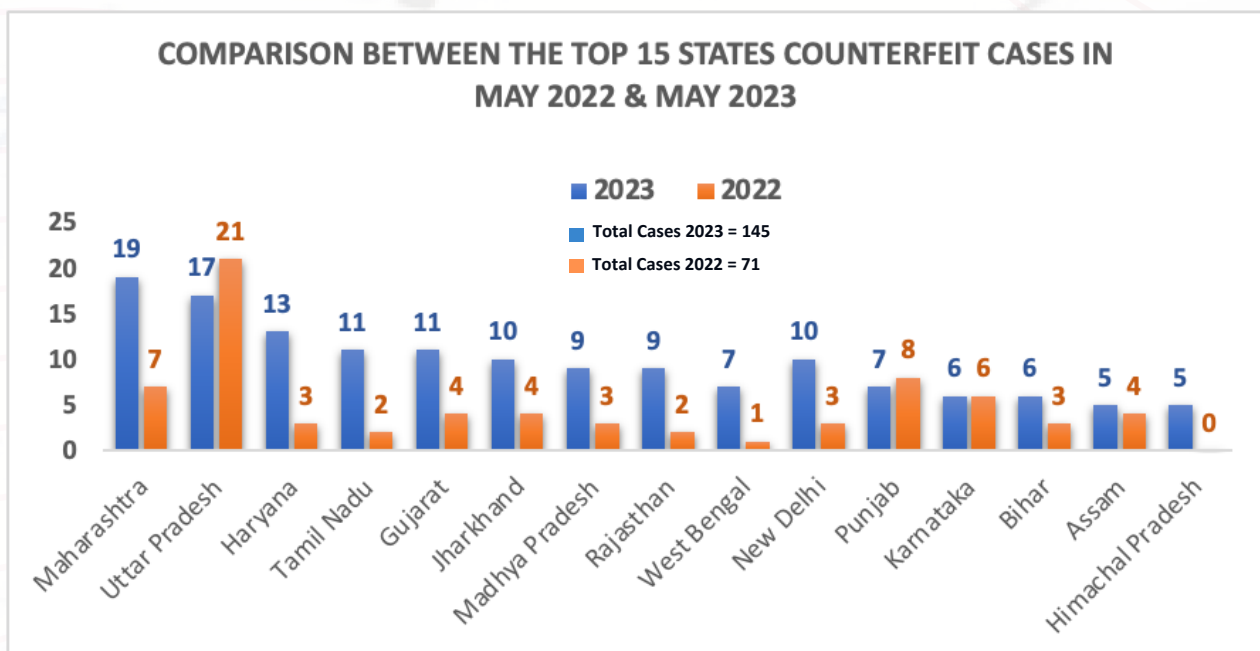
States	Count of States
Maharashtra	19
Uttar Pradesh	17
Haryana	13
Tamil Nadu	11
Gujarat	11
Jharkhand	10
Madhya Pradesh	9
Rajasthan	9
West Bengal	7
New Delhi	10
Punjab	7
Karnataka	6
Bihar	6
Assam	5
Himachal Pradesh	5
Telangana	5
Orissa	5
Uttarakhand	3
Tripura	3
Andhra Pradesh	2
Kerala	1
Arunachal Pradesh	1
Jammu and Kashmir	1
Meghalaya	1
Chhattisgarh	1
Goa	1
Grand Total	169

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

MAY 2023 RAID ACTIONS – INDIA

State-wise Comparison of Counterfeit cases: May 2023 vs. May 2022

Comparing the counterfeit cases reported in **May 2023** with those in **May 2022** provides valuable insights into the changing landscape of counterfeiting activities across different states in India. This analysis highlights the shifts in counterfeit case numbers and trends, offering a glimpse into the progress made in combating counterfeiting and the areas that require continued attention. In May 2023, Maharashtra witnessed a significant increase in counterfeit cases, **rising from 7 cases in May 2022 to 19 cases**. This sharp rise indicates a growing prevalence of counterfeiting activities within the state, necessitating enhanced efforts to combat this illicit trade. Uttar Pradesh, on the other hand, reported a decrease in counterfeit cases, dropping from **21 cases in May 2022 to 17 cases in May 2023**. While the decline is a positive development, ongoing measures must be taken to address the persisting challenges of counterfeiting in the state.



States	Maharashtra	Uttar Pradesh	Haryana	Tamil Nadu	Gujarat	Jharkhand	Madhya Pradesh	Rajasthan	West Bengal	New Delhi	Punjab	Karnataka	Bihar	Assam	Himachal Pradesh
May-23	19	17	13	11	11	10	9	9	7	10	7	6	6	5	5
May-22	7	21	3	2	4	4	3	2	1	3	8	6	3	4	0

Exhibit 4: Pictorial depiction of comparison of total number of IP enforcement cases undertaken in Indian state in the month of **May 2022 and May 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.



NAVIGATING COPYRIGHT : SAFEGUARDING CREATIVITY

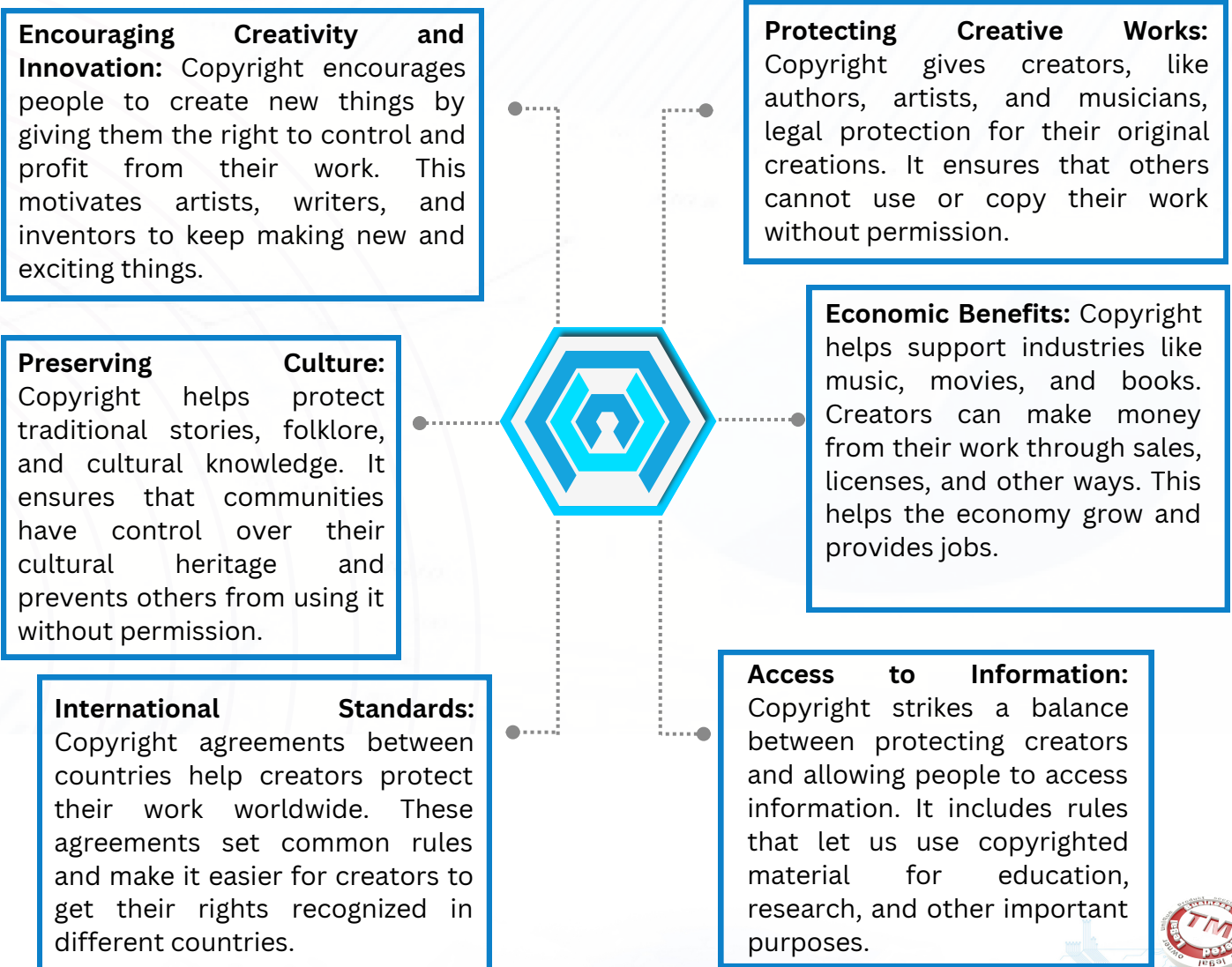
THE IMPACT OF COPYRIGHT IN THE DIGITAL ERA

Copyright is a legal framework that grants exclusive rights to creators over their original works. It ensures creators can control the use, reproduction, and distribution of their works, enabling them to benefit financially. Copyright serves as a vital pillar in preserving and protecting creative works, ensuring that creators can reap the rewards of their imagination and effort.

Copyright has a rich historical background. Ancient civilizations like Greece and Rome recognized the importance of granting exclusive rights to individuals for reproducing and performing creative works.

However, it was in the 16th century, with the rise of the printing press, that the modern concept of copyright began to take shape. The Statute of Anne, enacted in England in 1710, is considered the first copyright law. It introduced the idea of granting authors a limited monopoly over their works, aiming to strike a balance between the interests of authors and publishers. Since then, copyright laws have evolved, adapting to the changing technological landscape. Today, copyright laws serve as a vital tool in promoting creativity, fostering innovation, and protecting the rights of creators in the digital age.

PURPOSE AND IMPORTANCE OF COPYRIGHT



UNDERSTANDING COPYRIGHT

In India, copyright is governed by the Copyright Act, 1957, which provides creators with comprehensive protection across various artistic mediums, including literature, music, visual arts, films, and software.

Scope of Copyright Protection:

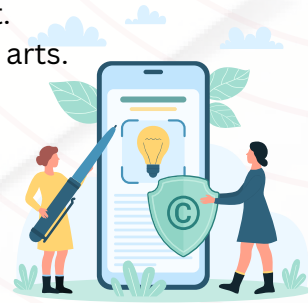
Copyright protects a wide range of creative works, including:

- Literary works: Books, articles, poems, computer code, and other written content.
- Artistic works: Paintings, sculptures, photographs, illustrations, and other visual arts.
- Musical works: Songs, compositions, and musical arrangements.
- Dramatic works: Plays, scripts, and choreographic works.
- Audiovisual works: Films, videos, and multimedia productions.
- Architectural works: Building designs and blueprints.

Rights Granted by Copyright:

Copyright provides creators with exclusive rights, typically including the right to:

- Reproduces the work: Make copies of the original work.
- Distribute the work: Control the sale, rental, or distribution of copies.
- Publicly display the work: Present the work in public, such as in exhibition or performances.
- Publicly perform the work: Showcase the work through live performances or broadcasts.



COPYRIGHT DURATION AND TERMINATION

The duration of copyright protection refers to how long a copyrighted work is protected by law. Here's a simplified explanation:

- **Duration of Copyright Protection:** Copyright protection lasts for a certain period. It usually starts when the creator of the work is alive and continues for a specific number of years after their death. In many countries, this period is the creator's life plus 70 years.
- **Factors Affecting Duration:** Different factors can influence how long copyright protection lasts. The type of work, whether it's created by an employee as part of their job, or if the creator used a pseudonym or remained anonymous can affect the duration. Copyright laws can also change, which may impact older works.
- **Copyright Termination and Public Domain:** Eventually, copyright protection ends, and a work enters the public domain. This means anyone can use and share the work freely without needing permission. The public domain consists of works no longer protected by copyright.
- **Copyright Termination:** In some cases, copyright protection can end before the usual duration. Copyright laws allow authors or their heirs to regain control over their works after a certain period, even if they had assigned or licensed the rights to someone else.

Copyright duration is the span during which a copyrighted work is legally protected. Typically, it begins when the creator brings the work into existence and continues for a specific period after their death. In many countries, this duration encompasses the creator's life plus 70 years. Factors like the type of work, employment status, and changes in copyright laws can influence the length of protection. Eventually, copyright protection ends, and the work enters the public domain, where it can be freely used and shared without permission.

Some copyright laws allow authors or their heirs to regain control over their works even before the usual duration, granting them the opportunity to terminate prior licensing agreements. Understanding these intricacies is vital for creators, users of copyrighted works, and anyone interested in intellectual property rights.



THE IMPORTANCE OF COPYRIGHT REGISTRATION: PROTECTING YOUR CREATIVE WORK

Copyright Registration is the process of officially registering your creative work with the copyright office. While your work is automatically protected by copyright when you create it, registering it offers additional advantages. By registering, you can create a public record that proves you are the rightful owner of the work, making it easier to take legal action if someone copies or steals your work. The registration process involves filling out an application form, paying fee, and submitting a copy of your work.

The benefits of copyright registration are worth considering. Firstly, it provides stronger legal protection, making it easier to enforce your rights and seek damages if someone infringes on your copyright. Secondly, registration creates a public record, making it easier for others to find you as the copyright owner and request permission to use your work. It can open doors for licensing opportunities and collaborations. However, it's important to note that copyright registration is different from copyright notice, which involves adding the copyright symbol (©) to your work. Registration is a formal process that offers additional legal benefits.

COPYRIGHT INFRINGEMENT

Copyright Infringement refers to the violation or unauthorized use of copyrighted material without the permission of the copyright owner. It occurs when someone exercises one or more of the exclusive rights granted to the copyright owner under the law, without obtaining the necessary authorization or license.

Reproducing or copying a copyrighted work in whole or in part without permission. This could involve making photocopies, scanning, or digitally copying a work without the copyright owner's authorisation. **Distributing or sharing copyrighted material without permission.** This includes unauthorised distribution of copyrighted books, music, films, software, or other protected works through physical copies or online platforms. **Publicly performing or displaying a copyrighted work without authorisation.** This includes showing movies in public venues without obtaining the necessary licenses. **Creating derivative works without permission.** Derivative works are new works based on existing copyrighted material, such as adaptations, translations, or mixes, and there, creation usually requires the permission of the original copyright owner. **Using copyrighted material for commercial purposes without authorization.** This includes using copyrighted material to generate profits or financial gain without obtaining the appropriate licenses or permissions.

EXAMPLES OF COPYRIGHT INFRINGEMENT CASES

Case 1: Hawkins Cooker Ltd. vs Magi cook Appliances.

Hawkins Cooker Ltd. filed a legal case against Magi cook Appliances for trademark infringement under the Copyright Act of 1957. The court ruled in favor of Hawkins Cooker Ltd., prohibiting Magi cook Appliances from using the Hawkins Cooker Ltd. label. Additionally, the court mandated that Magi cook Appliances provide compensation to Hawkins Cooker Ltd for all purported merchandise, written works, and other materials used in the manufacturing of the unauthorised products.

Case 3: Yash Raj Films vs Sri Sai Ganesh Productions

Yash Raj Films filed a copyright infringement lawsuit against Sri Sai Ganesh Productions, claiming that their movie "Jabardasht" copied important elements from YRF's movie "Band Baaja Baaraat," including the story, characters, and overall look. The court determined that Sri Sai Ganesh Productions had copied too much and ruled in favor of Yash Raj Films, finding them guilty of copyright infringement.

Case 2: Eastern Book Company & Others v. D.B. Modak & Another

Eastern Book Company accused Spectrum Business Support Ltd and Regent Datatech Pvt Ltd of copying their publication of Supreme Court orders and judgments. The accused companies argued that the work did not qualify for copyright protection as it lacked creativity. However, the Supreme Court ruled in favour of Eastern Book Company, stating that although the work may not be highly creative, it required skill and effort to create and should be protected by copyright law.

Case 4: Ratna Sagar (P) Ltd. v. Trisea Publications & Ors.

Ratna Sagar (P) Ltd., a publisher of children's books called "Living Science," filed a copyright infringement claim against Trisea Publications & Ors., the publisher of "Unique Science." The court examined both publications and concluded that the respondent was guilty of copyright infringement. An injunction was issued against the respondent, preventing further infringement based on Sections 14 and 19 of the Copyright Act.

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UPCOMING EVENTS




INDIA AND THE WORLD

The 5th Traceability and Authentication Forum (TAF) was a notable event organized by the Authentication Solution Providers' Association (ASPA) and co-organizer Messe Frankfurt India (MFI). It provided a collaborative platform for policymakers, brands, ASPA members, and stakeholders to learn about anti-counterfeiting and traceability technologies, solutions, and systems.





The event took place on 6th – 7th July 2023 at Hyatt Regency in New Delhi, India, with a focus on strengthening India's position as a knowledge-based economy through the theme of "ZERO COUNTERFEITING."

One significant highlight of the forum was the introduction of the "U K Gupta's Excellence Award 2023," which honoured the late Mr. U K Gupta, a respected figure in the anti-counterfeiting industry and the founding president of ASPA. The award aimed to recognize outstanding innovation, development, and excellence within the industry. During the event, participants engaged in thought-provoking discussions, networking opportunities, and the exchange of forward-thinking ideas to combat counterfeiting and drive progress in the field of authentication. It served as a platform for knowledge-sharing and industry advancement, bringing together diverse stakeholders committed to tackling counterfeiting challenges.

INDIA

-  5th Annual Pharma Packaging, Labelling, Track & Trace 2023 | Mumbai, India
10th August 2023
-  9th International Conference on IPR
New Delhi, India
7th - 8th November 2023
-  7th Annual Anti-Counterfeiting and Brand Protection India Summit 2023 | Mumbai, India
21st - 22nd September 2023

INTERNATIONAL

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

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MARKET RESEARCH

SUPPLY CHAIN AUDITS

