

INDIA IPR - ENFORCEMENT

MONTHLY DIGEST — EDITION - MAR 2023

THE UNSEEN SIDE OF
WASTE
FROM EVERYDAY LIFE

» *Stay tuned for latest updates*

Featuring Inside

- How counterfeiters take advantage through waste ☉
- Strategies for industries to educate consumers ☉
- Information on enforcement actions ☉

TABLE OF CONTENTS

Preface by Capt Sandeep Kumar Mehta	03
---	-----------

Increasing Threat of Counterfeiting <ul style="list-style-type: none">• Overview of affected industries• Information on enforcement actions• February 2023 Raid Actions – India	04-07
--	--------------

The unseen side of waste <ul style="list-style-type: none">• How everyday waste can increase counterfeiting risk for brands• How counterfeiters take advantage through waste• Strategies for industries to educate consumers	08-10
---	--------------

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.**

Even our ancient scriptures like Vedas have stressed on maintaining the balance between the resource utilization and the environment at large. We need to act responsibly ensuring we must care for future generations. Government driven dictates/regulations push the industries to heed and be environmentally friendly. While pushing brands in the market to drive profitability companies have to act proactively about the disposal of the used packaging material.

This in turn will avoid counterfeiting at convenience and act as a first barrier to counterfeits. It will simultaneously add to the awareness of products and add more value to the products and will have more acceptability in the minds of the consumers. Besides acting as a barrier against counterfeiting, brands recall value increases and it pays in the long run. Providing proper incentives for return of the packaging materials helps in. This edition gives insight on how brands can help in avoiding counterfeiting, educate consumers & have better recall value and above all, still earn profits.

Developed nations have plundered the environment in the name of consumption and we all are facing the wrath of it. They have woken up to this fact quite late when there are erratic weather conditions. The fine balance of the utilization of the resources and keeping it environment friendly should always be the priority.

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

INCREASING THREAT OF COUNTERFEITING

OVERVIEW OF AFFECTED INDUSTRIES

As consumers, we tend to overlook the environmental impact of our daily waste. However, little do we realize that improper disposal of waste can lead to a significant increase in counterfeit products flooding the market. Our latest report on counterfeiting provides valuable insights into the prevalence of this illegal activity in India. A total of **163 enforcement actions in India** have been reported in media **as of February 28, 2023**. The maximum number of counterfeit cases have been registered in Maharashtra followed by Uttar Pradesh & Jharkhand. The alcohol counterfeit hampers the country's economic growth where Maharashtra again tops the chart followed by UP & West Bengal.

Furthermore, counterfeiting not only harms the reputation and revenue of legitimate brands, but it also has a negative impact on the economy as a whole.

INFORMATION ON ENFORCEMENT ACTIONS

The report starts off by providing a comprehensive introduction to new age challenges for brand protection and counterfeits.

Information on enforcement actions or raids has been collected and put into different categories to show how the increasing imbalance of waste management is changing the market and selling trends as well as affecting the brand protection measures.

It also includes a breakdown of the number of cases by industry and city, providing a comprehensive overview of the situation in each region. The reports provide a thorough analysis of enforcement undertaken against counterfeit goods in the month of February 2023 in India.

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

To tackle the problem of counterfeiting, it's important for consumers to be aware of the risks associated with buying counterfeit products and to take steps to verify the authenticity of the products they buy. Companies like IIRIS Consulting are fully prepared to take up their challenges. We, at IIRIS, have the right infrastructure and competent professional people working for the common objective to provide best solutions to our clients. We are ready to take up the challenges; thus, helping our clients to achieve this objectives & aims to curb the counterfeiting in the market.

To give a better understanding, four charts have been compiled wherein the first chart bifurcates the enforcement action performed industry wise, second chart divides the country into five zone and shows the total number of raid action in each zone and the third one marks the data of top 15 cities of India registering.

The studies compares the enforcement actions done in February months in the year 2022 & 2023 to evaluate the prevalence of counterfeit goods in the country.

The industries that are covered include alcohol, apparel, auto ancillary, cement, chemical, cosmetics, currency, dairy, electronics, equipment, fertilizers, footwear, gadgets, watches, glass, metal, and woods, homeware, kitchenware, luggage/bags, paint, pharmaceuticals, stationary, tobacco, and toys but is not limited to mentioned industries.

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 data even in more expedient manner.



FEBRUARY 2023 RAID ACTIONS – INDIA

Counterfeit Cases: Across Industry

In the month of February 2023, counterfeit cases were reported across various states in India. The **top 5 industries** with the most number of cases were alcohol, currency, tobacco, pharma, and FMCG. Alcohol industry had the highest number of counterfeit cases, followed by currency with **35 cases** and tobacco with **26 cases**. Pharma and FMCG industries also reported a significant number of counterfeit cases, with **13** and **11** cases, respectively. These cases not only impact the revenue of legitimate companies but also pose serious threats to public health and safety. It is crucial for authorities to take swift action to crack down on counterfeiters and prevent the circulation of fake products in the market.

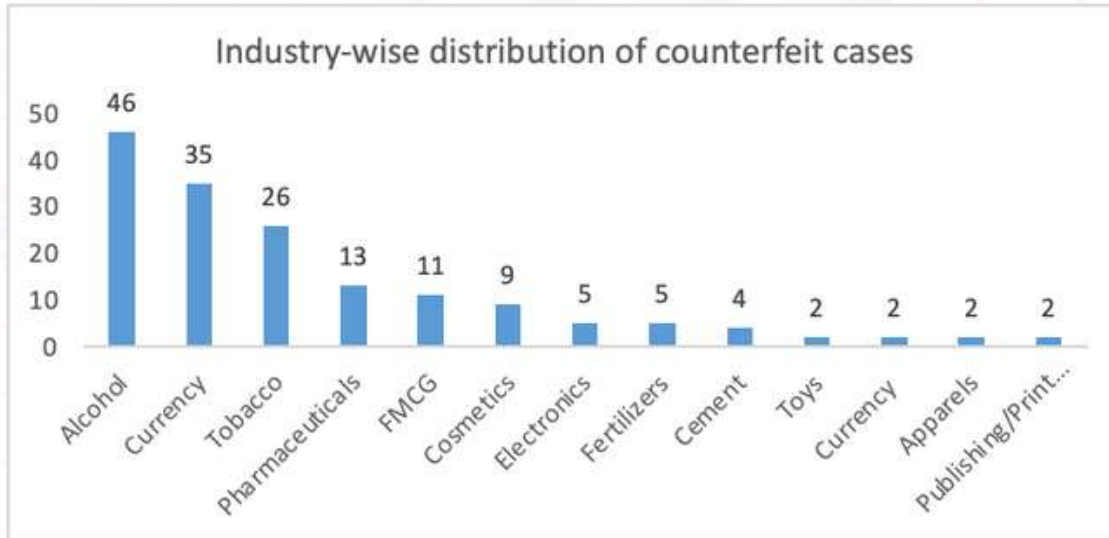


Exhibit 1: Graph showcasing industry wise enforcement action performed in the month of February 2023

Counterfeit Cases: Across Zones

The following graph provides a visual representation of the counterfeit cases reported across all zones in India. This graph allows us to identify the trends in counterfeit cases across different zones and gain insights into the magnitude of the problem. It is evident from this data that counterfeit cases are a pervasive issue across all zones in the country. The North zone has reported the highest number of cases at **66**, followed by the East zone at **42** and the West zone at **31**. The Central zone and South zone have reported **4** and **20** cases, respectively.

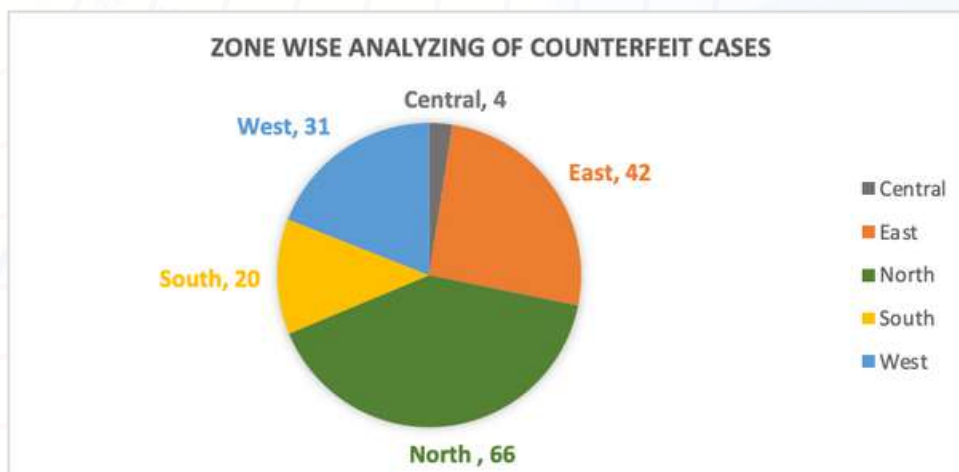


Exhibit 2: Displays a visual representation of the counterfeiting activity in different zones



FEBRUARY 2023 RAID ACTIONS – INDIA

Counterfeit Cases: Across States

India is a diverse country where each states having its unique culture, language and living style. India being such a configuration of the diverse heritage and culture, where each state is having its control on the civil authorities like police in their respective state. The challenge comes over dealing and interaction with local police authorities in each state where they communicate in their local dialect and write reports like FIR in their local vernacular language. The map and accompanying numbers provide a visual representation of counterfeit cases across various states in India. The map allows us to see at a glance which areas have reported the highest number of counterfeit cases. It is clear from this information

that counterfeit cases are a widespread issue across India, with many states reporting a significant number of incidents.

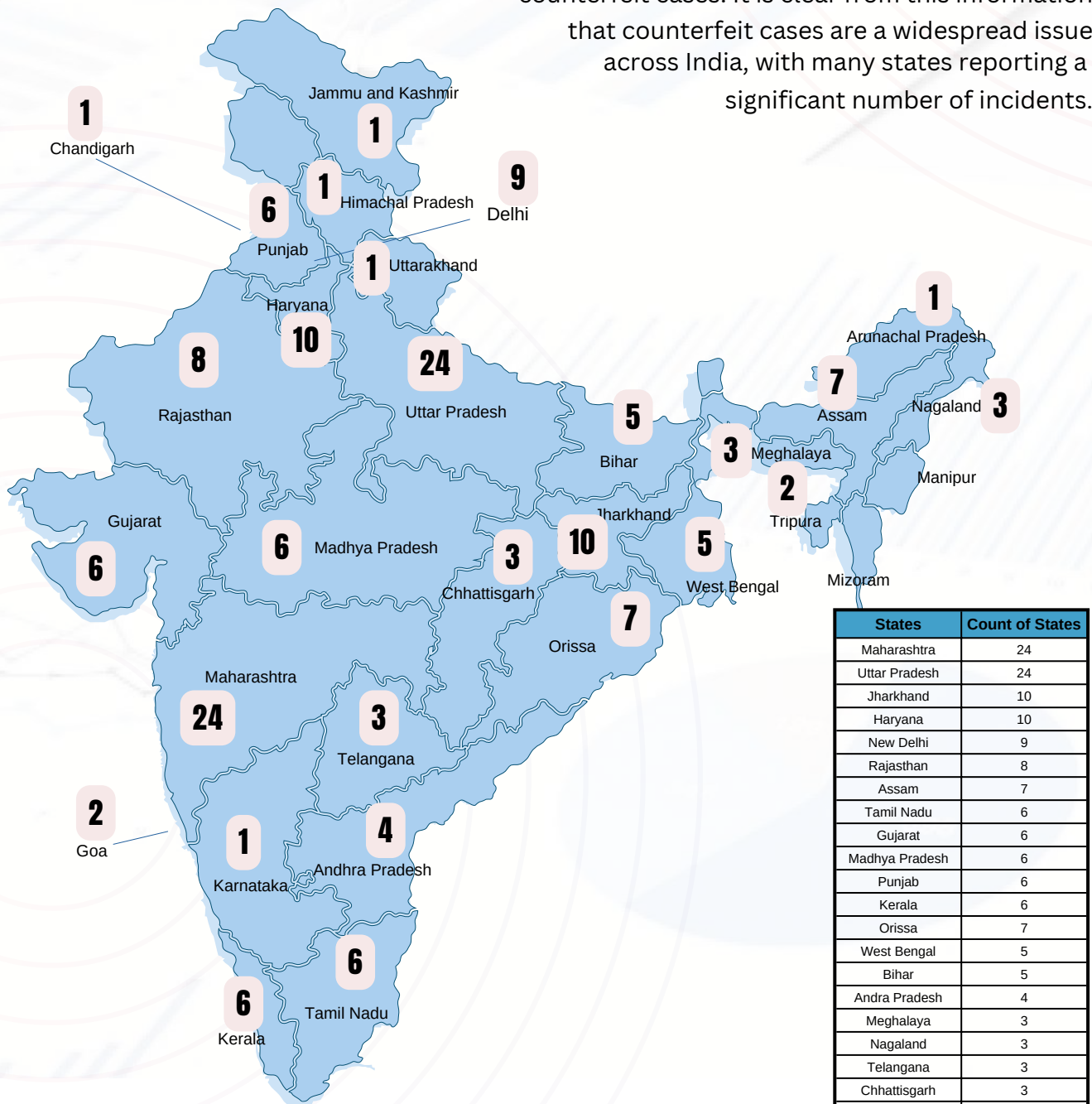
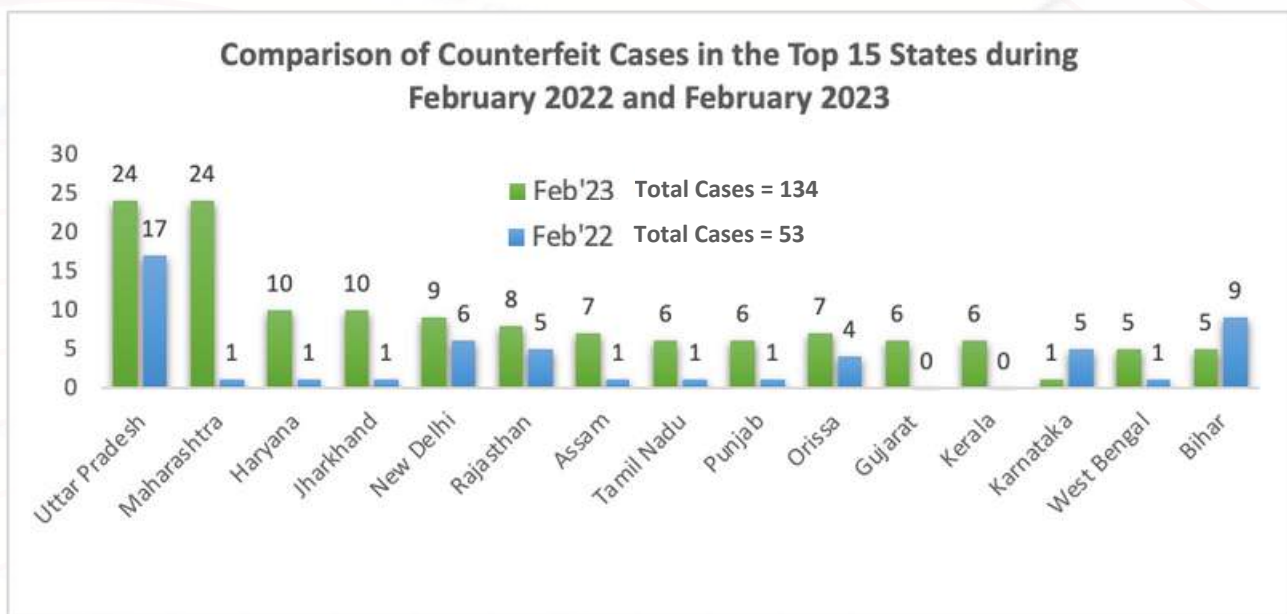


Exhibit 3: State wise bifurcation of IPR enforcement action - February 2023

FEBRUARY 2023 RAID ACTIONS – INDIA

Analyzing Counterfeit Cases: A Comparison between February 2022 and February 2023

A comparison of enforcement actions taken in **February 2022 and February 2023** in the top 15 states with the highest incidents of counterfeit goods reveals some interesting trends. In February 2022, a total of **53 enforcement cases** were reported, with Uttar Pradesh, Bihar, and New Delhi being the top three states with **17, 9, and 6** cases, respectively. However, in February 2023, the number of cases surged to **134**, with Uttar Pradesh and Maharashtra taking the lead with **24** cases each, followed by Haryana and Jharkhand with **10** cases each. New Delhi and Rajasthan also reported a high number of cases, with **9** and **8** cases, respectively. The table clearly shows that the problem of counterfeiting is not limited to a specific region but is widespread across the country, affecting various industries. It is essential to address this issue promptly to protect consumers and safeguard the economy.



States	Uttar Pradesh	Maharashtra	Haryana	Jharkhand	New Delhi	Rajasthan	Assam	Tamil Nadu	Punjab	Orissa	Gujarat	Kerala	Karnataka	West Bengal	Bihar
Feb-22	17	1	1	1	6	5	1	1	1	4	0	0	5	1	9
Feb-23	24	24	10	10	9	8	7	6	6	7	6	6	1	5	5

Exhibit 4: Displays a graph that compares the number of counterfeit cases in the month of **February 2022 and February 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.



THE UNSEEN SIDE OF WASTE

FROM EVERYDAY LIFE

We consume a vast array of goods and services to meet our needs, from food and clothing to electronics and home appliances. However, there are unseen negative consequences associated with our consumption and disposal patterns that often go unnoticed. The imbalance between production, consumption and disposal of goods and services are contributing & leading towards social injustice in many ways. Plastic & industrial waste, in particular, not only impacting health & environment, it is also leading to economic instability.

It is not only bad for climate & marine life, and also for people who work with waste often aren't treated fairly. The increasing demands for goods and services are driving illegal and unethical practices, such as counterfeiting, forced labor and human trafficking. This is especially true in poorer countries, where waste can make poverty worse and harm people's health. But if we start being more careful about how we manage our waste and try to create less of it in the first place, we can help build a better and fairer world for everyone.

HOW EVERYDAY WASTE CAN INCREASE COUNTERFEITING RISK FOR BRANDS

Everyday waste can pose a significant risk to brands when it comes to counterfeiting. The problem is that waste can contain valuable materials that counterfeiters can use to produce fake products that mimic the brand's products. This can include everything from packaging and labels to discarded or defective products. When waste is not properly disposed of, it can become an easy source of materials for counterfeiters to access.



Improper waste management practices can also increase the likelihood of waste ending up in the hands of unauthorized individuals, who can use it for fraudulent purposes.

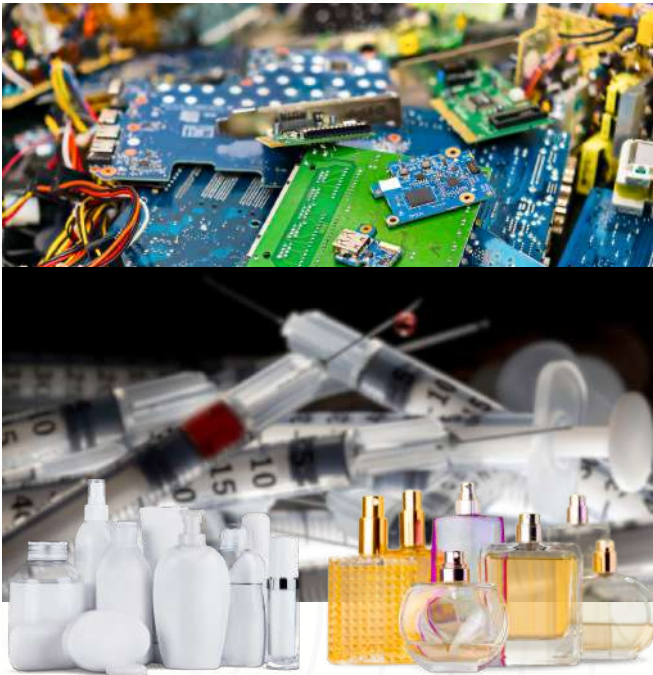
As a result, brands need to take steps to manage waste effectively to limit the availability of materials for counterfeiters and reduce the risk of counterfeiting.



HOW COUNTERFEITERS TAKE ADVANTAGE THROUGH WASTE

There are several significant consequences of improper trash disposal on counterfeiting. Poor waste management can create conditions that are favourable for counterfeiters to operate, such as informal markets and unregulated recycling facilities, making it easier for them to sell their goods without detection. The economic and environmental costs of counterfeiting can be significant, leading to reduced tax revenue for governments and higher costs for society as a whole.

- Counterfeiters use illegal dumping sites & ragpickers to collect disposed packaging material for refillings to avoid the cost.
- They collect discarded packaging materials, such as boxes, containers and labels, to use for their fake products. They search through waste to find discarded or defective products that they can sell as genuine products.



- Counterfeiters set up fake recycling programs to collect waste materials, which they then use to make their fake products.
- They search through unsecured waste, such as dumpsters & landfills, to find discarded materials they can use in their counterfeit products.
- They may use hazardous waste, such as electronic waste, to extract valuable materials for their fake products.

Waste provides counterfeiters with opportunities to obtain free or low-cost materials, evade proper waste disposal regulations, and create convincing fake products.

A rise in the demand for cheaper, disposable products, which can be fulfilled by counterfeiters, leading to an increase in production and sale of counterfeit goods. It can harm legitimate businesses by reducing sales and undermining their reputations, leading to job losses and reduced economic growth. Also, the use of non-biodegradable plastics & harmful cheap chemical substitutes in counterfeit goods can contribute to pollution, harming the health & environment and potentially leading to negative consequences for wildlife and ecosystems.

To mitigate these consequences, it is important to properly dispose of waste and take steps to combat counterfeiting, such as implementing anti-counterfeiting technologies and enforcing intellectual property laws.



ELIMINATING COUNTERFEITING THROUGH WASTE

Strategies for Industries to Educate Consumers - Counterfeiting in waste can be challenging to address since counterfeit products can be difficult to detect and can often be mixed with genuine products. However, there are a few steps that the industries may take to reduce the incidence of counterfeiting in waste:

- By actively promoting responsible waste disposal and educating their customers on proper waste disposal practices, brands can increase their brand value, enhance their reputation, and build stronger relationships with their customers and stakeholders.
- Brands have to put value (inbuilt in the pricing) of the collection and disposal of waste.
- Some polluting industries offer incentives for returning the used products like batteries. Same way, the infrastructure is required to be built up by the different brands provided they see value in it in the long run.
- Educational materials such as brochures or videos can be created to explain the importance of waste and the risks associated with counterfeiting.
- The brands can have a better recall value with the consumers if they do spend on environmentally friendly packaging and educating consumers on disposals.
- Government has issued guidelines according to the international standards with respect to disposal of medical waste/chemicals/pharmaceuticals waste.
- Though government can make policies for the proper disposal of the waste material and make it attractive with tax incentives, etc, it is for the Industry & brands to take the lead and educate the consumers about the right disposal of the packaging material of their products.
- Industries can make it easy for consumers to dispose of their waste properly by providing clear instructions and convenient disposal options.
- Companies can launch marketing campaigns to raise awareness of the benefits of waste and the dangers of counterfeiting.
- Companies can partner with waste management companies to offer recycling programs and other waste diversion initiatives.
- Collaboration with government agencies & local community organizations, such as schools, churches, and non-profit organizations, to promote waste reduction and proper disposal. These partnerships can include outreach events, workshops, and other educational activities can be sought to create more effective policies and initiatives that benefit both consumers and businesses.

Printing messages on products or packaging that emphasize the importance of waste in preventing counterfeiting can be an effective way for industries to raise awareness among consumers. By doing so, they can limit the availability of discarded materials that counterfeiters often rely on to produce counterfeit products. This can ultimately help in the fight against counterfeiting by reducing the amount of resources that are easily accessible to counterfeiters.

Conclusion - Waste creates unintended problems, like supporting the growth of counterfeit goods. Counterfeiting is harmful because it undermines honest businesses, threatens public safety, and harms the environment. To solve this issue, we need to create stronger rules and enforcement, and develop waste management programs on ground level that minimise waste's impact on counterfeiting. By addressing both waste and counterfeiting together, we can work towards a healthier and more sustainable future.



UPCOMING EVENTS


INDIA AND THE WORLD


World Intellectual Property Day is an annual event celebrated on **April 26th** to raise awareness about the importance of intellectual property (IP) rights in promoting innovation and creativity. The event was established by the World Intellectual Property Organization (WIPO) in 2000 to celebrate the contribution of intellectual property rights to the global economy and to encourage respect for intellectual property.

On this day, WIPO organizes events and activities around the world to promote awareness of the importance of intellectual property and to celebrate the creativity and innovation of individuals and businesses who use intellectual property to drive economic growth and social progress. These events may include seminars, conferences, exhibitions, workshops, and other activities that engage policymakers, entrepreneurs, academics, and the general public.


Overall, World Intellectual Property Day is an opportunity to highlight the importance of intellectual property in promoting innovation and creativity, and to raise awareness about the role that intellectual property plays in shaping our global economy and society.


INDIA


 5th Annual IPR India Summit 2023
Mumbai, India
27th - 28th June 2023

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


INTERNATIONAL


 7th European IP Forum
Berlin, Germany
27th & 28th April 2023

 AAFA's Brand Protection Seminar
New York, NY
21st June, 2023

 11th Brand Protection Excellence Forum
Boston, Massachusetts
1st & 2nd June 2023

 The Global IP ConfEx
London, UK
20st September 2023

 The Global IP ConfEx
New York, USA
21st June 2023

 12th Brand Protection | Excellence
Forum | Singapore
2nd 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

