



DSK Legal
True Value, True Values



4th International Conference on Counterfeiting & Piracy

Measuring and Addressing the Cost of 21st Century Crime

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By

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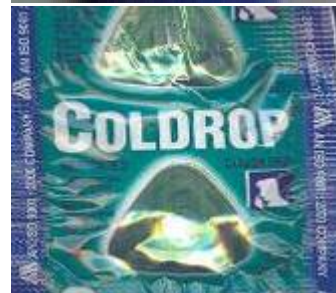
Physical counterfeiting

Historic Vicks Litigation

P&G Products



Imitations



Online piracy issues

- Range of gadgets that permit access and downloads
- Easy access to information encourages copying – no one is watching!
- Multiple websites showing the same material – how does one ever delete it completely?
- How does one control websites outside India?
- “Official” fakes
- The fear factor....

Official fakes

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The victims of Counterfeiting & Piracy

- Is it only an issue for the owner of the intellectual property?

Yes, it does affect producer's revenues, but what about -

- R&D spend, and improved quality
- competition
- cost to a legitimate consumer
- taxes
- adverse affects health and quality
- stakeholders (including investors, lenders, suppliers, retailers etc)

Remedies and types of orders

Remedies

- Both civil and criminal remedies are available against violations of IPR
- Civil and criminal remedies are distinct and independent and can be availed simultaneously

Types of Orders passed by Indian Courts

- Injunctions – temporary and final
- Anton Piller Orders (Ex-parte orders, discovery & inspection)
- Mareva Injunctions (Freezing of assets)

Remedies and types of orders (ctd.)

- Norwich Pharmacal Orders (disclosure of information)
- “John Doe” or “Ashok Kumar” Orders (unidentified Defendant)
- Damages, including punitive damages
- Accounts of profit made by the infringer
- Seizure, forfeiture or destruction of goods found to be infringing and materials and implements the predominant use of which is in the creation of infringing goods without payment of any compensation

Is it a matter of culture?

- Have we understood the value propositions of IP?
- Are we willing to comply, and spread awareness?
- The challenges of the internet

You can make a difference



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THANK YOU

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