

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE
LOK SABHA**

**UNSTARRED QUESTION NO. 2705.
TO BE ANSWERED ON WEDNESDAY, THE 04TH DECEMBER, 2019.**

COUNTERFEIT MARKET

2705. SHRIMATI JASKAUR MEENA:

Will the Minister of **COMMERCE AND INDUSTRY** be pleased to state:

वाणिज्य एवं उद्योग मंत्री

- (a) whether the domestic economy of the country is suffering from loss of revenue to the tune of over one lakh crore rupees every year due to counterfeit market in the country;
- (b) if so, whether the Government has gone through the report of Authentication, Solution Providers' Association (ASPA) published recently highlighting surprising facts regarding counterfeit products;
- (c) if so, whether the Government is taking any effective measure to check production and sale of counterfeit products; and
- (d) if so, the details thereof?

ANSWER

वाणिज्य एवं उद्योग मंत्री (श्री पीयूष गोयल)

**THE MINISTER OF COMMERCE & INDUSTRY
(SHRI PIYUSH GOYAL)**

- (a) & (b):** No information is available with the Ministry.
- (c) & (d):** Primary responsibility for investigating the complaints of manufacturing and trading of counterfeit products rests with the concerned state police. Adequate provisions exist in the various laws for dealing with counterfeit products and those who are engaged in the business of pirated goods. The Trade Marks Act, 1999 provides for penalty for applying false trademarks & trade descriptions and for selling goods to which a false trademark or trade descriptions is applied. It also contains provisions for falsifying or the false application of trademarks, false trade descriptions, etc. under sections 101,102,103,104 & 105 of the said Act. The remedies available under the act relate to the protection of the Intellectual Property Rights inherent in a trademark and provide both civil and criminal remedies for registered trademark

owner. Action against piracy of product of registered brands, resulting in infringement of rights has to be taken in appropriate courts for securing civil and criminal remedies. The onus of initiating action against infringement of trademarks lies upon the owner of the registered trademark who can move the civil and criminal court for redressal.

Section 101-105 of the Trade Marks Act, 1999 also provides for penalty for falsifying and falsely applying trademarks. Offences under sections 103,104 & 105 are cognizable and the period of imprisonment provided is not less than six months with a maximum 3 years and with minimum fine of Rs.50,000 which may extend to Rs.2,00,000. The court may also grant an injunction under Section 135 of the Trade Marks Act,1999 by which a person is required to perform or is restrained from performing a particular act like stopping the sale of counterfeit product or destroying them etc.

The India Penal Code, 1860 also contains provisions to deal with counterfeiting and piracy. The Consumer Protection Act, 2019 can also be invoked by the consumer against the counterfeiters by filing complaints in the appropriate consumer court. The Bureau of Indian Standards Act, 2016 also contains penalties those who use the standards (ISI) Mark without obtaining the requisite license. The bureau investigates and detects the case of misuse of the ISI Mark and prosecutes the offenders wherever required.

In the case of food and drugs, the offence is cognizable and police on complaint of anyone can take action against the offenders.
