

**GOVERNMENT OF INDIA
COMMERCE AND INDUSTRY
LOK SABHA**

UNSTARRED QUESTION NO:516
ANSWERED ON:23.02.2001
AMENDMENTS IN COPYRIGHT LAWS
NEDURUMALLI JANARDHANA REDDY;SHYAMA SINGH

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

- (a) whether the government propose to amend the Copyright laws by making import and sale of counterfeit products a non-bailable offence;
- (b) if so, the details thereof;
- (c) whether the problem of counterfeiting of products have an adverse impact on exports also; and
- (d) if so, the time by which a decisive decision in this regard is likely to be taken?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND INDUSTRY (DR. RAMAN SINGH)

(a) to (d) : As per Section 51 of the Copyright Act, 1957, amended in 1999, imports into India of infringing copies of a work has been made an offence to check import of counterfeit products in all its demensions. Chapters XII and XIII of the Copyright Act contain provisions for civil and criminal remedies providing imprisonment for a period of six months and fine of Rs. 50,000/-. There is no proposal to amend the Copyright Act to make import and sale of counterfeit products a non-bailable offence.

Remedies also exist in the Trade and Merchandise Marks Act, 1958, both civil and criminal, under which action against piracy of products of registered brands, resulting in infringement of rights, can be secured in the appropriate courts. The Trade and Merchandise Marks Act, 1958 is proposed to be replaced by the Trade Marks Act, 1999 under which the penal provisions for infringement of trademarks rights have been enchanced. Sections 101 to 105 of the Trade Marks Act, 1999, provide for necessary penalties for counterfeiting. Offences under Section 103, 104 and 105 have been made cognisable and the period of imprisonment provided is to be not less than six months with a maximum of three years with a minimum fine of Rs. 50,000/- which may be extended to Rs. 2,00,000/-.