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Anti-Counterfeiting Committee

RECOGNIZED GROUP REPORT: INDIA

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Executive Summary

India's laws against counterfeiting span multiple statutes and common law, and the statutory framework remained broadly stable over the last year

The counterfeiting provisions of the Bharatiya Nyaya Sanhita, 2023 (in force since July 1, 2024) continue to apply as discussed in the India group's earlier reports. The principal regulatory change concerns online platforms: amendments to the IT intermediary rules reduced the time for removing unlawful content after a court order to three hours, and clarified that proactive removal does not cost platforms their safe harbour.

The most significant development for rights holders is ongoing territorial jurisdiction in online IP disputes. In August 2026, the High Court of Delhi referred to a Larger Bench key questions on when the online availability of infringing material is enough to give a court jurisdiction. The outcome will shape where rights holders can sue online counterfeiters, and in particular whether the Delhi High Court remains available against sellers based elsewhere.

The other main developments were again judicial, led by the High Court of Delhi. Five themes stand out:

- **Platform-based and dynamic injunctions:** courts are directing e-commerce marketplaces to remove counterfeit listings, blacklist repeat infringers and disclose seller identities, and are granting Dynamic+ injunctions against fake websites impersonating brands.
- **Final decrees with damages:** courts continue to decree suits against large-scale counterfeiters, awarding notional damages and actual costs even where defendants abandon the proceedings.
- **Police enforcement against street-level counterfeiting:** a Division Bench has directed the police to act against vendors selling counterfeits of well-known brands in a major Delhi market.
- **Narrowing of safe harbour:** platforms that actively monetize third-party trade marks may not be treated as passive intermediaries.

- **Growth of personality rights actions:** the High Court of Delhi continues to grant injunctions against AI-generated misuse of public figures' names, images and voices, including fabricated endorsements.

1. Legal Framework Against Counterfeiting in India

1.1 India has no single statute dedicated to counterfeiting. Rights holders combine remedies under intellectual property statutes, the general criminal law, sector-specific legislation and border enforcement rules, supplemented by the common law action of passing off. The appropriate route depends on the right infringed and on where the counterfeits are encountered: at the point of manufacture, in physical retail, on online marketplaces, or at the border.

1.2 Trade marks. The Trade Marks Act, 1999 remains the most frequently invoked statute. In civil proceedings, courts may grant injunctions, damages or an account of profits, and order delivery-up and destruction of infringing goods. On the criminal side, applying a false trade mark and selling goods bearing one (Sections 103 and 104) attract imprisonment of six months to three years together with a fine, with enhanced punishment on a second or subsequent conviction.

1.3 Copyright and designs. Labels, logos and packaging artwork frequently qualify as artistic works under the Copyright Act, 1957. Copyright therefore offers an independent basis for relief where counterfeiters copy a product's get-up, even when trade mark registration is still pending, as the *Happi Planet* decision illustrates. The Act provides civil and criminal remedies, including police powers of search and seizure. The Designs Act, 2000 allows the proprietor of a registered design to sue for piracy of that design.

1.4 General criminal law. Sections 345 to 350 of the Bharatiya Nyaya Sanhita, 2023 penalize counterfeiting a property mark, possessing instruments for doing so, selling goods bearing a counterfeit mark, and applying false marks to receptacles to mislead buyers about their contents. These provisions are substantively the same as their predecessors in the Indian Penal Code.

1.5 Pharmaceuticals. Counterfeit medicines fall within the categories of spurious or misbranded drugs under the Drugs and Cosmetics Act, 1940, which treats their manufacture, sale and import as offences. Drug inspectors may seize the drugs along with the labels, packaging, machinery and equipment used to produce them.

1.6 Border measures. Under the Customs Act, 1962 and the Intellectual Property Rights (Imported Goods) Enforcement Rules, 2007, rights holders may record their rights with Customs, which can then suspend clearance of, and seize, suspected counterfeit imports.

1.7 Online marketplaces. The liability of e-commerce platforms is governed by the intermediary safe harbour in Section 79 of the Information Technology Act, 2000 and the due diligence obligations in the rules made under it. The Consumer Protection Act, 2019 and the

Consumer Protection (E-Commerce) Rules, 2020 add consumer-facing obligations, including disclosure of seller details. Rights holders now routinely join platforms, and in some cases the Central Consumer Protection Authority, as parties to counterfeiting suits.

1.8 Court-developed remedies. Indian courts, led by the High Court of Delhi, have built a practical enforcement toolkit: injunctions against unidentified ("John Doe") defendants, Local Commissioners to search premises and seize counterfeit stock, dynamic injunctions extending to new infringing listings and websites, and directions to platforms to disclose the identities of anonymous sellers.

2. Recent Legislative Developments

2.1 Amendments to the IT intermediary rules. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 were amended by G.S.R. 120(E) dated February 10, 2026. Although mainly concerned with synthetically generated (AI) content, the amendment includes changes relevant to the removal of counterfeit listings:

- **Takedown within three hours:** Rule 3(1)(d) now requires an intermediary to remove unlawful information within three hours of receiving actual knowledge, instead of 36 hours. The rule covers "any information which is prohibited under any law for the time being in force", and so applies to court-ordered removal of counterfeit listings. Actual knowledge arises only through a court order or a reasoned written intimation from a senior authorised government officer, so for rights holders a court order remains the principal route to a binding takedown.
- **Grievance redressal:** grievances must now be resolved within seven days (previously fifteen), and certain removal requests within 36 hours (previously 72). The 36-hour track, however, excludes complaints about content that infringes a patent, trade mark or copyright (Rule 3(1)(b)(iv)), so counterfeit complaints made without a court order remain subject to the seven-day timeline.
- **Proactive removal and safe harbour:** new Rule 2(1B) clarifies that removal of content in compliance with the Rules, including through automated tools, does not breach the conditions of the Section 79 safe harbour. Platforms can therefore remove counterfeit listings proactively without being treated as active participants.
- **Detection of re-uploads:** significant social media intermediaries must now deploy automated tools to identify content identical to content previously removed under Rule 3(1)(d), rather than merely "endeavour" to do so (Rule 4(4)). This assists against repeat counterfeit listings on social media, although it does not, on its terms, extend to e-commerce marketplaces.

For rights holders, the three-hour timeline strengthens court-ordered and dynamic takedown directions such as those in *Happi Planet*, while the grievance carve-out means that a court order remains the faster route to removal. The new labelling obligations for AI-

generated content may also assist, indirectly, against fabricated endorsements used to promote counterfeit goods.

2.2 Apart from these changes, there were no significant legislative changes to the framework of anti-counterfeiting laws during the reporting period. Judicial and enforcement activity remained the principal source of change, as discussed in Sections 4 and 5.

3. Administrative Developments

3.1 Dedicated IP Divisions now operate at the High Courts of Delhi, Madras, Calcutta and Himachal Pradesh, as noted in the India group's earlier reports. These specialized benches hear and dispose of intellectual property cases, including infringement and counterfeiting suits.

3.2 Pending Larger Bench reference on territorial jurisdiction. In *Hindustan Unilever Ltd. v. Kwick Living (I) Pvt. Ltd.* (August 25, 2026), the High Court of Delhi directed its Registry to place before the Chief Justice, for constitution of a Larger Bench, three questions on territorial jurisdiction in IP disputes: the interplay between Section 20 of the Code of Civil Procedure, 1908, Section 134 of the Trade Marks Act and Section 62 of the Copyright Act; where a corporate plaintiff must sue; and the test for online activity (discussed in later part). Until the Larger Bench rules, objections to jurisdiction in online cases are likely to be raised more often, particularly where both parties are based outside Delhi and the plaintiff relies on online availability of the infringing goods or content in Delhi. Rights holders bringing counterfeiting suits in Delhi should therefore plead specific facts connecting the cause of action to Delhi, such as test purchases, deliveries or sales into Delhi and websites targeting Delhi customers, rather than relying on accessibility alone.

4. Recent Judicial Decisions Concerning Counterfeiting

4.1 *Galaxy Health Insurance Company Limited vs. Hostinger Operations UAB & Anr (April 29, 2025*)

The Madras High Court passed a series of landmark orders in the nature of dynamic injunctions restraining Domain Name Registrars from offering domain names for sale which infringe the Plaintiff's trademark rights who is an India-based leading insurance company. The dispute arose when a John Doe (unknown registrant) purchased the domain galaxyhealthinsurance.com and hosted a fake website mirroring the legitimate site, www.galaxyhealth.com, in an attempt to solicit fake health insurance services. What makes these orders seminal for the High Court of Madras is that they restrain the Domain Name Regsitrar from registering or offering for sale any domain name comprising the term "Galaxy Health" or any alphanumeric variants thereof, when such registrations are sought from parties in India. Further, the Court carefully applied the territoriality principle of Indian

trademark law, ensuring that the injunction's scope is limited to domain name registrations attempted from India. This ensures the order can be complied with easily, while not unnecessarily impacting legitimate domain registrations. The efficacy of this order is evident from the proactive compliance (a much appreciated step) by the Domain Name Registrar, which has implemented system-level measures to automatically deny the registration of any domain name containing "galaxyhealth" or its phonetically similar variants, specifically when the applicant has an Indian business address. The DNR had also confirmed that the brand owner can report future infringements directly for swift takedown, dispensing with the need for repeated judicial intervention.

4.2 ***Jurchen Group GmBH vs. Gasion Airtec Private Limited*** **(March 23, 2026) -** The Intellectual Property Division of the Madras High Court had granted an ex-parte adinterim injunction in favor of the Plaintiff, a German solar mounting system pioneer, restraining the Defendants from infringing the Plaintiff's suit patent and registered trademark in the same proceeding. The dispute involves a German manufacturer of solar mounting systems seeking to restrain the Defendants from infringing their suit patent and registered trademark**.**

4.3 ***Rubinetterie Bresciane Bonomi SpA vs. Lehry Instrumentation Valves Private Limited*** **(April 17, 2026) –** Division Bench of the Madras High Court reversed Single Judge's findings in a post-trial commercial suit for passing off relating to the marks "RB" and "Rubinetterie Bresciane" by a former distributor of the Appellant—an Italian company. The Division Bench held that the test in passing off is whether the conduct is likely to cause confusion or misrepresentation, not whether counterfeiting is proved with absolute certainty. Weighing admissions on ownership, internal quality certificates, third-party sourcing, and disputed invoices, the Court ruled in the Appellant's favour.

4.4 ***Dabur India Ltd. v. Ashok Kumar & Ors.*** **(December 24, 2025)**

The High Court of Delhi granted a "Dynamic+" injunction against fraudulent domain names and fake websites impersonating the DABUR mark. The injunction extends to new mirror and variant domains as they appear, without the plaintiff having to return to court for each. The order shows the continuing use of dynamic relief against online brand impersonation, a frequent channel for counterfeit sales and consumer fraud.

4.5 Happi Planet Eco Products Pvt. Ltd. v. Ravi Malani **(decided January 28, 2026)**

The High Court of Delhi (Justice Tushar Rao Gedela) granted an ex parte ad-interim dynamic injunction against sellers of counterfeit home care products on major e-commerce platforms.

The plaintiff has sold eco-friendly home and personal care products under the mark "Happi Planet" since November 2021. It had applied to register the word mark in Class 3 and owned registered copyrights in its packaging and trade dress, and its revenue grew from INR 0.46 crore (FY 2022–23) to INR 36.37 crore (FY 2025–26). Test purchases showed Defendants 1 to 7 selling sub-standard counterfeits in near-identical packaging, including under variants such as "HAPPY PLANET" and "HIPIPA PLANET". The sellers concealed their identities, and the platforms had acted on only a limited number of takedown notices. The Central Consumer Protection Authority was also a party to the suit.

Relying on *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, the Court exempted the plaintiff from pre-institution mediation under Section 12A of the Commercial Courts Act, 2015, as urgent interim relief was sought. Comparing the products in court, it found the packaging "so identical that it took a while for this Court to distinguish between the two" and held that a strong prima facie case was made out. It directed that:

- Defendants 1 to 7 are restrained from using the "Happi Planet" marks, the plaintiff's trade dress and deceptive variants of them;
- Amazon, Flipkart, Meesho and JioMart must block infringing listings, delist and blacklist infringers, and disclose the sellers' Basic Subscriber Information within two weeks; and
- the plaintiff may notify further infringing listings directly to the platforms, which must remove them without further court intervention.

The decision is significant in three respects. Interim protection rested on registered copyrights in trade dress and a pending trade mark application, without a granted registration. The dynamic relief operates through the platforms' own takedown processes, giving a faster remedy against reappearing listings. And the blacklisting and disclosure directions place practical responsibility on marketplaces to keep counterfeiters from returning, while equipping rights holders to pursue the sellers themselves.

4.6 *Hindustan Lever Ltd. & Anr. v. Rakesh Goyal & Ors.* (decided February 28, 2026)

The High Court of Delhi (Justice Tejas Karia) decreed a suit by Hindustan Lever Ltd. (now Hindustan Unilever Ltd.) and The Procter & Gamble Company, USA against manufacturers and sellers of counterfeit fast-moving consumer goods. It granted a permanent injunction and directed Defendants 1, 3 and 4 to pay, jointly and severally, damages of INR 2,50,000 (approximately USD 2,800), with interest at 9% per annum on default, together with actual costs.

The suit arose from police raids in October 2002, January 2003 and May 2003, which seized large quantities of counterfeit shampoos, creams, detergents and cosmetics bearing marks such as Fair & Lovely, Sunsilk, Clinic Plus, Lakme, Pond's, Lux, Surf, Rin, Head & Shoulders, Pantene, Ariel and Vicks. An ex parte ad-interim injunction was granted in 2005. The defendants later stopped appearing, led no evidence and were proceeded against ex parte.

The plaintiffs relied on trade mark registrations dating back to the 1950s and 1960s, and on copyright in their commissioned packaging artwork under Section 2(c) of the Copyright Act, 1957. The Court found blatant counterfeiting: the packaging reproduced the plaintiffs' artwork and differed mainly in print quality, and in some instances discarded genuine containers had been reused. It observed that the defendants were "not only riding on the immense and valuable goodwill and reputation enjoyed by the Plaintiffs but are also attempting to show association or nexus with the Plaintiffs, where none exists". Relying on the seizure memos, it held that trade mark infringement, copyright infringement and passing off stood proved.

Although the defendants' sales figures were unavailable, the scale of the seizures showed a substantial operation. Following *Strix Ltd. v. Maharaja Appliances Ltd.* (2023), the Court awarded notional damages on a reasonable basis. It did not separately quantify punitive damages, but awarded actual costs under the Commercial Courts Act, 2015 because the defendants had continued infringing despite the raids and abandoned the trial.

The decision confirms that a civil decree remains necessary where criminal raids fail to stop counterfeiting, and that courts will award notional damages and actual costs against defendants who abandon proceedings, although the quantum here was modest given the scale of the operation. It also recognizes the refilling of genuine containers as a counterfeiting practice, and illustrates the length of older counterfeiting litigation: the decree came more than two decades after the raids.

4.7 *Hindware Ltd. v. Grohe India Pvt. Ltd. & Google LLC* (May 22, 2026)

The High Court of Delhi restrained the use of the registered trade mark HINDWARE as a keyword on Google Ads, where competitors' bids caused rival links to appear when users searched for the brand. The Court reportedly denied Google safe harbour as an intermediary because Google designs the keyword auction, suggests branded terms through its Keyword Planner tool, and profits from clicks. Although not a counterfeiting case, the decision indicates that platforms which actively monetize the use of third-party trade marks may not be treated as passive intermediaries.

4.8 *Yuvraj & Ors. v. Municipal Corporation of Delhi (North Zone)* – police action against counterfeit sellers in Karol Bagh, Delhi (August 3, 2026)

A Division Bench of the High Court of Delhi (Justice Prathiba M. Singh and Justice Vikas Mahajan) directed the Delhi Police to act against street vendors selling counterfeit products of well-known brands, including Louis Vuitton, H&M, Zara, Allen Solly, Puma and Calvin Klein, in the Karol Bagh area of Delhi. The Court issued directions to the Station House Officer of the local police station.

The decision is significant because counterfeiting enforcement in India has largely proceeded through civil suits against identified sellers, which have limited effect against numerous and often unidentifiable street vendors. By directing the police to act across a market area, the

Court has provided a more systemic remedy against street-level counterfeiting in one of Delhi's major retail markets.

5. Other Notable Judicial Developments

5.1 Reference to a Larger Bench on territorial jurisdiction in online IP disputes: *Hindustan Unilever Ltd. v. Kwick Living (I) Pvt. Ltd.*, CS(COMM) 904/2026 (decided August 25, 2026)

In a suit alleging disparagement and trade mark infringement through an advertising campaign circulated through outdoor advertising, social media and the defendant's website, the defendant objected that the High Court of Delhi lacked territorial jurisdiction. Both parties had their registered offices in Mumbai, and the plaintiff relied mainly on its corporate office in Delhi and on the campaign's online availability there.

The defendant relied on *Indian Performing Rights Society Ltd. v. Sanjay Dalia*, which prevents corporate plaintiffs from invoking Section 134 of the Trade Marks Act and Section 62 of the Copyright Act to sue at a subordinate office where the cause of action has also arisen at their principal office, and on *Banyan Tree Holding (P) Ltd. v. A. Murali Krishna Reddy*, which requires a website to purposefully target the forum rather than merely be accessible there. The plaintiff relied on Section 20(c) of the Code of Civil Procedure, 1908 and *Burger King Corporation v. Techchand Shewakramani*, arguing that online dissemination and commercial activity in Delhi formed part of the cause of action.

Noting divergent approaches in earlier decisions, and the risk that treating online accessibility as sufficient would allow suits in almost any forum, the Court referred three questions to a Larger Bench without deciding the merits: (i) how Section 20 CPC interacts with Section 134 of the Trade Marks Act and Section 62 of the Copyright Act; (ii) whether a corporate plaintiff must sue at its principal or registered office where part of the cause of action has also arisen there; and (iii) what test applies to IP disputes involving online transactions and internet-based activity.

Although not a counterfeiting case, the reference matters for anti-counterfeiting enforcement, because rights holders frequently sue in Delhi against online sellers based elsewhere. The Larger Bench's answer will determine when the online availability of counterfeit goods is enough to give a court jurisdiction.

5.2 Growth of personality rights litigation

The High Courts of Delhi, Madras and Bombay have become preferred forums for personality rights actions by public figures, granting broad interim and ex parte injunctions against unauthorised commercial use of their name, image and voice, including through AI-generated deepfakes. These cases overlap with counterfeiting where they target unauthorised merchandise and fabricated endorsements. Notable 2026 orders include:

- **Dr. Devi Prasad Shetty** (October 2026): restraint on fabricated audio-visual content and AI deepfakes using the cardiologist's persona to promote fake medicines.
- **Kangana Ranaut** (October 2026): directions to Meta and the Ministry of Electronics and Information Technology to remove or block obscene AI-generated content and fake news within 72 hours.
- **Yuvraj Singh** (2026): an ex parte ad-interim injunction protecting the former cricketer's name, image and voice against AI generation, face-swapping and unauthorised merchandise.
- **Janhvi Kapoor** (August 2026): the Court declined a blanket injunction over about 6,900 URLs as over-broad, and instead ordered removal of 552 specific URLs.
- **Alakh Pandey** (August 2026): interim protection, with an express caution that personality rights cannot be used to suppress lawful caricature, satire or parody.
- **Dr. Anita Ratnam (April 2026):** Madras High Court granted a dynamic injunction to protect personality rights of Dr. Anita Ratnam, a well-known Indian dancer against deep fake videos and photographs uploaded on social media platforms.

Together, these orders show the courts extending protection against AI-driven misuse while setting limits: relief must be specific, and non-commercial satire, parody, news reporting and public-interest commentary remain protected under Article 19(1)(a) of the Constitution.

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