Chapter 9

This law states that it is considered an offense if, a person who-

a) Falsifying and falsely applying trademarks
b) Without the assent of the proprietor of the trademark makes that trademark or a deceptively similar mark; or
c) Falsifies any genuine trademark, whether by alteration, addition, effacement or otherwise.

(2) A person shall be deemed to falsely apply to goods or services a trademark who, without the assent of the proprietor of the trademark,

a) applies such trademark or a deceptively similar mark to goods or services or any package containing goods;
b) Uses any package bearing a mark which is identical with or deceptively similar to the trademark of such proprietor, for the purpose of packing, filling or wrapping therein any goods other than the genuine goods of the proprietor of the trademark.

(4) In any prosecution for falsifying a trademark or falsely applying a trademark to goods or services, the burden of proving the assent of the proprietor shall lie on the accused.

And who selling goods or providing services to which false trademark or false trade description is applied. Any person who-

Causes any of things above-mentioned in this section to be done,

Shall, unless he proves that he acted, without intent to defraud, be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:

PROVIDED that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.

Source: http://www.indialawinfo.com/bareacts/cpr.html

The Copyright Act, 1957:

This Act may be called the Copyright Act, 1957; it extends to the whole of India.

This law states that, it is an offense when-

Any person who-

a) the copyright in a work, or
b) any other right conferred by this Act, [except the right conferred by section 53A],

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees:

PROVIDED that [where the infringement has not been made for gain in the course of trade or business] the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or a fine of less than fifty thousand rupees.

Any person who knowingly makes use on a computer of an infringing copy of a computer program shall be punishable with imprisonment for a term which shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees.

Possession of plates for purpose of making infringing copies

Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to two years and shall also be liable to fine.

Japanese Laws for Trademarks and Copyright

Trademark Law

The Trademark Law that was promulgated in Japan on June 12, 1996, entered into effect on April 1, 1997. The following are the principal changes that were effected by the law:

• Three-dimensional trademarks consisting of the shape of goods or their packaging may be registered, provided they are distinguishable and are not indispensable to secure the function of the goods or their packaging.
• Collective trademarks may be registered.