



JUDICIARY SENSITIZATION PROGRAMME ON SMUGGLING, COUNTERFEITING AND PIRACY

Odisha State Judicial Academy, 11 April 2015 - Cuttack

A REPORT

FICCI CASCADE (Committee Against Smuggling and Counterfeiting Activities Destroying the Economy) in association with the Odisha State Judicial Academy organized a Judiciary Sensitization Programme on Smuggling, Counterfeiting and Piracy on April 11 at the Odisha Judicial Academy, located at Cuttack. The objective of the roundtable was to focus on issues and challenges, which the Judiciary is expected to address in resolving IP disputes in view of the changing scenario of technology and trade policies, and evolving of the law on the subject.

Hon'ble Justice Mr. I. Mahanty, Chairman, Odisha State Judicial Academy, the Chief Guest on the occasion, stated that the judiciary was at the vanguard in taking appropriate actions against all forms of corruption where counterfeiting, smuggling and piracy were its worst form. These illicit activities hit the economic independence of the nation and were like an economic cancer impacting all strata of society. Hence, it becomes imperative for the judiciary to deal with it appropriately. Actions of the judiciary and the strictness of the actions was the key. Thanking FICCI CASCADE for its sensitization programmes on a topical issue, Justice Mahanty observed such initiatives would enable the Judiciary to better understand the severity of the growing problem of economic offences and the need to address it firmly.

Mr. P. C. Jha, Ex-Chairman, Central Board of Excise and Customs and Advisor, FICCI CASCADE, in his address, informed that a recently released study by FICCI CASCADE titled 'Illicit Markets – A Threat to our National Interest' had estimated that due to illicit trade, loss to manufacturing related sectors had increased by 44.4% in just two years, from ₹ 72,969 crores in 2011-12 to ₹105,381 in 2013-14. The total loss to the government for manufacturing industries, estimated for 2014, on account of the illicit markets was ₹ 39,239 crores. Mr. Jha also added that the



penal provisions in the law and the delay in inflicting the penalties, which were largely inadequate, were not being able to create the desired deterrence. He emphasized that this serious problem could be dealt with only if there was sincere commitment at consumers, government and media levels. Further, this commitment must lead to taking result-oriented effective enforcement steps, in a sustained manner, over a long period of time.

Mr. Arun Chawla, Asst. Secretary General, FICCI, while welcoming the dignitaries and guests, stated that the costs of counterfeiting, piracy and smuggling were not only real, but also huge. With the increase in global trade and technological revolution, there has been an increase in economic crimes. Offences relating to piracy, smuggling and counterfeiting have increased manifold in global market as a result of which the government, businesses, society and consumers are losing millions of rupees. Protection of legitimate right holders is not only a vital element in encouraging research and innovation, international trade and investment, but also sound economic growth and development. Mr. Chawla also shared the initiatives of FICCI CASCADE in fighting the perils of smuggling and counterfeiting.

The inaugural session was followed by technical sessions. Eminent speakers from Star India, ITC Ltd, Microsoft Corporations India Ltd, British Deputy High Commission, Thought Arbitrage Research Institute and Delhi University discussed and deliberated on various aspects such as Legal Provisions relating to Offences & Penalties for Counterfeiting and Smuggling, Speedy Adjudication of Economic Offences for the Growth of Indian Industry, International Best Practices for Curbing Counterfeiting and Smuggling, Combating Content Theft in M&E Industry, Illicit Market: Threat to National Security and Case Study & Laws related to Smuggling, Counterfeiting & Piracy.

The day-long programme was attended by over 70 trainee judges and a number of sitting high court judges.