

Bombay High Court Quashes FIR in Counterfeit Branded Goods Case; Holds Copyright Law Cannot Be Invoked for Trademark Infringement

In *Sandip v. State of Maharashtra*, 2026:BHC-NAG:7651-DB, the Bombay High Court quashed an FIR registered against persons accused of dealing in counterfeit branded goods, holding that allegations relating to the sale of goods bearing counterfeit trademarks cannot, by themselves, attract offences under the Copyright Act.

The case arose from an FIR alleging that the accused were engaged in the sale and distribution of counterfeit products bearing well-known brand labels. The FIR invoked Sections 51 and 63 of the Copyright Act, 1957, along with Section 420 of the Indian Penal Code, 1860.

Examining the statutory framework, the Court drew a clear distinction between 'copyright infringement' and 'trademark infringement'. It observed that the gravamen of the allegations was the unauthorised sale of counterfeit goods bearing labels of well-known brands, and not the infringement of any copyright subsisting in the artistic works embodied in those labels.

The Court held that where the complaint essentially concerns counterfeit goods and misuse of trademarks in the course of trade, criminal proceedings cannot be sustained under



the Copyright Act in the absence of specific allegations establishing copyright infringement. While dealing with the offence of cheating under Section 420 IPC, the Court further noted that there was no complaint from any consumer alleging that they had been deceived into purchasing the counterfeit goods. In the absence of the essential ingredients of the offence, the charge under Section 420 IPC was also held to be unsustainable. Accordingly, the FIR was quashed.

Key takeaway: The decision reiterates the distinction between copyright and trademark rights. The mere sale of counterfeit branded goods does not automatically constitute copyright infringement, and criminal prosecution must be founded on the appropriate intellectual property regime and the specific ingredients of the alleged offence.



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