



Suitable fixes

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Saif Khan and Shobhit Agarwal analyse anti-counterfeiting remedies in India. In India the judiciary and law enforcement authorities are well acquainted with the nuances of measures for anti-counterfeiting enforcement. The recognised civil enforcement actions are civil suits with Anton Piller orders and John Doe orders. The former is the preferred action against counterfeiting. By it plaintiffs may seek appointment of court commissioner to visit a defendant's premises and search and seize counterfeit goods, in addition to ex parte orders of injunction. John Doe orders are extraordinary orders through which the court appoints and authorizes the court commissioner to enter, search and execute seizures in the premises of unnamed defendants suspected of engaging in counterfeiting. A new commercial courts act has come into effect governing the procedure of commercial cases and disputes involving intellectual property come within its ambit. The most significant development under the act is the introduction of summary disposal of cases when one party can show that the other party has no chance of succeeding. Anti-counterfeit lawsuits are perhaps the best cases for invoking summary proceedings, especially in successful Anton Piller cases. Under it, cases can be decided without trial immediately after service of notice on defendants. This significantly reduces the life cycle of the case. *This article was published in India Business Law Journal.* [Read more](#)