Hunting Down India's Nameless Infringers

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Technology has made IP infringement easier, and more nameless, than ever before, and getting John Doe orders against unidentified infringers is essential. John Doe orders (or Ashok Kumar orders, India's equivalent for the man-on-the-street) applied in the field of intellectual property in recent times are arguably an extension or variant of the Anton Piller order, which permits plaintiffs to enter the premises of defendants with an authorised officer to search and seize any articles that directly or indirectly infringe its IP rights. John Doe orders are similar, but used in instances where the defendants are numerous, not specifically identifiable and are carrying on business independently of each other. To prevail in their quest for the same, plaintiffs must convince the court that the balance of convenience lies in the grant of such an order. *Authored by Binny Kalra and Achuthan Sreekumar. This article was published in Managing IP's Global IP Resource in February 2014.* To continue reading, please contact us at email@anandandanand.com

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