



## White Collar and IP Crime

### Overview

**The criminal law framework in intellectual property can be both an effective avoidance and enforcement instrument, but is prone to being used as a tactical tool in frenetic commercial environments.**

Criminal remedies available under the Copyright Act and Trademarks Act are valuable recourses in the protection of intellectual property. Criminal enforcement is ideally suited for piracy and counterfeiting issues with benefits such as a wide breadth of action to rope in obscure counterfeiters and piracy networks. Understandably, criminal action is an appreciable deterrent not only for the accused but also related markets that thrive on piracy. With the potential for striking at the source of livelihoods and potential to curb liberty, the criminal justice system is exceedingly stringent in standards of proof and more deliberative.

Progressive changes in criminal law and procedures have made it possible for criminal actions to be shut down early through plea bargaining and writ petitions to quash these proceedings. These exit options give much needed respite and closure in criminal proceedings to both, the right holder and the chastised accused, once the main purpose of criminal action is served.

The firm's criminal law practice is a quintessential part of the services and expertise we offer to our clients. Our enforcement team undertakes prosecution and defence for white collar and other crimes: corporate fraud, cheating, criminal breach of trust, impersonation, offences relating to documents and property marks, data theft and IT laws, email and internet fraud, defamation, contempt of court and perjury, money laundering, offences relating to legal metrology, offences affecting public health, safety and decency.

We conduct trials in complex criminal matters and civil enforcement proceedings assisted by court orders. This practice area entails regular interaction with the police and governmental machinery



while ensuring compliance with FCPA and similar laws. Our clients include businesses, public sector undertakings and senior government officials, chief executives and chairpersons of conglomerates and high net worth individuals, domestic and foreign. In keeping with the firm's ethos of risk pre-emption and mitigation, we also act in an advisory capacity and organise training sessions.



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