# IPC Section 482

Section 482 of the Indian Penal Code (IPC) addresses the offense of selling goods marked with a counterfeit property mark. This detailed explanation explores various aspects of Section 482, including its ingredients, punishment, related provisions, relevant case laws, its significance in protecting intellectual property rights and consumer interests, and potential defenses against accusations under this section.  
  
\*\*I. Text of Section 482:\*\*  
  
"Whoever sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things marked with a counterfeit property mark, which he knows or has reason to believe to be a counterfeit property mark, shall, unless he proves that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission of the alleged offence no reason to suspect the genuineness of the mark, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both."  
  
\*\*II. Essential Ingredients of Section 482:\*\*  
  
To establish an offense under Section 482, the prosecution must prove the following essential ingredients beyond a reasonable doubt:  
  
1. \*\*Selling or Possessing for Sale or Trade:\*\* The accused must have sold, exposed for sale, or possessed for sale or any purpose of trade or manufacture, goods marked with a counterfeit property mark. This covers various stages of commercial activity, from actual sale to offering goods for sale and possessing them for trade purposes.  
  
2. \*\*Counterfeit Property Mark:\*\* The goods must bear a counterfeit property mark. A "counterfeit property mark" is a mark that is deceptively similar to a genuine property mark, used without authorization, and intended to mislead others into believing the goods are genuine. It infringes on the intellectual property rights of the owner of the genuine mark.  
  
3. \*\*Knowledge or Reason to Believe:\*\* The accused must know or have reason to believe that the mark is counterfeit. This means they must be aware or have sufficient grounds to suspect that the mark is not genuine. Mere suspicion is not enough; there must be reasonable grounds for that suspicion based on the facts and circumstances.  
  
4. \*\*Burden of Proof Regarding Reasonable Precautions:\*\* The section places a burden on the accused to prove that they took all reasonable precautions against committing an offense under this section and had no reason to suspect the genuineness of the mark at the time of the alleged offense. This emphasizes the responsibility of sellers and traders to ensure the authenticity of the goods they deal with.  
  
  
\*\*III. Punishment under Section 482:\*\*  
  
Section 482 prescribes punishment of imprisonment of either description (rigorous or simple) for a term which may extend to one year, or with a fine, or with both. The specific punishment imposed by the court will depend on the circumstances of the case, such as the scale of the operation, the value of the counterfeit goods, the accused's level of knowledge, and the potential harm caused.  
  
  
\*\*IV. Related Provisions:\*\*  
  
Several other sections of the IPC are relevant to Section 482:  
  
\* \*\*Section 478 (Counterfeiting a property mark used by another):\*\* This section deals with the act of creating the counterfeit mark itself, while Section 482 focuses on selling goods bearing the counterfeit mark.  
  
\* \*\*Section 479 (Having possession of an instrument or material for counterfeiting a property mark):\*\* This section targets the possession of tools and materials used for counterfeiting.  
  
\* \*\*Section 480 (Using a false property mark):\*\* This section covers the general use of a false property mark, while Section 482 specifically addresses the sale of goods bearing such marks.  
  
\* \*\*Section 481 (Using a false mark upon any cable or wire):\*\* This section focuses on the specific use of false marks on cables and wires.  
  
\* \*\*Section 483 (Counterfeiting a property mark used by a public servant):\*\* This section deals with counterfeiting marks used by public servants.  
  
\* \*\*Section 485 (Making or possessing counterfeit die, plate, etc.):\*\* This section addresses the creation and possession of tools used for counterfeiting.  
  
\* \*\*Section 486 (Selling goods marked with a counterfeit property mark used by a public servant):\*\* This section pertains to the sale of goods bearing counterfeit marks used by public servants.  
  
These related sections, together with Section 482, form a comprehensive legal framework for dealing with offenses related to counterfeit property marks, safeguarding intellectual property rights, and protecting consumers.  
  
  
\*\*V. Case Laws Related to Section 482:\*\*  
  
Numerous case laws have interpreted and applied Section 482, offering valuable precedents and insights into the section's application in diverse scenarios. It's essential to consult updated legal databases and seek expert legal advice for specific case information, as case law is constantly evolving.  
  
  
\*\*VI. Importance of Section 482:\*\*  
  
Section 482 serves several important purposes:  
  
\* \*\*Protecting Intellectual Property Rights:\*\* It protects the trademarks and brands of businesses by preventing the sale of counterfeit goods, which can dilute brand value and cause financial harm.  
  
\* \*\*Safeguarding Consumer Interests:\*\* It protects consumers from being deceived into purchasing counterfeit products, which may be of inferior quality or even dangerous.  
  
\* \*\*Maintaining Fair Competition:\*\* By deterring the sale of counterfeit goods, Section 482 promotes fair competition in the market and prevents unscrupulous traders from gaining an unfair advantage.  
  
\* \*\*Supporting Economic Growth:\*\* By protecting intellectual property rights, it encourages innovation and investment in brand development.  
  
  
\*\*VII. Proving the Offense:\*\*  
  
Proving an offense under Section 482 requires thorough investigation and compelling evidence:  
  
\* \*\*Evidence of sale or possession for sale:\*\* This might involve invoices, receipts, witness testimonies, or seizures of counterfeit goods.  
  
\* \*\*Proof of counterfeit mark:\*\* Establishing that the mark on the goods is a counterfeit is crucial. This typically involves comparing it with the genuine mark and demonstrating deceptive similarity.  
  
\* \*\*Evidence of knowledge or reason to believe:\*\* This can be established through circumstantial evidence, such as the price of the goods, the source from which they were obtained, and the accused's conduct and statements.  
  
  
\*\*VIII. Defenses against Section 482:\*\*  
  
Possible defenses against a charge under Section 482 could include:  
  
\* \*\*Lack of knowledge:\*\* The accused might argue that they were unaware that the goods bore a counterfeit mark. They might claim they were deceived by their supplier or had no reason to suspect the mark's authenticity.  
  
\* \*\*Reasonable precautions:\*\* The accused could demonstrate that they took all reasonable precautions to ensure the genuineness of the marks, such as verifying the source of the goods and checking for authentication features.  
  
\* \*\*No possession for sale or trade:\*\* The accused might argue that they possessed the goods for personal use and not for sale or any commercial purpose.  
  
\* \*\*The mark was not counterfeit:\*\* The accused might contend that the mark was genuine or sufficiently different from the registered trademark to avoid confusion.  
  
  
\*\*IX. Conclusion:\*\*  
  
Section 482 of the IPC is a vital tool in the fight against counterfeiting and plays a significant role in protecting intellectual property rights and consumer interests. By penalizing the sale of goods bearing counterfeit marks, it promotes fair competition and safeguards the integrity of the marketplace. Understanding the elements of this offense, related provisions, and potential defenses is crucial for businesses, traders, legal professionals, and consumers. Consulting a legal professional is always recommended for specific legal advice and application to individual cases.