# IPC Section 482: Punishment for using a false property mark.

## IPC Section 482: Using a False Trade or Property Mark - A Detailed Analysis  
  
Section 482 of the Indian Penal Code (IPC) specifically addresses the punishment for using a false trade or property mark. This section doesn't define the act of using a false mark itself, but rather specifies the penalties for violations related to Sections 478, 479, 480, and 481. These sections collectively address the counterfeiting and fraudulent use of property and trade marks. Section 482 clarifies the penalties for such infringements, aiming to deter dishonest practices that mislead consumers and harm legitimate businesses.  
  
\*\*The Text of Section 482:\*\*  
  
"Whoever uses any trade mark which he knows to be false in a manner reasonably calculated to cause it to be believed that the goods so marked are the manufacture or merchandise of some person whose manufacture or merchandise they are not, is subject to the punishment prescribed in section 481, and whoever sells, or exposes or has in possession for sale or any purpose of trade or manufacture, any goods or things bearing, or any receptacle or covering having marked thereon, or any label having written or printed thereon, or otherwise attached thereto, any counterfeit trade mark or property mark, knowing such trade mark or property mark to be counterfeit, is subject to the punishment prescribed in section 479."  
  
  
\*\*Breaking Down the Elements and Application:\*\*  
  
1. \*\*Connection to Section 481:\*\* The first part of Section 482 deals with the use of a false trademark. This directly refers to the offence described in Section 481, which covers using a false property mark in a manner that is likely to deceive others about the goods' origin. Therefore, the punishment for this act is the same as prescribed in Section 481, which is imprisonment of either description for a term which may extend to one year, or with fine, or with both. It's crucial to remember that the elements defining the act itself are found in Section 481, while Section 482 merely assigns the punishment.  
  
2. \*\*Connection to Section 479:\*\* The second part of Section 482 concerns selling, exposing for sale, or possessing for sale or any trade or manufacturing purpose goods bearing a counterfeit trademark or property mark. This directly links to Section 479, which defines the offence of counterfeiting a property mark and knowingly selling or uttering goods bearing such a mark. Consequently, the punishment for these actions is as outlined in Section 479, which is imprisonment of either description for a term which may extend to two years, or with fine, or with both. Again, the defining elements of the offence are in Section 479, with Section 482 only dictating the penalties.  
  
3. \*\*Knowledge Requirement:\*\* Both parts of Section 482 emphasize the importance of \*knowledge\*. The individual must be aware that the trademark or property mark is false or counterfeit. This knowledge element is crucial for establishing culpability and distinguishes intentional deception from innocent use.  
  
4. \*\*Scope of "Goods":\*\* The term "goods" encompasses a wide range of items, including manufactured products, commodities, and other tangible items to which a trademark or property mark can be applied. It also includes the receptacles, coverings, and labels associated with these goods.  
  
5. \*\*"Exposing for Sale" and "Possession for Sale":\*\* These phrases broaden the scope of the offence beyond actual sales. Simply displaying goods with counterfeit marks with the intent to sell, or possessing such goods for the purpose of trade or manufacture, constitutes an offence under this section. This emphasizes the proactive nature of the law in preventing the distribution of counterfeit goods.  
  
6. \*\*Emphasis on Deception and Fraud:\*\* While Section 482 primarily focuses on the punishment aspect, the underlying offenses addressed in Sections 479 and 481 revolve around deception and fraud. The intent to mislead consumers about the origin or quality of goods is a key element driving the provisions.  
  
  
\*\*Key Considerations:\*\*  
  
\* \*\*No Independent Definition of Offence:\*\* Section 482 does not define a new offence. It merely prescribes punishments for violations already defined in other sections.  
\* \*\*Importance of Understanding Related Sections:\*\* To fully comprehend the scope and application of Section 482, it is essential to thoroughly understand Sections 478, 479, 480, and 481, which define the relevant offences.  
\* \*\*Burden of Proof:\*\* The prosecution bears the burden of proving the elements of the offence, including the knowledge that the mark is false or counterfeit, beyond a reasonable doubt.  
  
\*\*Conclusion:\*\*  
  
Section 482 of the IPC serves as the penal provision for offences related to the fraudulent use of trade and property marks. By referencing the penalties from Sections 479 and 481, it streamlines the legal framework and ensures clarity in the application of the law. This section emphasizes the importance of protecting intellectual property rights and preventing deceptive practices that harm both consumers and legitimate businesses. The inclusion of provisions relating to possession and exposure for sale strengthens the deterrent effect and allows for intervention before counterfeit goods reach the market. By clearly outlining the penalties for these offences, Section 482 reinforces the message that such practices will not be tolerated and promotes fair competition in the marketplace.