Polity & Governance · GS - II

Examine the challenges posed by digital commerce to the enforcement of intellectual property rights in India. Discuss the importance of territorial jurisdiction in online trademark infringement disputes.

EXAM YEAR	PAPER	SUBJECT
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MARKS	WORD LIMIT
10	~150 words

Answer Hint

Digital commerce, trademark infringement, territorial jurisdiction, WhatsApp transactions, Trade Marks Act 1999, counterfeit products, e-commerce platforms, consumer protection, judicial interpretation, digital evidence.

Model Answer

Introduction

The expansion of digital commerce has created new challenges for intellectual property rights enforcement. Online transactions and cross-border communication have complicated the determination of territorial jurisdiction in infringement disputes.

Key Challenges

- **Counterfeit goods:** Digital platforms can facilitate the sale and distribution of products bearing deceptive trademarks.
- **Jurisdictional ambiguity:** Online communications may involve parties located in different territorial jurisdictions.
- **Evidence collection:** Establishing the location, authenticity and commercial nature of digital transactions can be difficult.

- **Enforcement gaps:** Rapid online transactions can make identification of infringers challenging.

Importance of Territorial Jurisdiction

The Trade Marks Act, 1999 provides jurisdictional provisions for infringement proceedings. Courts must examine relevant territorial connections and the applicable statutory requirements rather than treating every online communication as sufficient proof of jurisdiction.

Way Forward

Clear judicial standards, reliable digital evidence, platform accountability and effective enforcement mechanisms are necessary.

Conclusion

India needs a balanced legal framework that protects intellectual property while ensuring predictable jurisdictional rules in the digital economy.

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