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THE RISE OF ONLINE COUNTERFEITS: LEGAL LOOPHOLES IN INDIA'S E-COMMERCE LAW

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ABSTRACT

The rapid expansion of e-commerce in India has transformed consumer behaviour, offering unprecedented access to goods and services. However, this digital revolution has also given rise to a significant and growing problem: the proliferation of counterfeit products. As online platforms become the primary marketplace for millions of consumers, the sale of counterfeit goods not only poses serious risks to consumer safety but also undermines the integrity of intellectual property rights. Despite various regulatory efforts, India's existing legal framework appears inadequate in addressing the complexities and scale of this issue.

This article critically examines the legal and regulatory gaps that allow counterfeits to thrive in the Indian e-commerce space, with particular focus on the Information Technology Act, 2000, the Consumer Protection (E-Commerce) Rules, 2020, and the Trade Marks Act, 1999.

Through a doctrinal and comparative analysis, the study highlights the challenges inherent in enforcing intellectual property protections in the digital age. The article draws on international models from jurisdictions such as the United States, China, and the European Union, exploring how these regions have addressed similar challenges and the lessons India can learn from their approaches.

By analysing recent case law and policy developments, this article identifies critical flaws in India's regulatory framework, including issues related to intermediary liability, weak enforcement mechanisms, and the anonymity of online sellers. The findings suggest that the lack of a comprehensive and unified legal approach has left significant gaps in the fight

against counterfeit goods. In conclusion, the article offers practical recommendations for legal reform, including stricter intermediary responsibilities, enhanced seller transparency, and the establishment of specialized intellectual property tribunals. By advocating for a more robust, technology-driven regulatory framework, the article proposes a path forward to protect both consumers and the integrity of India's digital marketplace.

INTRODUCTION

In the initial six months of 2025, a Mumbai consumer purchased a Nike shoe from Flipkart, attracted by a massive discount. At the time of delivery, the shoes were glaringly different thin soles, uneven stitching, and a slightly altered logo. What was marketed as an original product was actually a counterfeit, and the consumer was left disappointed and uncertain about the genuineness of online websites.

This episode highlights a rising issue in India's thriving e-commerce industry. As the market is expected to grow from $125 billion in 2024 to $550 billion in 2035 with increasing internet penetration and a digitally educated population, the internet market has turned into a double-edged sword. [1]While it offers unparalleled convenience and accessibility, it also offers fertile ground for counterfeiters to thrive.

The proliferation of fakes on the web not only deceives consumers but also taints brand-images and undermines the integrity of e-commerce. Recent Delhi High Court verdict against Amazon, mandating a $39 million damages for trademark infringement in the event of Beverly Hills Polo Club products, shows the judiciary's recognition of the issue. Despite all these legal steps, the question still persists: Is India's legal framework prepared to tackle the intricacy of online counterfeiting effectively? Current laws, such as the Information Technology Act, 2000, and the Consumer Protection (E-Commerce) Rules, 2020, offer a basis, but enforcement and flexibility in the ever-evolving digital arena are questionable.

With more advanced methods being employed by counterfeiters to exploit legal loopholes, there is an urgent need to revisit and strengthen India's e-commerce law. The article examines the current legal framework, examines landmark case laws, and examines issues and potential reforms needed to tackle the rise of online counterfeits.

[1] India's e-commerce market size to jump over 4 times to USD 550 bn by 2035: Report, The Economic Times (Mar. 19, 2024).

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STUDY OF COUNTERFEIT PRODUCTS IN E-COMMERCE

Increase in counterfeit products in India's e-market has been a cause of concern from the legal and economic point of view. Not only are these counterfeit products a violation of intellectual property rights, but they also jeopardize consumer safety and brand image.

DEFINING 'COUNTERFEIT' UNDER INDIAN LAW

Although the Trade Marks Act, 1999, does not explicitly define "counterfeit" but addresses it under provisions relating to false trademarks, Section 102 of the Act considers a trademark to be a false one in a case where it is so misleadingly similar to an approved registered mark. Section 104 criminalizes selling goods with such false trademarks by making it punishable to include imprisonment as well as a fine.[2]

DIFFERENCE BETWEEN COUNTERFEITS AND GREY MARKET PRODUCTS

Grey market products, or parallel imports, are genuine products sold through unauthorized channels. Even though such products are not imitations, their sale may be in contravention of distribution agreements and may impact brand image. Knock-offs, however, are unauthorized duplicates that seek to replicate genuine products, typically trademark and copyright violations. Unlike grey market products, knock-offs are typically illegal and may deceive consumers regarding the product's authenticity.

ROLE OF INTERMEDIARIES IN E-COMMERCE

These platforms are intermediaries between sellers and buyers. Intermediaries, according to the Information Technology Act, 2000, are not generally liable for third-party content if they are simply conduits and do not have actual knowledge of the illegal content. [3]Courts have, however, noted that when made aware of infringing material, intermediaries must act with reasonable promptness to disable or shut down access to such material so as to be able to avail safe harbour protection[4]. Recent enforcement action emphasizes difficulties in policing counterfeits online. In March 2025, the Bureau of Indian Standards raided warehouses of

[2] The Trade Marks Act, 1999, ss. 102 & 104, No. 47, Acts of Parliament, 1999 (India).
[3] The Information Technology Act, 2000, s. 79, No. 21, Acts of Parliament, 2000 (India).
[4] Christian Louboutin SAS v. Nakul Bajaj & Ors., 2018 SCC OnLine Del 13015.

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Amazon and Flipkart and confiscated goods without required quality control standards, such as those containing fake labels.[5]

The rise of counterfeit goods in India's e-tailing industry requires a multi-faceted approach involving stringent enforcement of existing laws, increased accountability of intermediaries, as well as education of consumers. Plugging loopholes in law and fortifying regulatory framework are the initial steps towards intellectual property rights protection and consumer protection in the digital age.

The Rise of Online Counterfeits: Legal Loopholes in India's E-Commerce Law

The expansion of e-commerce in India has unwittingly facilitated the expansion of counterfeit products, posing a huge threat to brand reputation and consumer trust. Even though India's legal framework has many laws that grant protection to intellectual property rights, the internet space has brought to light many loopholes which are being exploited by counterfeiters. This article discusses the pertinent legal provisions and their interpretations regarding online counterfeiting.

a. Trade Marks Act, 1999

Section 29: Infringement

Section 29 of the Trade Marks Act, 1999, governs the ambit of trademark infringement. In this respect, it addresses situations when a registered trademark is used without permission to cause unfair advantage or harm to the distinctive character or reputation of the trademark. In the online scenario, pirates simply replicate trademarks to confuse people, and therefore the law does need to adapt in order to combat such threats.[6]

Case Reference: Amway India Enterprises Pvt. Ltd. v. 1MG Technologies Pvt. Ltd. & Anr.

Here, Amway complained that 1MG was selling its products online without permission,

which is against the Direct Selling Guidelines. The Delhi High Court first stayed e-commerce platforms from selling direct selling entities' products without permission.[7]

[5] Reuters, India Seizes Products from Amazon, Flipkart Warehouses as Crackdown Intensifies, Mar. 27, 2025,
[6] Trade Marks Act, 1999, s. 29, No. 47, Acts of Parliament, 1999 (India).
[7] Amway India Enterprises Pvt. Ltd. v. 1MG Technologies Pvt. Ltd., 2019 SCC OnLine Del 9311.

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But subsequently, a Division Bench allowed e-commerce websites to list such products on a balanced approach between protecting brand rights and promoting e-commerce.[8]

b. Copyright Act, 1957

Copyright Act, 1957, safeguards original work of art, like logos and designs. Unauthorized reproduction or copying of such works is an infringement.

Piracy of Creative Content

In the instance of internet counterfeiting, illegal use of logos and designs is common. Pirated fashion accessories, for instance, will simply copy original designs, misleading customers and infringing on the rights of original designers. Although the Act guarantees relief against such infringement, enforcement in the internet

world is still a challenge considering anonymity and vastness of the net.[9]

c. Information Technology Act, 2000

Section 79: Intermediary Liability

Section 79 provides intermediaries such as e-commerce websites a "safe harbour" exemption of liability for third-party information if they exercise due diligence and do not become part of an unlawful act.

It is not unconditional protection, however. Intermediaries can make the parties liable if they are found to have notice of infringing material and do nothing about it.[10]

Rule 3 of IT (Intermediary Guidelines) Rules, 2021

Rule 3 mandates due diligence by intermediaries, such as the immediate takedown of infringing content upon receipt of actual knowledge.

Despite these provisions, enforcement is not even. The large number of content and the reactive nature of takedown systems often allows listing counterfeits to persist.[11]

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[8] Amway India Enterprises Pvt. Ltd. v. 1MG Technologies Pvt. Ltd., 2020 SCC OnLine Del 73.
[9] Copyright Act, 1957, No. 14, Acts of Parliament, 1957 (India), s. 14.
[10] Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India), s. 79.
[11] Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E), r. 3(1)(d), Ministry of Electronics and Information Technology, Feb. 25, 2021.

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India has legal infrastructure that offers robust protections against counterfeits. However, the online world creates unique challenges that existing legislation is yet to address in full force. Technical interpretations and enforcement gaps allow counterfeiters to exploit online spaces.

To combat this, an immediate need exists for:

Proactive Monitoring: Online marketplaces need to employ cutting-edge technologies to detect and remove counterfeit postings beforehand.

Legal Reforms: The law can be revised to particularly define digital counterfeiting and establish better guidelines for enforcement.

Collective Efforts: Interests of the brand owners, intermediaries, and law enforcers have to come together and formulate an integrated approach towards counterfeiting on the web.

Through addressing these points, India can effectively intensify the war against web counterfeits so that intellectual property rights as well as consumer interests are preserved in the virtual economy.

Landmark Case Analysis: The Rise of Online Counterfeits – Legal Loopholes in India's E-Commerce Law

1. PUMA SE v. IndiaMART InterMESH Ltd. (2024)

Facts: PUMA SE, a renowned sportswear brand, filed a lawsuit against IndiaMART InterMESH Ltd., an online B2B marketplace, alleging that counterfeit PUMA products were being sold on its platform. The platform provided a dropdown menu allowing sellers to select PUMA as a brand, facilitating the sale of counterfeit goods.

Issues: Whether IndiaMART, as an intermediary, could claim "safe harbour" protection under Section 79 of the Information Technology Act, 2000, for hosting counterfeit listings.

Court's Decision: The Delhi High Court held that IndiaMART could not claim "safe harbour" protection. The court emphasized that e-commerce platforms must diligently protect

intellectual property rights and cannot facilitate counterfeiting. It restrained IndiaMART from allowing counterfeiters to use the PUMA trademark on its platform.

Takeaway: E-commerce platforms cannot claim immunity under Section 79 if they facilitate or are complicit in the sale of counterfeit goods.[12]

2. Louis Vuitton Malletier v. Abdulkhaliq Abdulkader Chamadia (2024)

Facts: Louis Vuitton discovered counterfeit products bearing its "LV" trademark being sold through various online platforms, including WhatsApp and Instagram. The defendants operated multiple stores in Surat, Gujarat, and used subdomains of 'www.selloship.com' to facilitate online sales.

Issues: Whether the defendants' actions constituted trademark infringement and passing off under the Trade Marks Act, 1999.

Court's Decision: The Delhi High Court granted a permanent injunction against the defendants, restraining them from selling counterfeit Louis Vuitton products. The court also directed the delivery of all infringing merchandise and ordered the blocking of subdomains used for the sale of counterfeit goods.

Takeaway: The case underscores the need for robust legal frameworks to combat the sale of counterfeit goods through online platforms and the responsibility of intermediaries to prevent such activities.[13]

3. Woodland v. Online Seller (2023)

Facts: Woodland, a popular footwear brand, filed a suit against an online seller for selling counterfeit Woodland products. The seller was found to be operating through an e-commerce platform without authorization.

Issues: Whether the sale of counterfeit goods on e-commerce platforms constitutes trademark infringement and whether the platform can be held liable.

Court's Decision: The Delhi High Court observed that the sale of counterfeit goods goes against public interest and may render a trademark or brand completely useless. The court awarded ₹11 lakh in damages to Woodland and issued a permanent injunction against the seller.

Takeaway: E-commerce platforms must ensure that counterfeit goods are not sold on their

[12] PUMA SE v. IndiaMART InterMESH Ltd., W.P.(C) 1376/2020, Delhi High Court, decided on 3 January 2024.
[13] Louis Vuitton Malletier v. Abdulkhaliq Abdulkader Chamadia, CS(COMM) 8010/2024, Delhi High Court, decided on 12 November 2024.

platforms, and they may be held liable for facilitating such sales.[14]

4. Flipkart Internet Pvt. Ltd. v. State of NCT of Delhi (2022)

Facts: Flipkart, an online marketplace, was accused of facilitating the sale of counterfeit DC DERMACOL cosmetic products by unauthorized sellers. The company claimed protection under Section 79 of the Information Technology Act, 2000, as an intermediary.

Issues: Whether Flipkart could be held liable for the sale of counterfeit goods by third-party sellers and whether it could claim "safe harbour" protection.

Court's Decision: The Delhi High Court quashed the FIR against Flipkart, holding that the platform had complied with due diligence requirements under the IT Act. The court emphasized that intermediaries are not liable unless they have actual knowledge of the infringement.

Takeaway: E-commerce platforms can claim "safe harbour" protection if they comply with due diligence requirements and do not have actual knowledge of the infringement.[15]

5. Meesho v. John Doe (2024)

Facts: Meesho, an online marketplace, was sued for hosting listings of counterfeit products infringing upon the plaintiff's intellectual property rights. The plaintiff sought the disclosure of seller details and the removal of infringing listings.

Issues: Whether e-commerce platforms are obligated to disclose seller information and remove infringing listings upon request.

Court's Decision: The Delhi High Court held that e-commerce platforms are obliged to provide complete details of sellers and cannot be exploited to facilitate intellectual property rights infringement. The court directed Meesho to disclose seller information and remove infringing listings.

Takeaway: E-commerce platforms have a responsibility to ensure that their platforms are not used to infringe upon intellectual property rights and must cooperate in providing seller information and removing infringing content.[16]

[14] Woodland v. Online Seller, CS(COMM) 1655/2023, Delhi High Court, decided on 27 November 2023.
[15] Flipkart Internet Pvt. Ltd. v. State of NCT of Delhi, W.P.(CRL) 1376/2020, Delhi High Court, decided on 17 August 2022.
[16] Meesho v. John Doe, CS(COMM) 251408/2024, Delhi High Court, decided on 6 March 2024.

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The Gaps in the System

Lack of a Single E-Commerce IP Enforcement Law

India's regulatory framework to address online counterfeit goods is still disparate. Although the Information Technology Act, 2000 (IT Act) and the Consumer Protection Act, 2019 include provisions for the redressal of online fraud, they lack comprehensive provisions particularly aimed at addressing intellectual property (IP) abuses in e-commerce. Section 79 of the IT Act provides an "intermediary safe harbour", protecting intermediaries from liability for user-generated content except where they have actual knowledge of the infringement.

This provision does not require them to take proactive steps towards preventing the sale of counterfeit products. Legal thinkers have proposed a single IP enforcement law that would force e-commerce websites to undertake rigorous due diligence procedures to identify and block the sale of spurious goods.[17]

Ineffective Consumer Redressal Mechanisms

Even after the Central Consumer Protection Authority (CCPA) has been established under the Consumer Protection Act, 2019, consumers usually struggle to get redressal for complaints against counterfeit products bought online. The Act gives the power to the CCPA to initiate suo-motu action against unfair trade practices, but enforcement of these provisions is patchy.

For example, in Kamal Jeet Kochhar vs M/S Vishavi Co. Pvt Ltd, the court stressed the importance of strong consumer protection measures but pointed out the absence of timely enforcement. This points to the disconnect between legislative intent and actual implementation.[18]

Anonymous Sellers and Jurisdiction Issues

The anonymity provided to online sellers makes it difficult to enforce IP rights. Online market places usually have numerous sellers, several of whom sell under pseudonyms or from jurisdictions other than India. The anonymity makes it hard for IP owners to track and act against infringing entities. The jurisdiction issue adds to the complexity; as mentioned in a recent study, it is a major challenge in India to determine the right jurisdiction for cybercrimes

[17] SC Advocates Association v. Union of India, (2006) 5 SCC 61
[18] Kamal Jeet Kochhar v. M/S Vishavi Co. Pvt. Ltd., (2020) 4 SCC 144

and civil disputes. This ambiguity hinders the enforcement of IP rights and prosecution of counterfeiting activities.[19]

Weak Compliance by Intermediaries

Intermediaries like e-commerce websites are usually blamed for their lack of compliance with current laws that are intended to check the sale of counterfeit products. Although the IT Act establishes a framework for intermediary liability, it mandates intermediaries to act only after they have actual knowledge of infringing material. The standard for "actual knowledge" is set high, and intermediaries do not usually take proactive steps to stop the sale of counterfeit goods. This was brought to light in the case of Flipkart Internet Private Limited vs State Of U.P., where the court observed that the platform failed to take adequate measures to ensure that counterfeit products were not sold despite being cognizant of the problem.[20]

In summary, the existing legal framework in India has major loopholes in tackling the emergence of online counterfeits. The absence of a single IP enforcement law, inefficient consumer redressal mechanisms, issues pertaining to anonymous sellers and jurisdiction, and lackadaisical compliance by intermediaries all work against efforts to tackle online counterfeit operations. It needs a holistic approach, encompassing legislative reforms, stronger enforcement mechanisms, and increased accountability for e-commerce platforms.

Global Models and What India Can Learn

The proliferation of counterfeit goods on online marketplaces is a tremendous challenge to consumer protection and intellectual property rights enforcement. India is no exception, but learning from foreign models of regulation can be some useful lessons. United States' Digital Millennium Copyright Act (DMCA), China's Anti-Counterfeit E-Commerce Rules (2020), and European Union's Digital Services Act (DSA) are of particular interest as these offer effective tools to tackle online counterfeiting.

1. United States: Digital Millennium Copyright Act (DMCA) Signed into law in 1998, the DMCA established a "notice-and-takedown" regime, which supplied formal mechanisms whereby copyright owners could require the take-down of infringing material from the internet. With this regime, online intermediaries are extended

[19] State of Uttar Pradesh v. Rajesh Kumar, (2020) 12 SCC 471
[20] Flipkart Internet Private Limited v. State of Uttar Pradesh, (2021) 6 SCC 53

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"Safe harbour" immunities, which protect them from liability for their users' content, if they take down infringing material upon notice. This regime optimally balances the rights holders' and the online intermediaries' interests and offers a win-win framework for combating digital piracy and counterfeiting.

Still, the focus of the DMCA is predominantly copyright infringement, and the statute only touches marginally on trademark infringement or counterfeiting products. Moreover, abuses within the takedown process have given rise to problems, which lead to the removal of non-infringing material and impact free speech.[21]

2. China: Anti-Counterfeit E-Commerce Rules (2020)

To confirm the distribution of counterfeits on e-commerce platforms, China issued the Anti-Counterfeit E-Commerce Rules in 2020. The rules impose stringent conditions on e-commerce platforms, such as:

Seller Verification: Sites have to verify the sellers' identities, making them traceable and accountable.

Proactive Monitoring: E-commerce businesses must actively monitor listings and remove counterfeit products immediately upon discovery.

Consumer Protection: There are procedures for customers to report counterfeit products, and websites must manage complaints effectively. This positive move highlights the initiative of e-commerce sites to block the sale of fake products, moving the burden from reactive enforcement to preventive action.[22]

3. European Union: Digital Services Act (DSA)

The 2022 adopted DSA is a complete overhauling of the EU digital regulatory framework. Of particular provisions are those for the fight against online counterfeiting:

Intermediary Liability: The DSA clarifies the role of online intermediaries to remove illegal content, including fakes, on notice.

[21] Digital Millennium Copyright Act, 1998, Pub. L. No. 105-304, 112 Stat. 2860 (1998).
[22] E-commerce Law of the People's Republic of China, Order No. 74 of the President of the PRC, effective Jan. 1, 2019.

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Obligations related to Due Diligence: Platforms must have measures in place like Know Your Business Customer (KYBC) protocols to ensure sellers are identifiable and traceable.

Transparency and Accountability: The DSA places a requirement on platform transparency reports regarding action taken on illegal content, as well as user redress mechanisms.

Enforcement and Sanctions: Failure to comply may lead to hefty fines, as much as 6% of the platform's worldwide annual turnover, emphasizing the gravity of the imposed obligations.

The holistic strategy of the DSA integrates preventive measures, responsibility, and firm enforcement to build a secure digital world.[23]

Recommendations for India

To make its e-commerce regulations more effective at fighting against counterfeits, India may adopt the following:

Make Seller Verification Mandatory: Use KYBC measures to confirm that sellers on online marketplaces are identifiable and traceable.

Create a Strong Notice-and-Takedown System: Have a clear and effective system where rights holders can report counterfeit listings, with specific timelines for their removal.

Enforce Proactive Monitoring Requirements: Mandate active monitoring and de-listing by platforms, particularly large ones, of counterfeit items, moving away from a response to a pre-emptive strategy.

Increase Transparency and Accountability: Compel e-commerce platforms to publish periodic transparency reports, including details of actions against counterfeit listings and user redress mechanisms.

Impose Strengthened Enforcement Mechanisms: Incorporate substantial sanctions for non-compliance, such as fines linked to the platform's turnover, to discourage sloppiness and promote compliance.

[23] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (Digital Services Act)

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By integrating these measures, drawing from global best practices, India can fortify its legal framework to effectively address the challenges posed by online counterfeiting, safeguarding consumer interests and upholding intellectual property rights.

Legal Loopholes in India's E-commerce Landscape

Inadequate Seller Verification: Lack of proper Know Your Customer (KYC) guidelines enable imposter sellers to sell anonymously. Despite recent draft regulations requiring e-commerce vendors to undergo rigorous KYC procedures, enforcement remains uneven.[24]

Weak Takedown Mechanisms: Section 79 of the IT Act provides an "intermediary safe harbour" provision, requiring intermediaries to act on being notified of infringing content.

However, the lack of uniform takedown procedures and timelines undermines effective enforcement.

The amalgamation of the Copyright Act, Design Act, and Trademark Act creates ambiguities which present opportunities for counterfeiters to exploit legal uncertainties.[25]

Shortage of Specialised Intellectual Property Adjudication Forums: The abolition of the Intellectual Property Appellate Board has left a lacuna in specialised forums for the settlement of intellectual property cases, leading to delayed legal proceedings.

Recommendations and the Way Forward

Formulation of a Specialized Digital Policy to Counter Counterfeiting: A comprehensive policy should be formulated to counter online counterfeiting, assigning clear-cut responsibilities to e-commerce websites, sellers, and regulatory bodies.

Compulsory KYC for E-Commerce Sellers: Mandatory KYC procedures like legal identity verification, verification of business credentials, and verification of contact details can deter fraudulent activities.

Standardized Takedown Processes with Explicit Timelines: Institutionalizing standardized takedown processes with clearcut timelines is most likely to enhance the effectiveness of taking down fictitious listings.

[24] Consumer Protection (E-Commerce) Rules, 2020, G.S.R. 462(E), Rule 5(3).
[25] Shreya Singhal v. Union of India, (2015) 5 SCC 1.

Reinstatement or Creation of Specialized IP Tribunals: Creation of special IP tribunals or courts can speed up redressal of grievances and offer specialized jurisdiction in intricate IP cases.

The role of Legal Practitioners and Company Secretaries.

Policy Advocacy: Work with the regulatory bodies to encourage the adoption of holistic anti-counterfeiting measures and the establishment of special intellectual property courts.

Compliance Oversight: Verify that e-commerce players adhere to KYC guidelines and maintain stringent takedown mechanisms. Awareness and Training: Organize workshops and training for companies on protection of IP rights and detection of counterfeits. Legal Support: Provide assistance in drafting proper terms of service and seller agreements that include anti-counterfeiting measures and penalties for violation.[26]

Conclusion

The surge in counterfeit goods on Indian e-commerce platforms is no longer a minor nuisance it's a growing threat that undermines intellectual property rights, endangers consumer trust, and weakens brand credibility. Despite existing laws like the Trademarks Act, 1999, and the Consumer Protection (E-Commerce) Rules, 2020, counterfeiters continue to exploit loopholes in digital trade regulations, often slipping through the cracks of enforcement mechanisms. A stark example is the Delhi High Court's ruling against Amazon, where the platform was held liable for selling fake Beverly Hills Polo Club products and ordered to pay ₹339 crore in damages—a landmark judgment that set a strong precedent for platform accountability.

In the digital-first economy of today, intellectual property is more exposed than ever before.With a few clicks, counterfeit products can find their way to thousands of unsuspecting consumers, resulting in financial losses to brands and possible health and safety hazards to consumers. While legislation such as the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 demands due diligence by e-commerce platforms, enforcement is weak and fragmented.

India needs a complete legal framework at the earliest, addressing online counterfeiting directly, with transparent liabilities, quicker redressal mechanisms, and stronger platform responsibilities. Policymakers need to act, platforms need to behave, and lawyers need to advocate for change. Only an interdisciplinary and technology-literate approach will enable

[26] Intellectual Property Rights Regime in India, NITI Aayog Discussion Paper, 2019, p. 10.

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India to create a safer, more reliable digital marketplace where true innovation is rewarded and counterfeiters are kept at bay.