

IP Hotline

March 02, 2012

'WHAT'S IN A NAME'... JOHN DOE ARRIVES IN INDIA

The essay written by Ms. Payel Chatterjee has won the Best Paper Prize in Inter Pacific Bar Association (IPBA) 2012 Conference currently underway in New Delhi.

Intellectual property, (IP) though intangible, is probably the most important form of property today. IP having developed into a powerful commercial asset with the ever-evolving digital technology, its theft has also become rampant. IP infringement by unknown and unidentified entities constituting class of infringers has also increased throughout the world. This necessitates the need for evolution in IP protection, which considering its nature, is no easy task.

This led to the adoption of "John Doe" orders. John Doe is an internationally accepted practice to enforce intellectual property rights of parties and is prevalent in several foreign jurisdictions including Canada, America, Australia and UK. Recently, India has started using this unique concept under the alias "John Doe/Ashok Kumar" orders to punish class of unknown infringers. The paper analyzes the origins of John Doe orders and their evolution and global recognition. Utilization of such orders through different jurisdictions has been analyzed to understand its impact and usage.

The Indian judiciary has taken positive steps towards development of this trend and recognizing the need for such orders to provide relief to victims/parties. Usage of John Doe orders in Indian scenario has brought in awareness and protection to holders of IP rights but the question remains how such orders will be implemented and enforced.

For the complete paper "[What's in a name... John Doe arrives in India](#)".

NDA Team

You can direct your queries or comments to the authors

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