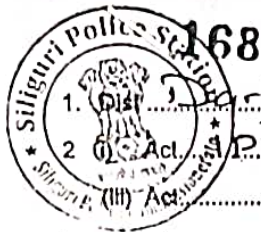


FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



1. Police Station: Siliguri, Year: 2023, FIR No: 766/23, Date: 15/09/23
2. Sections: 420/465/467/412 Act, Sections: r/w sec 63/65 of the Copy Right Act.

3. (a) Occurrence of Offence: Day: Since long, Date From: Since long, Date To: -
Time Period: - Time From: - Time To: -
(b) Information received at P.S. Date: 15/09/23, Time: 16:15hrs
(c) General Diary Reference: Entry No(s): 1017, Time: 16:15hrs

4. Type of Information: Written, Written / Oral
5. Place of Occurrence: (a) Direction and Distance from P.S.: 01 km (approx), Beat No: -
(b) Address: M/s Tezmul Jagadish Prasad at Mahabirathan, Siliguri and M/s Economic Hardware Stores, situated at Sevoke Road, Siliguri
(c) In case outside limit of this Police Station, then the Name of the P.S.: - District: -

6. Complainant / Informant:
(a) Name: Manoj Kumar Singh
(b) Father's / Husband's Name: Lal Bahadur Singh
(c) Date / Year of Birth: - (d) Nationality: INDIAN
(e) Passport No: - Date of Issue: - Place of Issue: -
(f) Occupation: Investigation Officer of M/s SGS IPR Consultancy LLP (Pvt)
(g) Address: 32-B, 1st Floor, Office No-106, J.P Complex, Opp. UNA Enclave, Apartment, Mayapuri Vihar Phase-I, Delhi-110091.

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary):
1. Mr Anur Kumar Agarwal, proprietor of M/s Tezmul Jagadish Prasad and 2. Urmila Devi Agarwal of M/s Economic Hardware stores.

8. Reasons for delay in reporting by the Complainant / Information: /

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary):

10. Total value of properties stolen / involved: -
11. Inquest Report / U.D. Case No., if any: /

12. FIR Contents (Attach separate sheets, if required): The original written complaint is treated as FIR which is enclosed herewith

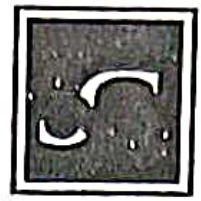
13. Action taken: Since the above report reveals commission of offence(s) as mentioned at item No:2., registered the case and took up the investigation / directed: SI Goutam Kundu of FB, Siliguri P.C. to take up investigation / refused investigation / transferred to P.S.: - on point of jurisdiction. FIR read over to the Complainant/ Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

Noted in written complaint

14. Signature / Thumb impression of the Complainant / Informant: On 16/09/23 at 10:30hrs.

15. Date & Time of despatch to the court:

Signature of the Officer-In-Charge, Police Station: [Signature] 15-09-23
Name: Amartya Chakraborty, Inspector-In-Charge
Rank: No. 51, Siliguri Police Station P.P., Siliguri Police Commissionerate



## SGS IPR CONSULTANCY, LLP

32-B, Office No.: 106, 1st Floor  
JP Complex, Mayur Vihar, Phase – I  
New Delhi – 110091  
Phone: 011 - 43045339  
E – mail: Info@sgslpr.com

15.09.2023

Date:

To,

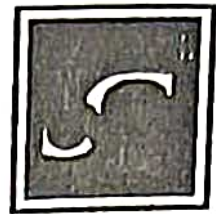
The Station House Officer

Siliguri Police Station, Darjeeling, West Bengal

**Subject: Complaint against Mr. Arun Kumar Agarwal, proprietor of M/s Tezmull Jagdish Prasad, situated at Mahabirathan, Siliguri, West Bengal – 734 044 having GSTIN 19AGGPA9620C1ZQ and M/s Economic Hardware Stores, situated at Sevoke Road, Siliguri – 734 001 having GSTIN 19ACRPA8005A1ZY for being involved in illegal activities of selling the products of Asian Paints Limited after mutilating, fabricating, forging, tampering the Barcodes/QR Code printed and affixed on the paint buckets, thereby committing *inter alia* the offences of infringement of the Copyright punishable under Section 63 of the Copyright Act, 1957 and the offences of cheating, fraud, forgery and criminal breach of trust, punishable under the Sections 406, 409, 420, 464, 465, 467, 468, 469, 471 and 477 of the Indian Penal Code, 1860,**

Respected Sir/Madam,

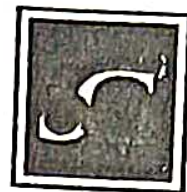
I, Manoj Kumar Singh, S/o Sh. Lal Bahadur Singh, an Investigating Officer of M/s SGS IPR Consultancy LLP having its office at 32-B, 1<sup>st</sup> Floor, Office No. 106, J.P. Complex, Opp. UNA Enclave Apartment, Mayur Vihar Phase – 1, Delhi – 110091, has been authorized by the Managing Partner of M/s SGS IPR Consultancy LLP, Mr. Sumit Pratap Singh *vide* a Letter of Authorization dated 31.07.2023 who is duly authorized by Asian Paints Limited *vide* a Letter of Authorization dated 31.07.2023 to take legal actions on behalf of Asian Paints Limited, do hereby submit as follows:



## SGS IPR CONSULTANCY, LLP

32-B, Office No.: 106, 1st Floor  
JP Complex, Mayur Vihar, Phase – I  
New Delhi – 110091  
Phone: 011 - 43045339  
E – mail: info@sgsipr.com

1. This is to bring to your kind notice that the Asian Paints Limited is an existing Company originally registered under the provisions of the Companies Act, 1913 and governed by the provisions of the Companies Act, 2013 having its registered office at Asian Paints House, 6A, Shanti Nagar, Santacruz (East) Mumbai – 400055 (for brevity “*Complainant Company*”); and has been carrying on the business of, inter alia, manufacturing, and marketing of paints and varnishes including synthetic enamels, distempers, lacquers, rust preventive products, wood preservatives, coloring matters, strainers, etc. for the past several decades.
2. That the Complainant Company is India's largest, Asia's third-largest, and World's 9<sup>th</sup> largest paint company and it operates in 14 countries and has 26 paint manufacturing facilities in the world, servicing consumers in over 60 countries. Asian Paints Limited has an enviable reputation in the market. The Complainant Company is renowned across India for its quality of paints and its related products.
3. That the Complainant Company is a registered proprietor of Copyright in artistic labels of ‘ASIAN PAINTS’ and its allied products and has registered its copyright registrations. These registrations give the Complainant Company sole and exclusive right to reproduction, use and publication of the original artistic depiction of ‘ASIAN PAINTS’.
4. That conferring power *vide* the aforesaid Letter of Authorization and after conducting extensive market survey in Siliguri, it has come to the knowledge of the Complainant herein that M/s Tezmull Jagdish Prasad, situated at Mahabirathan, Siliguri, West Bengal – 734 044 having GST No. 19AGGPA9620C1ZQ and M/s Economic Hardware Stores, situated at Sevoke Road, Siliguri – 734 001 having GSTIN 19ACRPA8005ALZY are engaged in selling the products of the

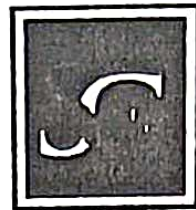


## SGS IPR CONSULTANCY, LLP

32-B, Office No.: 106, 1st Floor  
JP Complex, Mayur Vihar, Phase – I  
New Delhi – 110091  
Phone: 011 - 43045339  
E – mail: info@sgsipr.com

Complainant Company after mutilating, fabricating, forging, and tampering the Barcodes/QR Code printed and affixed on the paint buckets of the Complainant Company. It is to be noted that upon further search through the aforesaid GST Portal, it has been ascertained that the proprietor of M/s Tezmull Jagdish Prasad is Mr. Arun Kumar Agarwal and M/s Economic Hardware Stores is Urmila Devi Agarwal.

5. That for the purpose of conclusively ascertaining the aforesaid illegal activities of M/s Tezmull Jagdish Prasad, on 11.09.2023, the Complainant herein purchased a sample product of the aforesaid nature from M/s Tezmull Jagdish Prasad and a Tax Invoice dated 11.09.2023 bearing Bill No. B0858 was issued by M/s Tezmull Jagdish Prasad to that effect.
6. That additionally so as to conclusively ascertaining the aforesaid illegal activities of M/s Economic Hardware Stores, on 13.09.2023, the Complainant herein purchased a sample product of the aforesaid nature from M/s Economic Hardware Stores and a Cash/Invoice dated 13.09.2023 bearing Invoice No.: CM/818 was issued by M/s Economic Hardware Stores to that effect.
7. That it is imperative to mention here that Barcodes/QR Code are extremely versatile and are so encrypted and designed by the Complainant Company that it can be used for any kind of necessary data collection. Barcodes/QR Code include pricing and inventory information. Additionally, the Barcodes/QR Code are used by the Complainant Company to track not only the products, but also its outgoing shipments.
8. That it has come to our notice that M/s Tezmull Jagdish Prasad and M/s Economic Hardware Stores are involved in the aforesaid wrongful activities and are operating



## **SGS IPR CONSULTANCY, LLP**

32-B, Office No.: 106, 1st Floor  
JP Complex, Mayur Vihar, Phase – I  
New Delhi – 110091  
Phone: 011 - 43045339  
E – mail: info@sgsipr.com

on a very large scale. It is pertinent to mention that stocking, selling, trading, exhibiting, advertising, displaying the products of the Complainant Company after mutilating, fabricating, forging, and tampering the Barcodes/QR Code printed and affixed on the paint buckets/tins of the Complainant Company amounts to infringement of registered copyright ('ASIAN PAINTS' and other ASIAN PAINTS products) of the Complainant Company under the Copyright Act, 1957 and offences of cheating, fraud, forgery and criminal breach of trust under the Indian Penal Code, 1860.

9. That by mutilating, fabricating, forging, and tampering the Barcodes/QR Code printed and affixed on the paint buckets of the Complainant Company has reduced the utility of the products of the Complainant Company. Further, the said activity doesn't allow the Complainant Company to scan the product and track the originality of the seller, which is a clear reflection of the illegal acts on the part of M/s Tezmull Jagdish Prasad and M/s Economic Hardware Stores to defame and cause reputational loss to the Complainant Company. It is imperative to mention herein that the said unlawful act of M/s Tezmull Jagdish Prasad and M/s Economic Hardware Stores also restricts and infringes the rights of the customer to ascertain the legitimacy and genuineness of the products the Complainant Company.
10. That the conduct of M/s Tezmull Jagdish Prasad and M/s Economic Hardware Stores of selling the products of the Complainant Company after mutilating, fabricating, forging, and tampering the Barcodes/QR Code is an intentional act to deteriorate the market and well-established goodwill of the Complainant Company and also to result wrongful gain to themselves and to cause wrongful loss to Complainant Company.



## SGS IPR CONSULTANCY, LLP

32-B, Office No.: 106, 1st Floor  
JP Complex, Mayur Vihar, Phase - I  
New Delhi - 110091  
Phone: 011 - 43045339  
E - mail: info@sgsipr.com

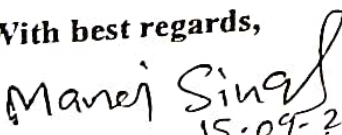
11. Therefore, taking into consideration the aforesaid facts, it is humbly requested that the present complaint be taken into cognizance against the Accused herein for such nefarious activities under the provisions of the law mentioned above or under any other statute as the facts herein demands.

In light of the above-mentioned facts and circumstances, the Complainant Company through its Authorized Representative/the Complainant herein is requesting you to take immediate and appropriate legal action against the nefarious, dishonest, illegal and unscrupulous act of M/s Tezmull Jagdish Prasad and M/s Economic Hardware Stores thereby committing *inter alia* the offences under Sections 63 of the Copyright Act and Sections 406, 409, 420, 464, 465, 467, 469, 468, 471 and 477 of the Indian Penal Code, 1860, register an F.I.R. and take appropriate action in accordance with the law so that the rights of the Complainant Company herein are not compromised by the illegal and unscrupulous conduct of the Accused and thus render justice to the Complainant Company.

**Kindly treat this complaint as urgent.**

Thanking you in anticipation.

With best regards,

  
15.09.2023  
(Authorized Representative)  
Manoj Kumar Singh  
M. No.: 7827786465  
32-B, 1st Floor, Office No. 106,  
J.P., Complex, Opp. Una Enclave Apartment,  
Mayur Vihar Phase-1, Delhi - 110091

Received on 15/09/23 at 16:15hrs.  
vide Slg PS GDE no-1017 and started  
Slg PS case no- 766/23 dt- 15/09/23  
u/s 420/465/467/468 r/w sec 63/65  
of the Copy Right Act and endorsed  
to SI Gautam Kundu of EB, SPC  
for its investigation.

  
15.09.23  
Inspector-In-Charge  
Siliguri Police Station  
Siliguri Police Commissionerate



## **SGS IPR CONSULTANCY, LLP**

32-B, Office No.: 106, 1st Floor  
JP Complex, Mayur Vihar, Phase – I  
New Delhi – 110091  
Phone: 011 - 43045339  
E – mail: info@sgsipr.com

### **Enclosures.:**

1. Relevant Copyright Certificates
2. Board Resolution and Letter of Authorizations
3. Technical/Expert Certificate
4. Tax Invoice dated 11.09.2023 and 13.09.2023