

**NATIONAL WORKSHOP CUM PANEL DISCUSSION ON
“PARALLEL IMPORTS UNDER INTELLECTUAL PROPERTY LAWS”
(ONLINE)**
On 15TH January 2026(Thursday) at 2:00 PM – 5:00 PM
Venue: Microsoft Teams

REGISTRATION FREE

OPEN FOR ALL

THEME OF THE WORKSHOP CUM PANEL DISCUSSION:

Parallel importation, also known as grey market trade, involves the import of genuine, non-counterfeit goods into a country without the permission of the intellectual property (IP) owner, usually to take advantage of price differences between markets. Its legality is based on the Doctrine of Exhaustion, which holds that once an IP owner sells a product, their control over further resale of that specific unit is exhausted; countries apply this doctrine through national, regional, or international exhaustion regimes. India follows the principle of international exhaustion, emphasizing consumer welfare, competition, and access to affordable goods. Under Section 30(3) of the Trademarks Act, 1999, and Section 107A(b) of the Patents Act, 1970, the import and sale of lawfully acquired genuine goods do not amount to infringement, as confirmed by the Delhi High Court in *Kapil Wadhwa v. Samsung*. Customs authorities have also clarified that enforcement rules target counterfeits, not parallel imports. While India's approach prevents IP rights from being used to create artificial trade barriers, safeguards exist to protect brand reputation where goods are altered or impaired, and future challenges remain in areas such as digital commerce, warranties, and consumer awareness. Thus this workshop aims to discuss on following points:

- 1. Global Comparative Analysis:** How does India's application of International Exhaustion compare with the "mixed" regimes of developing economies? Do these jurisdictions offer better safeguards for domestic licensees?
- 2. Sector-Specific Impact:** Does the parallel import of pharmaceuticals (under Section 107A(b) of the Patents Act) significantly impact the R&D incentives of pharmaceutical MNCs in India, or does it primarily serve as a necessary price-control mechanism?
- 3. Impact on Domestic Manufacturing:** Does the regime of International Exhaustion undermine the "Make in India" initiative? Specifically, does the influx of cheaper parallel imports disincentivize foreign corporations from setting up local manufacturing units in India?
- 4. Competition Law Overlap:** Can an IP owner's aggressive enforcement of "vertical restraints" (stopping distributors from selling outside a territory) be challenged as "Abuse of Dominance" or an "Anti-Competitive Agreement" under the Competition Act, 2002? Where is the line between valid IP protection and anti-competitive market segmentation?
- 5. The "Original" vs. "Fake" Confusion:** Do average consumers understand the difference between a "parallel import" (genuine product from another country) and a "counterfeit" (fake product)?

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