

INTELLECTUAL PROPERTY – IT’S NOT A STEAL

Wednesday 26th April, 2017 saw the celebration of the World Intellectual Property Day which focused on the rights of people and the fruits of their creativity. What about those that infringe and violate this right?

Islam demands uncompromising honesty in business. It elevates the status of the honest and truthful merchant to be raised among the Prophets, Pious persons and martyrs in the Hereafter. Acts of fraud by falsifying information and failure to honour an agreement is a grave sin, illegal, unpatriotic and a crime as per Islamic Law.

Fraud is the unlawful and intentional misrepresentation which disadvantages another individual or group. This includes all aspects of economic crimes and acts of dishonesty. Amongst the many types of fraud there is the violation of trademarks and rights of others, which is inimical to Muslims.

A trademark is a symbol, word, phrase, logo, or combination of these that legally distinguishes one company's product from others, which an entrepreneur or inventor has developed and registered with the relevant authority. It guards the public against deception and protects the rights of the originator. Any unauthorised use is an infringement on the trademark, illegal and therefore grounds for the proprietor of the trademark to sue the infringing party. In plain language, this is theft i.e. intellectual thievery which reduces the perpetrator to being no different than a common thief.

If you buy a can of Coca Cola with the words emblazoned on it, in its familiar red colour with the white ribbon, you would expect to get a can of Coca Cola and not a can of water, coffee, tea or some other substance. We know what Coca Cola means as the company has spent billions ensuring that an association is made between the word and the products. If someone other than Coca Cola is selling something else with

the word Coca Cola on it, they would be engaging in fraud since buyers would be deceived into believing that they were buying the genuine product.

Alhamdulillah! After two decades of service excellence in certification, **SANHA's** registered Halaal logo has come to symbolise a trusted quality Halaal assurance system by the Muslim consumer and industry. About 2 000 establishments across several countries have chosen to use the **SANHA** trademark logo.

Unfortunately, the goodwill and value that the **SANHA** logo represents has not escaped the attention of unscrupulous denizens of deceit. Cases of fraudulent use and misrepresentation of our mark are surfacing almost weekly and vigorous action is pursued and a register of these is maintained.

The genuine error and quick resolution of these once brought to the attention of all concerned is understandable. What is unacceptable is the deliberate “ambush marketing” tactic of using our logo or trying to pass off one with a similar design and further using every ruse in the book in shifting blame, delaying tactics and avoiding the taking of responsibility in rectifying the matter.

Muslims are recipients of the Final Revelation and have the perfect teacher of Mankind in the Prophet Muhammad (peace be upon him) as Exemplar. There are numerous teachings that are enshrined in the Noble Quraan and the Hadith amongst which we are reminded:-

“You are the best nation that has been raised up for mankind; you enjoin right conduct, forbid evil and believe in Allah...”
(Chapter 3 Verse 110)

“Do not devour another’s property wrongfully – unless it be by trade based on mutual consent...” (Chapter 4 Verse 29)

“One who deceives is not of us.” (Muslim)

Muslims aware of such a crime must be honour bound for the sake of Islam to report this and shun the perpetrators.