

## Dealing in counterfeit trademark goods

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

**Question:** The phenomenon of fraud in commercial transactions became widespread, to such an extent that a lot of importers take original goods to China where they manufacture similar goods and put them in boxes similar to the original ones, to be marketed as original goods. Is this considered as a violation of the rights of others? And what is incumbent upon the one who possesses such goods? May Allaah reward you.

**Shaykh Aboo `Abd-al-Mu`iz `Alee Ferkous al-Qoobee** (May Allaah the Most High preserve him): All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers until the Day of Resurrection.

It is incumbent upon the Muslim to be truthful, and he must observe truthfulness as a moral behaviour outwardly and inwardly. When he deals with others, he must be truthful and should neither deceive nor betray them. Further, the Muslim is not expected to cheat others in any case. This is because truthfulness completes his faith and makes his religion perfect. Allaah (Mighty and Majestic is He) said:

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَكُونُوا مَعَ الصَّٰدِقِينَ﴾

The meaning of the verse:

﴿O you who believe! Be afraid of Allaah, and be with those who are truthful (in words and deeds)﴾

[At-Tawbah: 119]

This transaction is not permissible, because it entails a violation of the property of others without their permission. Moreover, lying to people, cheating them and contradicting Walee Al-Amr<sup>1</sup> are ignoble qualities that harm the Muslims. An ignoble quality is not the behaviour of the Muslim, and does not at all constitute his attribute. Allaah (Mighty and Majestic is He) says:

﴿وَالَّذِينَ يُؤَدُّونَ الْمُؤْمِنِينَ وَالْمُؤْمِنَاتِ بغيرِ مَا اكْتَسَبُوا فَقَدِ احْتَمَلُوا بُهْتَنًا وَإِثْمًا مُّبِينًا﴾

<sup>1</sup> The general governor, the leader of the Muslim country. Translator's note.

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The meaning of the verse:

﴿And those who annoy believing men and women undeservedly, they bear (on themselves) the crime of slander and plain sin﴾

[Al-Ahzaab: 58]

He (*Mighty and Majestic is He*) says also:

﴿وَلَا يَحِيقُ الْمَكْرُ السَّيِّئُ إِلَّا بِأَهْلِهِ﴾

The meaning of the verse:

﴿But the evil plot encompasses only the one who makes it﴾

[Faatir: 43]

Furthermore, the Muslim is closer to the good and far from the evil, so he must avoid the evil and should not cooperate in it; Allaah (*Mighty and Majestic is He*) says:

﴿وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ﴾

The meaning of the verse:

﴿And cooperate in righteousness and piety, but do not cooperate in sin and aggression﴾

[Al-Maa'idah: 2]

Therefore, whoever sells these counterfeit goods as they are, is neither faithful [in his advice] nor a trustworthy person; the Prophet (*May the peace and blessings of Allaah be upon him*) said: “Return the deposit to the one who entrusted you, and do not betray the one who betrayed you”<sup>2</sup>.

The one who possesses these goods must inform the purchaser of their state if he wants to buy them. He must also -after getting rid of the merchandise- refrain from dealing in them. Indeed, the Muslim has to fear Allaah and follow the ways of lawful earning, because fearing Allaah and pleasing Him is the reason for which Allaah (*Mighty and Majestic is He*) will facilitate his business. Allaah (*Mighty and Majestic is He*) says:

﴿وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا ۚ وَيَرْزُقْهُ مِنْ حَيْثُ لَا يَحْتَسِبُ وَمَنْ يَتَوَكَّلْ عَلَى اللَّهِ فَهُوَ حَسْبُهُ ۗ إِنَّ اللَّهَ

بَلِغُ أَمْرِهِ ۗ قَدْ جَعَلَ اللَّهُ لِكُلِّ شَيْءٍ قَدْرًا ۝ ۳﴾

The meaning of the verse:

﴿And whosoever fears Allaah and keeps his duty to Him, He will make a way for him to get out (from every difficulty). And He will provide him from (sources) he never could imagine. And whosoever puts his trust in Allaah, then He will suffice him. Verily, Allaah will accomplish his purpose. Indeed Allaah has set measure for all things﴾

[At-Talaq: 2-3]

<sup>2</sup> Narrated by Aboo Daawood (3535) and by At-Tirmidhee (1264) from the hadeeth of Aboo Hurayrah (*May Allaah be pleased with him*). The hadeeth is judged authentic by Al-Albaanee in “Silsilah Al-Ahaadeeth As-Saheehah” (423).

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The perfect knowledge belongs to Allaah (*Mighty and Majestic is He*); and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on Safar the 1st, 1427 H.

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