

Enhancing IP protection on e-commerce marketplaces

IP KEY Webinar on the Protection and Enforcement of IP Rights in Online Platforms in South East Asia - 26 May 2021

Expert Group on “COOPERATION WITH INTERMEDIARIES”

Objectives:

- Further the understanding on different intermediary services,
- How they can be misused for IP-infringing activities, and
- What the good practices are to undermine such misuses.

**Strategic
Project**

**Expert Group
Paper**

Discussion Paper
(March 2021)

E-COMMERCE



DOMAIN NAMES

**Workstream
started**
(May 2021)



**Expert Group
Cooperation with
intermediaries**

Discussion Paper
(in progress)



PAYMENTS

Workstreams

Discussion Paper
(Q2-Q3 2021)

**Automated
Content
Recognition**



SOCIAL MEDIA

Phase 2 Report
in progress

Phase 1 Report
Published
(Nov 2020)

PROJECT PREPARATORY WORK

- **Expert Group on cooperation with intermediaries**
Workstream on online platforms identifying a number of friction areas in the collaboration between e-commerce marketplaces and IP owners
- **Mapping exercise on e-commerce marketplaces IP protection measures**
Analysing IP policies, notification processes and IP protection programmes of 20 e-commerce marketplaces
- **Workshops on “Enhancing IP protection on e-commerce marketplaces”**

Testing solutions envisioned with:

- E-commerce Marketplaces (Feb 2020)
- IP Owners (May 2020)

STATE OF PLAY – Identified friction areas



IP right holders

- Increasing number of marketplaces with different notification and IP protection mechanisms
- Resource intensive processes to verify IP rights, and authenticate with marketplaces
- Duplication of efforts to provide information on IP infringing products to different marketplaces



E-commerce marketplaces

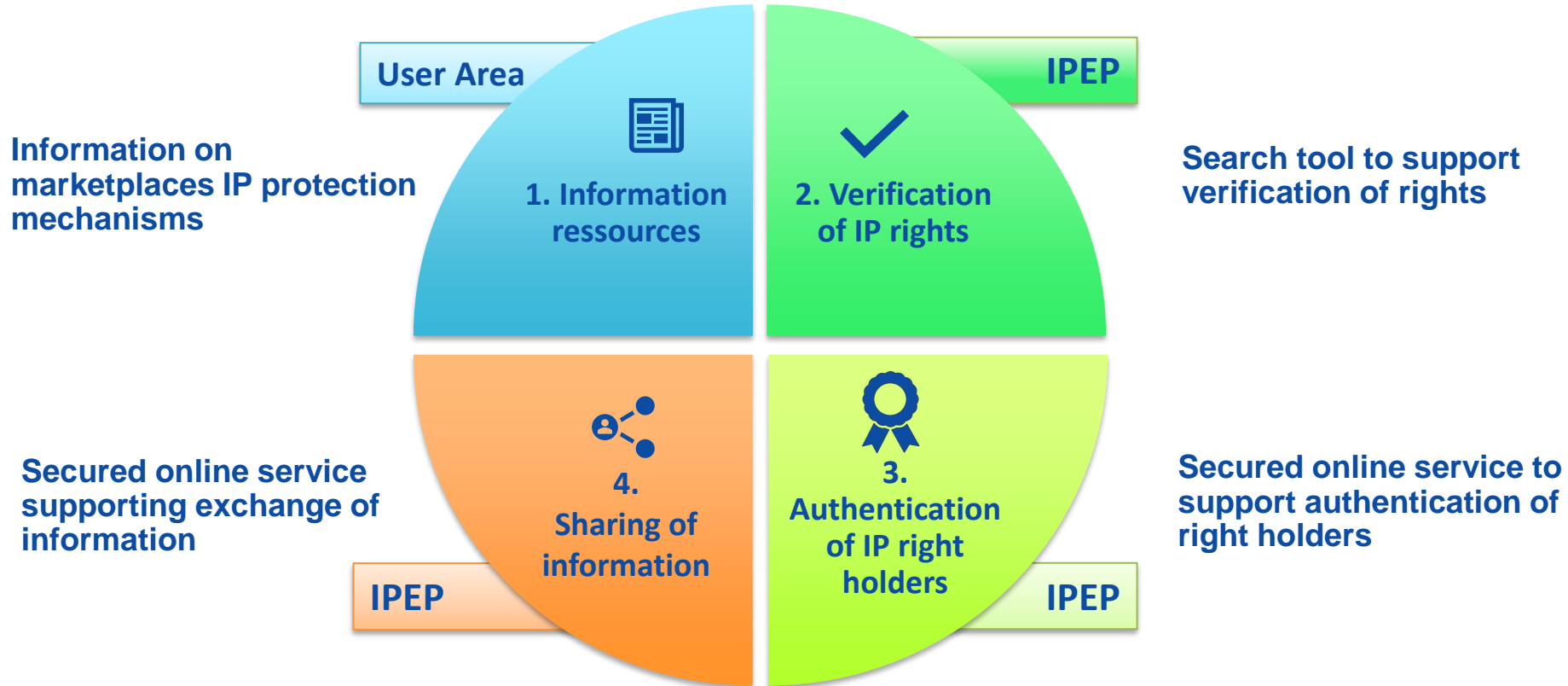
- Notification and IP protection mechanisms reaching a limited number of IP right holders
- Resource intensive and unsecured processes to verify rights and authenticate IP right holders



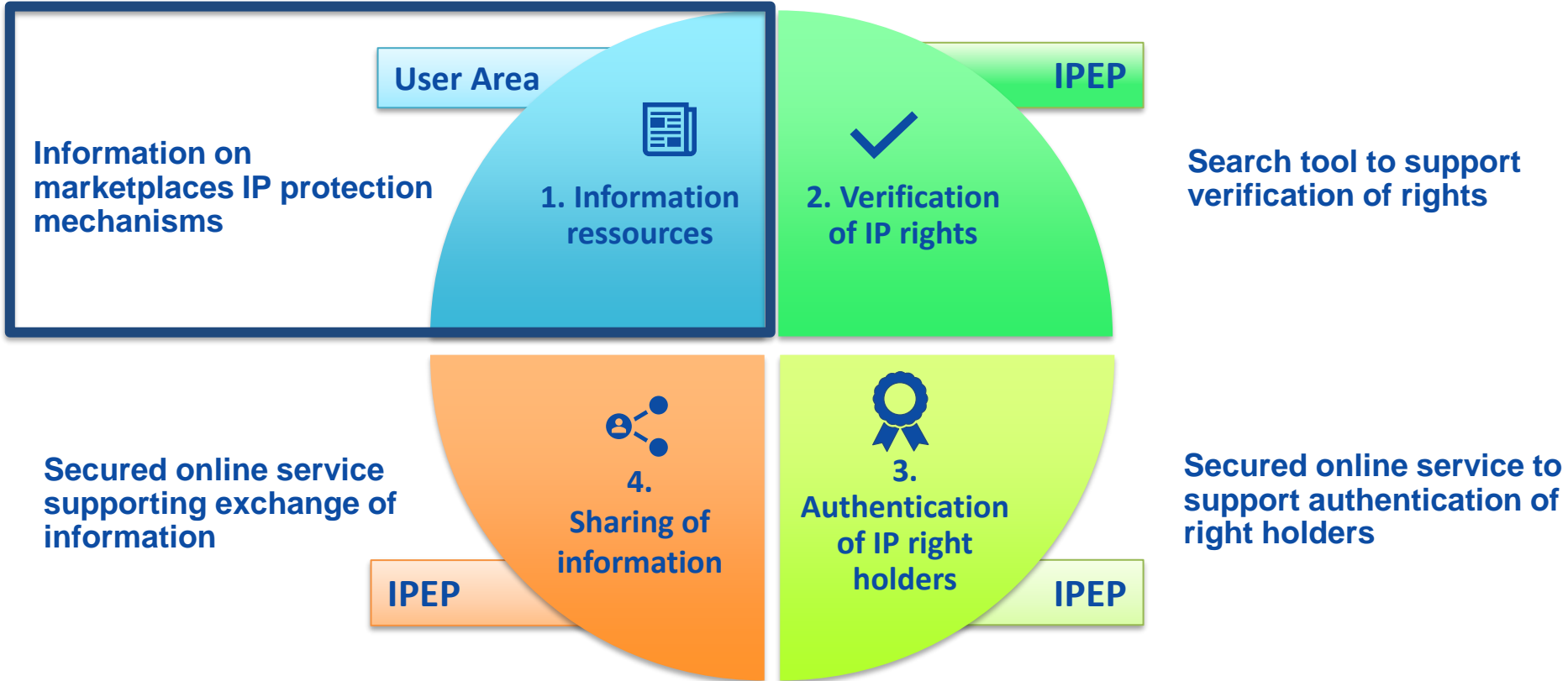
Small e-commerce marketplaces

- Limited resources to put in place notification or IP protection mechanisms
- Limited access to information on IP infringing products

PROJECT PHASES



PHASE 2 – VERIFICATION OF IP RIGHTS



PHASE 1 – INFORMATION RESSOURCES

IP Enforcement portal

Step into your IP enforcement community

The portal is an interactive, reliable and user friendly tool for IPR enforcement, serving as a secure communication tool between all related parties: rights holders (and/or their legal representatives), enforcers, the EU Commission and its EU Delegations around the world..

The IP Enforcement portal:

- **IP Enforcement portal is the integration of EDB and ACRIS tool in a single platform.**
- **The tool is free, multilingual, secure.**
- **ONE TOOL FOR IPR ENFORCEMENT**
- **The IP Enforcement Portal unifies and improves the functionalities of the previous IP enforcement tools: EDB and ACRIS.**

IP ENFORCEMENT portal

Access

New user



Protect your products.



E-file and expand AFAs.



Exchange information via alerts and suspicious cases.



Help to shape EU policies to protect our businesses in non-EU countries.



Be up to date in IP enforcement matters.

Protecting your IP rights on e-commerce marketplaces

E commerce keeps growing and plays an important role for many businesses. But what can you do if you discover a potentially infringing or counterfeit version of your product for sale on an e commerce marketplace? Or what to do if somebody is using your trade mark in an e commerce listing to mislead consumers?

To protect your business and customers the very first step is to get the listings removed. The EUIPO has been working with a number of e commerce marketplaces to gather information on their IP protection tools to make it easier for you to take action and use the resources they make available.

What are the main IP protection tools and what do I need to use them?

- **Notification systems:** these allow you to report listings that are potentially infringing your IP rights. There are many different systems, including web forms that guide you step by step through the notification process, or forms that can be downloaded and sent by email. The precise information that is required might vary from one marketplace system to another. However, they typically require you to provide information about your company, your IP rights (e.g. trade mark registration number) and the allegedly infringing listings (e.g. URL). Make sure you have all information at hand to file your notification.
- **IP protection programmes:** these are put in place by a limited number of marketplaces to support cooperation with IP owners. They offer different functionalities, but typically provide a simplified process for you to notify any allegedly infringing listings and a dashboard to keep track of your notifications and their outcomes. They may also offer tools that facilitate searches for listings that may infringe your rights. You will likely be asked to register before you can join these programmes, as well as being required to provide detailed information about your company and your rights (e.g. trade mark registration number).
- **Contact point:** this is so you can get assistance in case you are facing an issue using a notification system or joining an IP protection programme. Conversely, some marketplaces do not have notification systems or forms, so any IP infringements may have to be reported by email, with no specific format, to the contact point.

Where can I find these tools?

So that you can easily find and access the tools, below you will find a list of e commerce marketplaces that have provided the EUIPO with information about and links to their IP protection resources.

[EUIPO USER AREA](#)

Protecting your IP rights on e-commerce marketplaces

How to engage with e commerce marketplaces in order to protect your IP rights?

Here is some guidance on a few of the steps you can take if you discover a product for sale on an e commerce marketplace that is potentially infringing your IP rights. The EUIPO has been working with a number of e commerce marketplaces to help you take action and easily get access to information on how to:

- **report e commerce listings that you think might be infringing your IP right(s).**
- **join the IP protection programmes that some e commerce marketplaces have put in place.**
- **get in touch with the point of contact that some e commerce marketplaces have put in place to assist you.**

Access

PHASE 2 – VERIFICATION OF IP RIGHTS

