



E-commerce platforms

Conference

Combatting counterfeiting and piracy in South-East Asia

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E-commerce

- Joint OECD-EUIPO study on the misuse of small parcels for trade in counterfeit goods (63% of the seizures concerns small parcels)
- The trend shows the growing relevance of e-commerce platforms
- COVID-19 pandemic: more and more consumers turn to e-commerce platforms
- E-commerce platforms are often misused by rogue sellers for selling their counterfeit goods:
 - Threat for consumer
 - Damages the brand image
 - Underlines trust in the platforms



Online sales platforms

- **Legitimate businesses** (B2C, B2B, C2C) offering goods to the consumers
- Liability limitation – **safe harbour**
- **Misused by ruthless sellers** as a platform to exploit online shoppers
- On notice they are **obliged to remove counterfeit offers** expeditiously
- They are expected to take **preventive and proactive measures** (MoU between right holders and sales platforms)
- **Commission's recommendations on tackling illegal content online** (i.e. due diligence checks of traders, automated risk management tools, cooperation with right holders, clear terms of services prohibiting the sales of fakes, fast track procedure for trusted flaggers, etc.)



Online sales platforms

- Brand owners (electronics, fashion, footwear, luxury, pesticides, sporting goods, toys), brand associations and federations, chambers of commerce, brand protection companies, associations fighting against counterfeiting and law firms reported most of the e-commerce platforms.
- More than 60 e-commerce platforms from more than 20 countries were reported for the online distribution of allegedly counterfeit goods.
- The listed platforms were given the opportunity to comment before the publication



Watch List – Selection criteria

- based on stakeholders contributions
- the estimated amount of counterfeit goods offered on their platform
- the alleged low effectiveness of the measures to detect and remove counterfeit offers
- the alleged insufficient level of cooperation with right holders and enforcement authorities
- lack of clarity of the platforms' terms of service
- absence of effective vetting of the sellers
- the nonuse of effective automated risk management tools to identify high-risk behaviors
- the efforts made to reduce the level of counterfeiting on the platforms



Watch List – Objectives

- Urge the listed e-commerce platforms
 - to cooperated closer with brand owners and e-commerce authorities
 - to improve their toolbox to tackle IPR infringements on their platforms
 - **to sign an MoU with brand owners**
- Urge third countries to take steps to reduce counterfeiting on e-commerce platforms
- Alert consumers to be vigilant when purchasing online



Thank you very much!

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