



FERRANTE
INTELLECTUAL PROPERTY

Chinese E-Commerce Platforms New Trends and Challenges

中国电子商务平台：新趋势与挑战

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Ferrante Intellectual Property

斐兰德知识产权



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- A full practice intellectual property firm with established offices in Greater China and Vietnam. 斐兰德是一家业务全面的知识产权事务所，在东南亚设有多家办事处。
- Offers comprehensive legal services on all aspects of IPRs, licensing, consumer protection, e-commerce, etc. 我们在知识产权、许可、消费者保护、电子商务等方面为客户提供广泛的法律服务。
- Multicultural environment – solving issues in China and Vietnam with an international perspective and having clients from more than 20 countries. 多元文化环境 - 以国际视野为来自20多个国家的客户解决中国和越南的问题

KEY FINDINGS

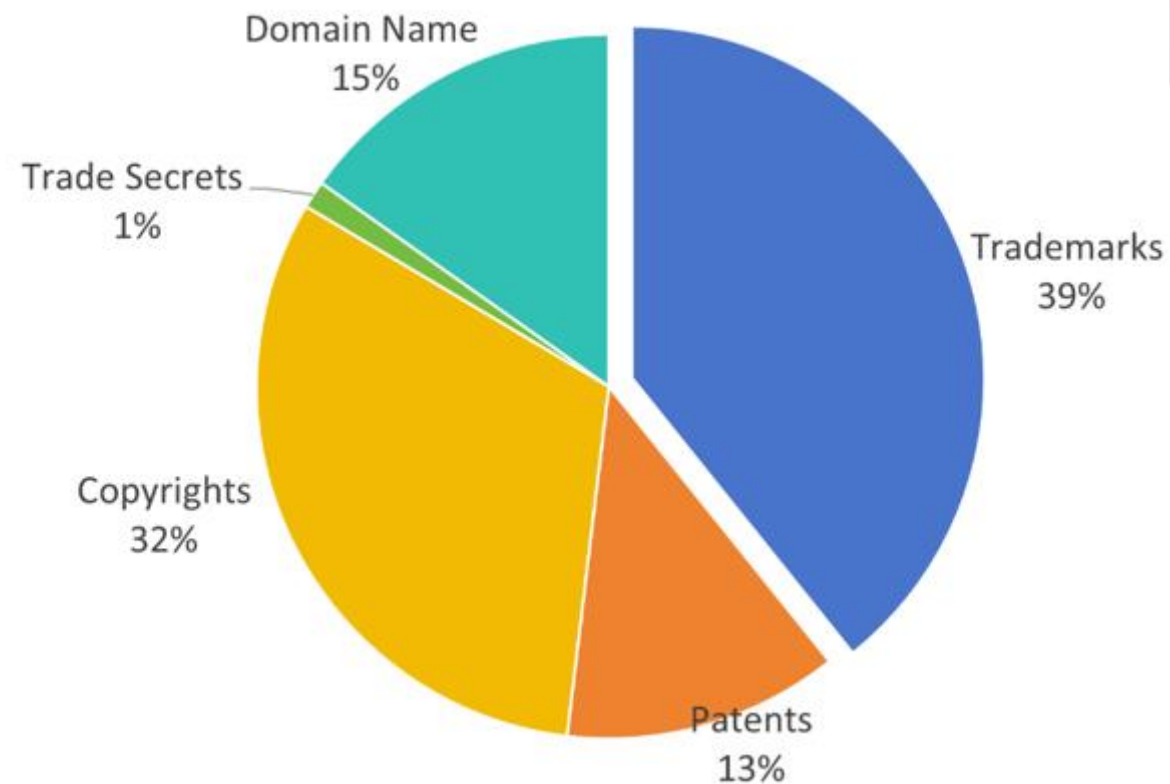
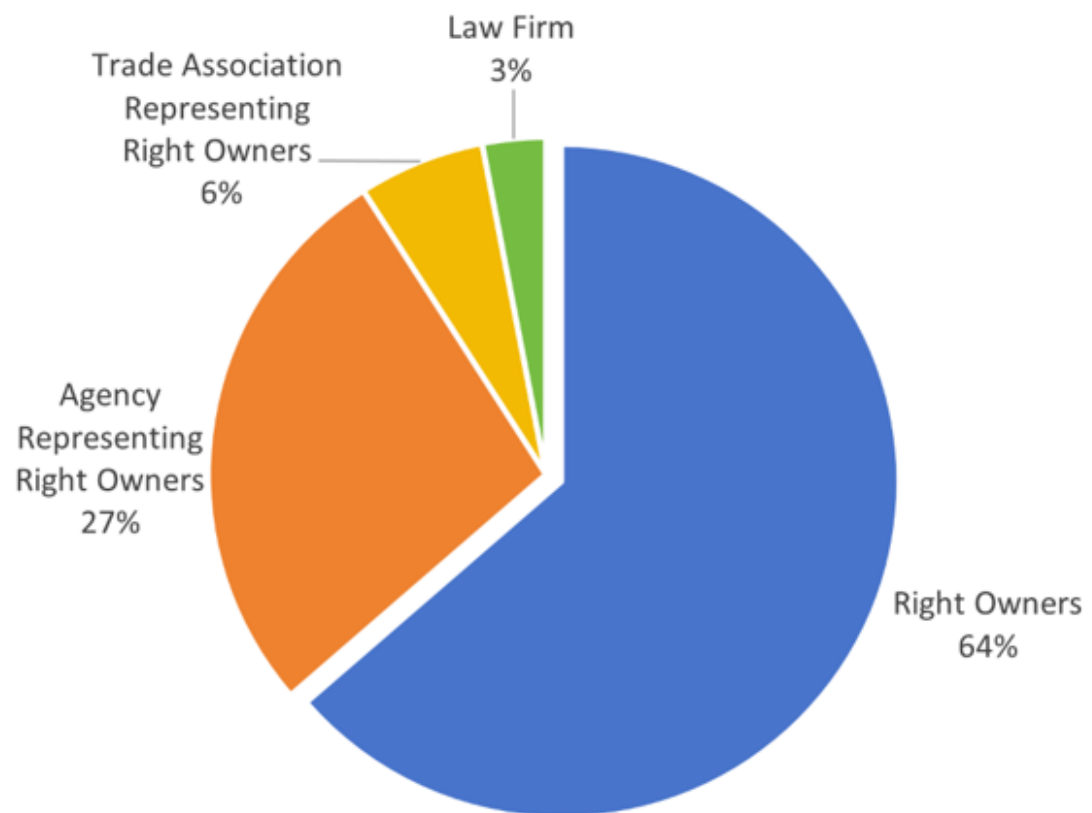
重点发现

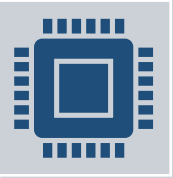
- **Trends and Challenges Faced by IP Rights Owners**
知识产权权利人面临的趋势与挑战
- **New legislation addressing emerging trends and challenges**
应对新兴趋势与挑战的新立法
- **Actions taken by e-commerce platforms in response**
电商平台为应对所采取的措施

TRENDS AND CHALLENGES FACED BY IPR OWNERS

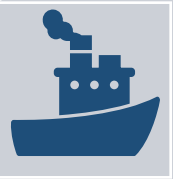
趋势与挑战

Survey Result 调研结果





The Integration of Live-streaming and Social E-Commerce
直播电商和社交媒体电商平台的融合



“Safe Harbor Principle”
避风港原则



Cross-border E-commerce Infringements
跨境电商平台侵权行为



- **Difficulty in Tracking Infringements**
难以追踪侵权行为
- **Inadequate Platform Governance**
平台治理不力
- **High Costs of Rights Protection**
维权成本高昂

NEW LEGISLATION ADDRESSING EMERGING TRENDS AND CHALLENGES 应对新兴趋势与挑战的新立法



IMPROVEMENTS

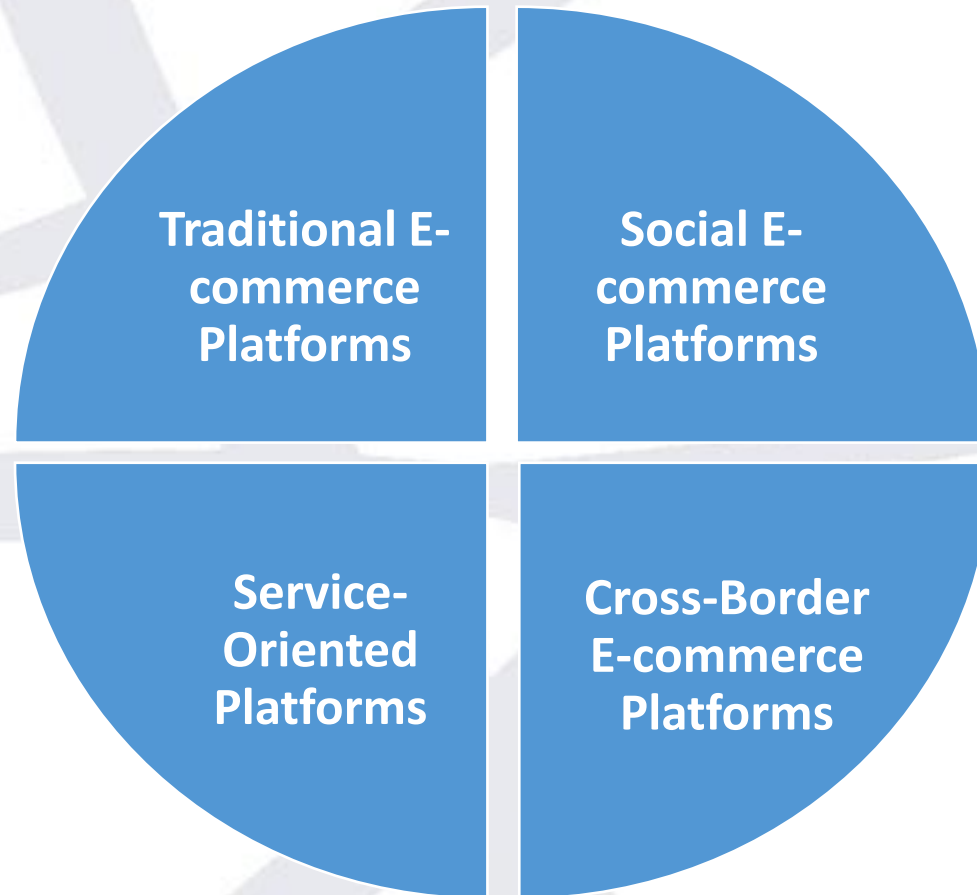
- **The emerging forms of online unfair competition behaviours have been further clarified, providing a regulatory basis for addressing concealed and complex infringements.** 明确了新形式的网络不正当竞争行为，为应对隐蔽复杂的侵权提供监管依据。
- **The platform's responsibility has been further strengthened, and the liability for disputes has been further defined.** 进一步强化了平台责任及明确了纠纷的责任承担。
- **Penalties for intellectual property infringement have been increased.** 知识产权侵权的处罚力度加大了。

CHALLENGES

- **Legal regulations for AI-related infringements still need improvement.** 与人工智能相关的侵权行为的法律规范仍有待完善。
- **Platforms' responsibilities in complex transaction environments like live-streaming and social e-commerce remain ambiguous.** 如直播电商和社交电商等复杂交易环境下平台责任仍存在模糊地带。
- **The stricter regulations on platforms' pre-event review obligations are lacking.** 缺少对平台事前审核义务更严格的规定。

ACTIONS TAKEN BY E-COMMERCE PLATFORMS

电商平台为应对所采取的措施



AI and IP Infringement: Risks & Responses

Infringers 侵权人

AI-Driven Infringement Tactics

借助AI技术衍生新型侵权手段

Platforms 电商平台

New Initiatives

平台升级AI治理体系应对技术滥用

AI

Right Owners 权利人

Combat AI Misuse in E-Commerce

重点打击电商领域AI技术滥用行为

CONCLUSIONS

核心结论

Legislative Development 立法发展

- **New laws, regulations, and departmental rules clarify several issues but still lag behind the rapid development of e-commerce.** 新的法律、法规和部门规章解决了几个问题，但仍滞后于电商的快速发展。

Platform initiatives and Challenges 平台举措与挑战

- **Platforms established different IP protection mechanisms based on their business models, but inefficiencies, lack of transparency, and inconsistent complaint handling persist.** 平台根据其商业模式建立了不同的知识产权保护机制，但低效、缺乏透明度和投诉处理不一致的问题仍然存在。

RECOMMENDATIONS
建议

Legislation must further clarify platforms' reasonable duty of care.

立法必须进一步明确平台的合理注意义务。

Platform's IP protection mechanisms need to be further improved.

平台的知识产权保护机制需要进一步完善。

IPR owners should strengthen their cooperation with platforms and enforcement authorities.

权利人应加强与平台和执法部门的合作。



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Thank you

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