

IP infringement on online marketplaces

E-Commerce is an ever-growing market, particularly in Asia where online shopping has doubled in the past three years. Online marketplaces have contributed to a significant proportion of this, and are now increasingly causing issues for international brand owners, due to the sale of counterfeit products. This is extremely prominent in the beauty and apparel sectors but is also encountered in the automotive, engineering and technological markets.

Our 10 top tips in tackling these issues online

- 1. Protect your IP!** You simply cannot take action against counterfeit goods without the correct protection in place. This includes trade mark protection (of your brand, its translation and your logo), design protection and patent protection.
- 2. Ensure you have brand guidelines that are applied consistently across the business and a method for identifying genuine products.** This could be a combination of certain brand identifiers, holograms and security tags, or simply a detailed list showing all genuine and/or licensed product designs alongside specific suppliers.
- 3. Where possible, register those rights with the online marketplaces** so that a streamlined approach to takedowns can be pursued in the future. For example, VeRo at eBay, AliProtect for AliExpress/Alibaba. These systems assist in enforcement and allow you to report multiple listings simultaneously.
- 4. Consistency and resiliency is key in the current enforcement landscape.** Unfortunately, the best way to continually police the sale of counterfeit products is to consistently monitor the marketplaces, designating time and resource to doing so and delisting as many links as you can on a regular basis.
- 5. Focus your efforts on the big fish.** Focus on the marketplaces with the most traffic and also take the time to look at the number of items one seller is selling. If you are limited on resource, enforcing your rights against those sellers will deliver the best results.
- 6. Build relationships with the marketplace representatives.** Companies such as DHGate are extremely swift and helpful in taking down listings, particularly when you have contacted them multiple times and are consistent in your efforts.
- 7. Consider dual action.** Is a seller selling products under numerous brands? Could you team up with other brand owners to take the relevant action against those sellers?
- 8. Yes, owners may just relist, but the marketplaces are now initiating points systems and posting restriction systems to try and combat this – keep a record of the sellers you take action against.**
- 9. Remember, whilst hosting sites do not have a legal obligation to monitor all listings, there is often an obligation to takedown a listing once a notice of infringement has been verified.**
- 10. Maintain a joined up approach and keep records.** Where the same sellers keep reappearing in multiple forums, civil action may be the best forum.