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Knock it Off: E-Commerce Platforms Continue to Battle Counterfeiters

Legal Update

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As an online seller, it is hard enough to get your goods to stand out to holiday shoppers, without also having to worry about knockoff products. Unfortunately, fake products posing as genuine goods continue to pose a nagging problem for both sellers and consumers on online marketplaces. Major e-commerce platforms are responding by continuously developing and revising strategies to help sellers address the counterfeiting challenge. Sellers in particular should be aware of two recently-developed strategies.

Amazon

Amazon has launched a program to help its sellers protect their brand and their customers from counterfeiters. Amazon's Transparency allows a seller to enroll their products with the program and receive a unique Transparency code to attach to their products. Amazon Fulfillment Centers will then scan the product's Transparency code to confirm it matches the seller's code and to ensure only authentic units are shipped to the customer. When the consumer receives the product, the consumer can also use the Transparency app to authenticate the product based on its code. Transparency aims to give sellers item-level tracing of their products and help build consumer trust in the authenticity of the products they receive.

Alibaba Group

Alibaba Group, the Chinese e-commerce giant, has also revamped its IP protection services in response to rampant knockoffs. Alibaba Group has integrated its previously separate IP protection systems into a single updated platform: the IPP Platform. As a result, Alibaba Group's previous systems are being decommissioned. AliProtect®, for example, the online reporting system for filing claims and requesting take-downs for Alibaba, AliExpress and 1688.com (a China wholesale marketplace), is being retired as of December 15, 2018.

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Alibaba Group states that the updated IPP Platform will allow companies to more efficiently enforce their IP rights. Sellers can now register, enforce and access the notice and take-down systems for multiple Alibaba Group platforms in one place. In addition, the IPP's good-faith takedown program promises qualifying sellers—those historically successful with take-downs—that it will process their complaints of counterfeit listings within one to three working days, compared to the usual five to seven working days.

Takeaway

Online sellers should consider these updated tools to ensure their brands and consumers are protected.

If you are a retailer or manufacturer, attorneys at Fredrikson & Byron can advise you on infringement and counterfeit matters to help you protect your products, your consumers and the reputation of your brand.

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