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To all the Members of the AIPPI - UAE National Group

Subject: 8th Circular/ 2023

Dear all,

We take this opportunity to share our 8th circular for this year as authored by our national group secretary and board member, Hady Khawand, and verified by our group VP and board member (Bassel El Turk).

AIPPI UAE – 8th Circular – Combating Online Infringements

In today's ever-evolving world of e-commerce, safeguarding intellectual property rights (IPRs) is more vital than ever before. As IP attorneys, apart from the regulatory aspects governing measures against online infringements, it's essential to keep a keen eye on the strategies employed by leading online marketplaces to protect IPRs, as well as on the laws harmonization efforts undertaken by our association on a global level.

This circular aims to provide you with insights into how Amazon and Alibaba, the two largest global online marketplaces, address the issue of combating online infringements on their platforms. Furthermore, it will provide you with a concise overview of the key resolutions adopted by AIPPI International pertaining to the subject matter. It is based on the seminar on online infringements that took place on September 14, organized by BPG, AIPPI, EIPA, the French Embassy, INPI, and the MOE.

Amazon:

Amazon, the global e-commerce giant, employs a multifaceted approach to tackle online infringements, which, as per Mr. Hadi Al Kanani (Amazon's Manager of Brand Protection Strategic Partnerships), revolves around "The Consumers' Best interest." In particular, Amazon has implemented the following:

1. **Brand Registry:** Amazon's Brand Registry program allows brand owners to assert more control over their listings. Registered brands can access advanced tools for reporting and swiftly removing counterfeit listings.
2. **Machine Learning and AI:** Amazon employs sophisticated algorithms and artificial intelligence to identify and remove infringing listings. These systems continuously evolve to stay ahead of counterfeiters.
3. **Transparency Program:** This program provides brands with tools to authenticate products at various points in the supply chain, reducing the likelihood of counterfeit goods reaching consumers.
4. **Project Zero:** Project Zero allows brands to proactively remove counterfeit listings using a self-service tool, reducing response times and increasing brand control.

Alibaba:

Alibaba Group, the Chinese e-commerce giant, represented by Pauline Monier, Director – Global IP

Enforcement, who gave an excellent presentation during the Seminar explaining the significant steps taken by Alibaba to combat online infringements:

1. **AliProtect:** Alibaba's AliProtect platform uses big data analytics and machine learning to identify and remove counterfeit listings swiftly.
2. **IP Joint-Force System:** This collaborative effort with rights holders enables proactive monitoring and enforcement actions against infringing products.
3. **"Good Faith Takedown" Program:** Alibaba offers a streamlined takedown process for IP owners, allowing them to remove listings quickly.
4. **Alibaba's Global IP Enforcement Alliance:** This initiative seeks to collaborate with brand owners, law enforcement agencies, and other stakeholders globally to combat IP infringements.

While Amazon and Alibaba, as leaders in the e-commerce industry, have employed various strategies to combat online infringements, we are still witnessing substantial infringements taking place on other online marketplaces, particularly those in our region.

Additionally, and as you all know, AIPPI is renowned for its comprehensive studies and recommendations on intellectual property matters. Our Association has tackled several crucial questions related to online infringements which can all be accessed on aippi.org:

1. **Resolution Q287 - Responsibility of Online Marketplaces for Online Infringement:** It addresses the issue of the responsibility of online marketplaces for online infringement. Online marketplaces play a significant role in the online distribution of counterfeit goods and pirated content. However, there is no clear consensus on the extent to which online marketplaces should be held responsible for the infringement that occurs on their platforms. Resolution Q287 calls for the development of a clear and harmonized international legal framework for the responsibility of online marketplaces for online infringement. The resolution also sets out a number of factors that should be considered when assessing the liability of online marketplaces, such as the degree of control that the marketplace has over the infringing activity and the steps that the marketplace has taken to prevent infringement.
2. **Resolution Q281 - Trade Marks (TMs) and the Internet and Social Media:** It addresses the challenges of protecting TMs on the internet and social media. The internet and social media have created new opportunities for businesses to promote their brands. However, they have also created new challenges

for TM owners, as they have made it easier for counterfeiters and infringers to operate. Resolution Q281 calls for the development of new legal and technological tools to protect TMs on the internet and social media. The resolution also sets out a number of best practices that TM owners can follow to protect their rights on the internet and social media, such as developing a social media policy, monitoring social media platforms for infringing content, and using social media takedown tools to report infringing content.

3. **Resolution Q243 - New Technologies for Combating Infringements:** It addresses the use of new technologies to combat infringement. New technologies, such as artificial intelligence (AI) and blockchain, have the potential to revolutionize the way that infringement is detected and prevented. Resolution Q243 calls for the development of new legal and regulatory frameworks to support the use of new technologies to combat infringement. The resolution also sets out a number of ways that new technologies can be used to combat infringement, such as using AI to identify infringing content and using blockchain to track the distribution of infringing content.
4. **Resolution Q240 - Role of the Judiciary in Combating Infringement:** It addresses the role of the judiciary in combating infringement. The judiciary plays a vital role in enforcing IP rights and deterring infringement. Resolution Q240 calls for the judiciary to take a proactive approach to combating infringement. The resolution also sets out a number of ways that the judiciary can do this, such as developing specialized IP courts and tribunals, providing specialized training for judges on IP law, and issuing strong deterrents to infringers.

In conclusion, combating online infringements is a complex and challenging task. While Amazon and Alibaba, the two largest global online marketplaces, have taken significant steps to address this issue, there is still a lot more that can be done. Furthermore, the AIPPI study resolutions provide valuable insights and guidance on combating online infringements, which can be used by IP attorneys to inform their advice and strategies.

We trust you find the above brief useful and informative. Please do reach out to the communications committee members if you want to contribute to the next circulars.

Kind regards,

On behalf of the Communication Committee

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