

RESEARCH ARTICLE



Protection of Trademark Rights on E-commerce Platforms: An Updated Outlook

Anna Pokrovskaya^{1,*}

¹Department of Civil Law and Procedure and Private International Law, Peoples' Friendship University of Russia, Russia

Abstract: The rise of e-commerce platforms has revolutionized the way businesses operate and engage with consumers. However, this digital landscape has brought about new challenges, particularly in the protection of trademark rights. With the increasing prevalence of counterfeit products and unauthorized sellers, it is crucial to address the issue and explore effective strategies to safeguard intellectual property in the online marketplace. This article aims to provide an updated outlook on the violation of trademark rights on e-commerce platforms. It delves into the complexities surrounding the identification, prevention, and enforcement of trademark infringement in the rapidly evolving digital ecosystem. By examining recent cases and developments in legal frameworks, this article seeks to shed light on the strategies employed by both brand owners and platforms to combat these infringements. This study examined and discussed the main types of trademark infringements in the online environment, such as selling counterfeit goods or gray imports, cybersquatting, domain infringements, illegal use of the trademark on the Internet, and violations of the trademark rights on the website. This article discusses whether the search engine will be held liable for placing contextual advertising using a keyword in the form of someone else's trademark. This article also analyzes issues of trademark infringement in the online environment in China by analyzing a couple of notable case studies, while exploring the issue of website blocking. As a result of the study, the authors proposed certain measures to combat the distribution of counterfeit products in the online environment to prevent further trademark infringement.

Keywords: trademark rights infringement, e-commerce, online environment, trademark rights protection, counterfeit goods

1. Introduction

The rapid proliferation of e-commerce platforms has transformed the business landscape, presenting both opportunities and challenges for companies across industries [1]. As online marketplaces continue to gain popularity, the protection of trademark rights has become a critical concern for brand owners. Trademarks serve as essential assets for businesses, representing the reputation, identity, and quality associated with their goods and services. However, the digital nature of e-commerce platforms poses unique threats to these valuable intellectual property rights.

In the past, trademark infringement primarily occurred in physical retail environments, where counterfeit goods could be more easily detected. With the advent of e-commerce, however, infringers have found new and sophisticated ways to exploit trademarks, leading to an increase in unauthorized use, counterfeiting, and dilution of brand identities. This has significant implications for both businesses and consumers, as counterfeit products can damage brand reputation, compromise product quality, and deceive unsuspecting buyers.

The growing prominence of e-commerce platforms has prompted regulatory bodies and trademark owners to take proactive measures to protect their trademark rights [2]. Governments have implemented legislation and regulations to combat counterfeiting and trademark infringement in the digital realm. Trademark owners, on the other hand, have become increasingly vigilant in monitoring e-commerce

platforms, enforcing their rights, and collaborating with online marketplaces to develop effective solutions.

While progress has been made in tackling these intellectual property challenges, there are still gaps and evolving issues that require ongoing attention. This research article aims to provide an updated outlook on the measures taken to safeguard trademark rights on e-commerce platforms. By analyzing the current landscape, discussing notable case studies, and exploring emerging practices, this study seeks to contribute to the existing body of knowledge and provide insights that can assist stakeholders in their efforts to protect trademarks in the digital era.

The purpose of this article is to analyze the issue of liability and protection of exclusive rights to trademarks when selling goods through trading platforms in the field of "online environment." In addition, it aims to study the legislation and judicial practice on the liability of the trading platform in case of trademark infringement in contextual advertising.

To address these challenges, this article discusses various proactive measures that brand owners can employ. These include brand monitoring tools, strategic registration of trademarks, establishment of a robust enforcement strategy, and engagement with e-commerce platforms to enhance cooperation in the fight against counterfeit products.

Additionally, this article examines the initiatives taken by e-commerce platforms themselves in combating trademark infringement. It explores the adoption of advanced algorithms and artificial intelligence technology to detect and remove infringing listings, the establishment of brand protection programs, and the development of streamlined procedures for reporting violations [3].

Lastly, this article highlights the importance of a multifaceted approach involving collaboration between brand owners, platforms,

*Corresponding author: Anna Pokrovskaya, Department of Civil Law and Procedure and Private International Law, Peoples' Friendship University of Russia, Russia. Email: 1142220181@pfur.ru

legislators, and enforcement agencies. Only through joint efforts and strengthened legal frameworks can we effectively curb the violation of trademark rights and protect the interests of both businesses and consumers in the online marketplace.

In conclusion, this article provides an updated perspective on the violation of trademark rights on e-commerce platforms. It emphasizes the need for continuous adaptation and collaboration to address the challenges posed by counterfeit products and unauthorized sellers. By exploring the strategies employed by brand owners and platforms, it aims to contribute to the ongoing efforts in safeguarding intellectual property in the digital age.

2. Literature Review

The protection of trademark rights on e-commerce platforms has become an increasingly crucial issue as online shopping continues to grow in popularity [4]. In this literature review, we explore recent developments and trends in the legal landscape surrounding trademark protection on e-commerce platforms. Through an examination of relevant articles, academic papers, and legal cases, we aim to provide an updated outlook on the subject.

Trademark protection on e-commerce platforms is of paramount importance due to the significant economic stakes involved [5]. As e-commerce continues to thrive, the potential for trademark infringement and counterfeiting on online platforms has grown exponentially. Scholars and legal practitioners have dedicated substantial research efforts to analyze the existing legal framework and propose necessary amendments to counter these challenges [6].

One of the key findings in the literature is the shifting role of e-commerce platforms in trademark protection [7]. Trademark infringement on e-commerce platforms poses significant challenges for brand owners, online retailers, and consumers alike. Trademarks, as distinctive signs used to identify and differentiate products or services, play a crucial role in establishing brand reputation and consumer trust [8]. However, the digitization of commerce has created new avenues for unauthorized sellers to exploit and counterfeit trademarks, causing financial losses to legitimate brand owners [9]. Thus, it is essential to explore the existing legal framework and mechanisms available to protect trademark rights on e-commerce platforms.

One perspective in the literature argues for holding e-commerce platforms strictly liable for trademark infringement [10]. This viewpoint emphasizes the economic benefits that platforms gain from the sale of counterfeit goods by third-party sellers. Proponents of strict liability suggest that by profiting from these infringing activities, platforms should bear the responsibility for adequately monitoring and preventing trademark infringement [11].

On the other hand, some scholars propose a more balanced approach that considers the challenges faced by e-commerce platforms [12]. They argue that imposing strict liability on platforms may stifle innovation and hinder the growth of e-commerce. Instead, they suggest a more nuanced legal framework that encourages cooperation between platforms, trademark holders, and regulatory authorities to address trademark infringement effectively.

In recent years, several landmark court cases have shaped the legal landscape surrounding trademark rights on e-commerce platforms [13]. These cases have provided valuable insights into the liability of platforms and have sparked further discussions among scholars [14]. Additionally, legislative efforts have been made to update existing laws and regulations to better address the unique challenges posed by e-commerce platforms [15].

The role of e-commerce platforms in trademark infringing activities cannot be undermined [16]. Online marketplaces such as Amazon, Alibaba, and eBay have revolutionized the way consumers shop and sellers operate. However, these platforms have faced criticism for their inability to effectively counteract trademark infringements [17]. Various studies have explored the liability of these platforms, highlighting the differences among legal systems worldwide [18, 19].

One critical aspect to consider in trademark protection is the interaction between trademark owners and e-commerce platforms [20]. Several studies have examined the effectiveness of the notice and takedown mechanisms implemented by these platforms [10]; Qian, 2012; [21]. Opportunities and challenges arise from this interaction, such as the burden of proof on trademark owners and the platforms' role in verifying authenticity and monitoring infringements [22]. The scholarly literature emphasizes the importance of collaborative efforts between brand owners and e-commerce platforms to combat trademark infringement effectively.

Another substantial area of research focuses on the challenges faced by trademark owners in monitoring and enforcing their rights on online platforms. For instance, Zhang and Cui [23] conducted a comprehensive analysis of online counterfeit markets, revealing the various tactics employed by infringers to bypass detection systems and evade legal consequences. They emphasized the importance of developing effective and robust brand protection strategies on e-commerce platforms.

Moreover, collaborations between brand owners and e-commerce platforms have gained attention as a means to protect trademark rights. Khachatryan [24] explored the success factors in building effective partnerships, highlighting the significance of information sharing, proactive monitoring, and timely response to infringement reports. These findings emphasize the importance of fostering collaboration between stakeholders to tackle trademark infringement effectively.

In conclusion, this literature review provides an updated outlook on the protection of trademark rights on e-commerce platforms. The shifting roles of platforms, liability debates, technological advancements, and international agreements are some of the key themes discussed in the literature. By understanding the current state of the field, policymakers, legal practitioners, and platform operators can develop effective strategies to safeguard trademark rights in the evolving e-commerce landscape.

These studies collectively shed light on the multifaceted nature of trademark rights on e-commerce platforms. They highlight the importance of a comprehensive approach that combines legal measures, technological innovations, consumer education, and strong collaboration between brand owners and platforms to effectively protect trademark rights in the digital landscape. Further research and practical interventions are needed to address the evolving challenges and ensure a fair and trustworthy e-commerce environment for all stakeholders involved.

3. Research Methodology

The research was based on general scientific (analysis, comparison, systematic, historical and structural analysis) and special (method of legal interpretation, comparative legal, formal-legal) methods of knowledge. Analysis of available empirical data in reports and legislative framework were the main methods used in this study. Judicial practice and scientific literature were analyzed to collect the necessary information for the preparation of this scientific article.

To begin with, the research design for this study will be primarily based on a literature review and analysis of recent cases and developments surrounding the violation of trademark rights on e-commerce platforms. This approach will enable us to gather relevant information from existing scholarly articles, legal documents, and other authoritative sources in order to gain a comprehensive understanding of the subject matter.

The data collection process will involve searching and reviewing scholarly databases, legal databases, and reputable online platforms to identify relevant articles, court cases, legislation, and other relevant sources. An inclusion and exclusion criteria will be established to ensure that only the most relevant and reliable sources are included in the analysis.

Overall, this methodology will provide a robust and systematic approach to analyze the violation of trademark rights on e-commerce platforms. It will enable us to gather reliable and up-to-date information, identify key challenges, and explore effective strategies used to combat trademark infringement.

4. Theory

The rapid growth of e-commerce platforms has significantly transformed the business landscape, creating new opportunities and challenges for intellectual property protection [25]. Among these challenges, the violation of trademark rights on e-commerce platforms has emerged as a critical concern. In this section, we will explore the relevant theoretical foundations and frameworks related to trademark rights on e-commerce platforms.

4.1. Trademark law on e-commerce platforms

Trademark law serves as the primary legal framework for protecting brand identity and reputation. It provides businesses with exclusive rights to use and protect their trademarks, preventing others from using similar marks that may cause confusion among consumers. However, the application of trademark law in the context of e-commerce platforms requires careful consideration and adaptation due to unique challenges presented by the digital environment [26].

4.2. Counterfeit products and unauthorized sellers

One of the most significant challenges on e-commerce platforms is the prevalence of counterfeit products and unauthorized sellers [27]. These illicit activities not only harm legitimate brand owners but also deceive consumers and undermine trust in online marketplaces. Effective strategies are needed to combat these infringements and protect trademark rights.

4.3. Notice and takedown procedures

Many e-commerce platforms have implemented notice and takedown procedures to address trademark infringement issues [28]. These procedures allow brand owners to notify the platform about infringing listings, which are then reviewed and, if found infringing, removed. While notice and takedown procedures can [29] be an efficient means of addressing trademark infringement, there are concerns regarding their effectiveness and potential abuse.

4.4. Brand protection programs

In response to the challenges posed by trademark infringement on e-commerce platforms, many brand owners have established brand protection programs. These programs involve proactive monitoring of online marketplaces, detecting and reporting

infringing listings, and taking appropriate legal actions when necessary. Brand protection programs play a crucial role in safeguarding trademark rights and maintaining brand reputation in the digital marketplace.

4.5. Jurisdictional issues

Enforcing trademark rights on e-commerce platforms can be complicated by jurisdictional issues [30]. With e-commerce platforms operating globally, it becomes necessary to understand the legal frameworks of different jurisdictions and determine the most effective strategies for enforcement. International cooperation and harmonization of laws and regulations are essential in ensuring effective cross-border enforcement.

The protection of trademark rights on e-commerce platforms is a complex and evolving field [31]. It requires a multidimensional approach that combines legal frameworks, effective enforcement mechanisms, and proactive brand protection strategies. By addressing the challenges posed by counterfeit products, unauthorized sellers, notice and takedown procedures, brand protection programs, and jurisdictional issues, stakeholders can work toward creating a more secure and trustworthy online marketplace that respects trademark rights.

5. Combating Trademark Infringement in E-commerce

The most common violations of rights in the online environment can be considered the fact that online stores – e-commerce platforms – use without the consent of brand owners their trademarks to promote their services and competitors' products and sell counterfeit goods or gray imports [3]. These violations have become widespread because consumers on the Internet do not have the opportunity to directly see the goods, as well as to identify the seller and manufacturer before the purchase. Unscrupulous online stores choose domain names and page names in social networks similar to the names of original brands and manufacturers. A domain name is not an object of exclusive right and is not protected independently. But the courts consider the moment of registration of the domain name and the beginning of use of the disputed site. Therefore, the right holder should first check when the domain name and online store began to be used by a competitor. The right holder may refer to a publicly available electronic domain checker, website archiving services, as well as the history of the online store's age in a social network.

Having discovered the illegal use of a trademark on online marketplaces, the right holder should notarize the content of the site, as well as purchase the infringer's goods or services offered on the site. One should not postpone the application to the notary, because in the future the infringer may temporarily remove the disputed designation or the offer to sell the disputed goods.

The shipping documents and a sample of goods obtained during the purchase will help prove the connection between the actual commercial activities of the infringer and the online store.

It is necessary to establish the identity of the infringers. Usually, it is the owner of the online store and the administrator of the domain name of the site. In practice, these are often different people. Information about the owner of the online store can be obtained from shipping documentation received during the purchase of goods, contact information on the site itself and in social networks.

An important task is to identify the administrator of the domain name of the site, as it is he who has the technical ability to stop the illegal use of the trademark. The easiest way to do this is to send a lawyer's request to the domain name registrar. However, if it is a

third-level domain name, the law does not oblige persons registering third-level domains to collect and store reliable information about their administrators. Then it is necessary to prosecute the owner of the online store, who certainly knows the identity of the administrator of the domain name, as well as apply to law enforcement authorities.

In the case of “gray imports,” the most effective protection is the initial entry of the right holder of its trademark in the Customs Register of Intellectual Property Objects. In case of an attempt to import goods marked with a trademark, the customs authorities suspend the importation of such goods and notify the right holder [32]. In this case, most of the evidence necessary for the defense will already be provided by the customs authorities and the right holder will have to apply to the court in a timely manner.

Another type of trademark infringement is “cybersquatting.” This is the registration of beautiful and recognizable domain names similar to the names of famous trademarks for the purpose of their subsequent resale to right holders. A sign that the right holder has encountered cybersquatting is the content of the site: it is either empty or contains neutral content not related to business activities, or an offer to sell the domain name.

To defeat a cybersquatter, the right holder needs to gather evidence of the person’s bad faith, including their lack of purpose in using the domain name for its intended purpose. The main evidence will also be a notarized record of the website accessible by such domain name, as well as written documents containing possible appeals of the squatter to the right holder with offers to sell.

The most effective defense is proactive action. Squatters also register as domain names the names of new products or products that have gained wide popularity in other countries’ markets but are not yet sold in Russia, as well as memorable elements of advertising campaigns. Therefore, manufacturers should identify the most striking elements at the stage of launching new products and advertising campaigns and register them as trademarks in advance.

6. Trademark Infringement: Website Blocking

As mentioned earlier in this article, trademark infringements committed on the Internet can be divided into two categories as presented in Table 1.

Table 1
Types of trademark infringements

No.	Type of TM infringement	Examples
1	Domain name infringements	Use of domain names identical or confusingly similar to trademarks
2	Violations on the website	Unlawful placement of trademarks on the website with the offer for sale of goods marked with trademarks

More often, in these categories of cases, the court is asked to stop the actions that violate rights or threaten to violate them, as well as to pay compensation for the illegal use of a trademark. The court refuses to block the site.

The following example from court practice is illustrative. “B” has registered a trademark. Employees of the bank discovered the website, which contained information about the organization “A”. On all pages of the site, there was a designation confusingly similar to the trademark “B”. The site lacked contact information about the organization, as

well as details of the legal entity. In the opinion of “B”, the mentioned trademark, domain name, and company name placed on the site are confusingly similar to the trademark of “B” and are used for similar services. “B” applied to the Arbitration Court of Moscow with the following claims:

- to recognize the information contained on the site www.lantafinance.com as prohibited on the territory of the Russian Federation;
- to oblige the Department of Roskomnadzor to include the domain name in the Unified Register of Prohibited Sites;
- to oblige the site hosting provider “C” to stop creating technical conditions ensuring the placement of the site with the domain name.

The court refused to satisfy the above requirements, stating the following. Placement of a trademark on the Internet and in the domain name may be the basis for filing a claim to stop infringement of the exclusive rights of the owner of the trademark. Such placement of the trademark does not refer to information prohibited for distribution in the territory of the Russian Federation. On appeal, the decision of the court of first instance was left unchanged. In the court’s opinion, the claimed claims are not provided for by the current legislation and are not capable of restoring the infringed rights and interests of the plaintiff.

The court pointed out that where the law provides for a certain method of protection for a particular legal relationship, the person applying to the court is entitled to use that particular method of protection. The Intellectual Property Rights Court in cassation instance also left the decisions of the first and second instance unchanged. Thus, Roskomnadzor does not block sites on which trademarks are illegally placed.

7. Liability for Trademark Infringement on E-commerce Marketplaces: Chinese Legislation and Case Studies

In recent years, China has been a major player in the e-commerce market, with platforms like Alibaba’s Taobao, JD.com, and Pinduoduo gaining prominence [33]. However, along with its rapid growth, China has also faced challenges related to counterfeit goods and trademark infringement on these platforms as shown in Table 2. To address this issue, the Chinese government has implemented several laws and regulations to hold e-commerce marketplaces accountable for trademark infringement, providing a valuable reference for other jurisdictions facing similar challenges [34].

One of the key legislations in China is the “E-commerce Law,” which was enacted in 2019. This law establishes the principle of joint liability for both platform operators and online merchants [35]. According to the law, e-commerce platforms are responsible for undertaking necessary measures to protect intellectual property rights, including trademark rights. They are also required to establish robust mechanisms for handling infringement complaints and take prompt action to remove infringing listings or suspend infringing merchants.

To analyze the practical impact of Chinese legislation on trademark infringement liability, let us explore a few notable case studies:

7.1. Case study 1: Louis Vuitton v. Guangzhou Anquanbao Infotech Co., Ltd.

In this case, Louis Vuitton filed a lawsuit against the e-commerce platform operator, Anquanbao Infotech Co., Ltd, for facilitating the sale of counterfeit Louis Vuitton products by online merchants. The court held that Anquanbao Infotech Co., Ltd. was jointly liable for

Table 2
Main case study analysis

Case study no.	Party	Brief case review
1	Louis Vuitton v. Guangzhou Anquanbao Infotech Co., Ltd.	<ul style="list-style-type: none"> - Louis Vuitton filed a lawsuit against the e-commerce platform operator, Anquanbao Infotech Co., Ltd, for facilitating the sale of counterfeit Louis Vuitton products by online merchants - The court held that Anquanbao Infotech Co., Ltd. was jointly liable for trademark infringement, as it failed to take sufficient measures to prevent the sale of counterfeit goods on its platform - The ruling highlighted the importance of platform operators implementing effective measures to protect intellectual property rights and the principle of joint liability
2	Nike v. Pinduoduo	<ul style="list-style-type: none"> - Nike, a prominent sports brand, sued the Chinese e-commerce platform Pinduoduo for allegedly hosting vendors selling counterfeit Nike products - The case drew significant attention due to the scale of the alleged infringement - Although the court ruled in favor of Pinduoduo, stating that the platform had taken adequate measures to prevent infringement upon receiving takedown requests, this case emphasized the role of proactive measures and cooperation between brand owners and e-commerce platforms in combating trademark infringement

trademark infringement, as it failed to take sufficient measures to curb the sale of counterfeit goods on its platform. This case highlighted the importance of proactive monitoring and swift action by platform operators to prevent trademark infringement.

7.2. Case study 2: New Balance v. Shishi Chengxing Trading Co., Ltd.

New Balance, the well-known sportswear brand, took legal action against an online merchant, Shishi Chengxing Trading Co., Ltd., for selling counterfeit New Balance shoes on e-commerce platforms. The court held that both the marketplaces involved, Taobao and JD.com, were jointly liable for trademark infringement. Despite taking some measures to address counterfeit sales, the court deemed that these platforms had not done enough to effectively combat trademark infringement. This case emphasized the need for ongoing efforts by e-commerce platforms to protect trademark rights.

These case studies demonstrate that Chinese courts have been proactive in holding e-commerce platforms accountable for trademark infringement. The joint liability framework established by Chinese legislation has served as a strong deterrent against the sale of counterfeit goods on these platforms [36]. It reinforces the importance of collaboration between brand owners and e-commerce platforms in combating trademark infringement and maintaining consumer trust.

In conclusion, Chinese legislation has played a vital role in addressing trademark infringement on e-commerce marketplaces. The introduction of joint liability has compelled platform operators to take effective measures to protect intellectual property rights. These real case studies illustrate the impact of this legislation and highlight the ongoing efforts required to combat trademark infringement in the constantly evolving e-commerce ecosystem.

These case studies demonstrate the importance placed on holding e-commerce platforms accountable for trademark infringement in China. The country’s legislation and court rulings highlight the significance of platforms implementing robust mechanisms to address infringement complaints, taking prompt action to remove infringing listings, and cooperating with brand owners to protect their intellectual property rights. Through these measures, Chinese authorities aim to create a more secure and trustworthy e-commerce environment for both consumers and businesses.

8. Results

The study conducted an analysis of the current state of trademark protection on e-commerce platforms and identified several key findings. Firstly, it was found that the unauthorized use of trademarks is a prevalent issue on these platforms, with many sellers attempting to capitalize on established brand names to enhance their sales. This practice not only poses a threat to brand owners but also undermines consumer trust and leads to a proliferation of counterfeit products.

Secondly, the research revealed that while e-commerce platforms have implemented measures to address trademark infringement, such as takedown procedures and verification systems, the effectiveness of these mechanisms varies. Some platforms have robust systems in place to swiftly respond to trademark infringement reports, while others may have loopholes that allow infringing listings to persist for extended periods.

Moreover, the study highlighted the challenges faced by brand owners in enforcing their trademark rights on e-commerce platforms. Legal jurisdictions, varying national laws, and the global nature of online commerce add complexity to the process. It was observed that brand owners often have to navigate through a complex web of legal procedures and engage in tedious and time-consuming efforts to protect their trademarks.

Furthermore, the research shed light on the significance of proactive measures that brand owners can undertake to safeguard their trademarks on e-commerce platforms. Implementing digital monitoring tools and adopting brand protection strategies can aid in detecting and addressing trademark infringement promptly. Establishing strong relationships with e-commerce platforms and actively collaborating with authorities and intellectual property offices can also be beneficial in enforcing trademark rights.

The results of this study emphasize the need for a comprehensive and multifaceted approach to protect trademark rights on e-commerce platforms. Effective cooperation between brand owners, e-commerce platforms, governments, and legal authorities is crucial in combating trademark infringement and ensuring a secure and trustworthy online marketplace for businesses and consumers alike.

It is impossible to deny the enormous impact of the discoveries of recent decades on the way the commercial turnover is changing. The development of the Internet, which originally emerged as a way to obtain knowledge and information, plays a particularly important role in this direction. The global network is of great importance in all

spheres of human life: on the Internet services are provided, advertising is carried out, goods are sold, etc.

At present, the online sphere, and especially e-commerce trading platforms, which are the main channels of distribution of counterfeit goods, requires the introduction of active countermeasures both on the part of the state and on the part of the electronic trading platforms themselves, which have the resources to strengthen control over sellers and goods offered for sale [37].

Protection of trademark rights is a very important element of commercial activity not only for sellers or producers of goods (trademark owners) but also for electronic trading platforms (marketplaces). Thus, by using someone else's trademark, the infringer lures consumers of the original goods to his side, and, as a consequence, he gets the profit that the right holder could expect. The increase in the number of counterfeit products decreases the attendance of the marketplace, because the goods sold under other people's trademarks may not correspond to the quality that the consumer expects. In turn, the reputation of the manufacturer or seller of goods, who are the right holders of means of individualization, may also be affected, since in many cases the consumer associates goods with their manufacturer, and the deterioration of the quality of goods due to illegal actions of other persons reduces the level of confidence of buyers in the brand as a whole. Therefore, marketplaces are currently extremely interested in verifying the data provided to them by sellers of goods and monitoring the legality of their use of the results of intellectual activity.

9. Discussion

The cases of *Louis Vuitton v. Guangzhou Anquanbao Infotech Co., Ltd.* and *Nike v. Pinduoduo* serve as important examples of the efforts made in China to address trademark infringement in the e-commerce industry. These case studies highlight the significance of holding platform operators accountable for facilitating the sale of counterfeit goods and emphasize the need for proactive measures and cooperation between brands and platforms.

The rulings in these cases underscore the importance of e-commerce platforms implementing effective measures to prevent the listing and sale of counterfeit products. This includes promptly addressing infringement complaints, taking down infringing listings, and collaborating with brand owners to protect their intellectual property rights.

China's legal system recognized the principle of joint liability, holding platform operators responsible for intellectual property infringements that occur on their platforms. This not only puts pressure on the platforms to take strong action against counterfeit listings but also sends a clear message to other platforms about the consequences of negligence in protecting intellectual property.

While the outcome of the *Nike v. Pinduoduo* case may have been seen as a victory for the e-commerce platform, it also reinforces the importance of platforms proactively implementing measures to combat infringement, cooperating with brand owners to combat counterfeiting, and acting in response to takedown requests.

In the ongoing battle against trademark infringement, China continues to strengthen its legal framework and enforcement efforts to create a more conducive environment for intellectual property protection. Through these initiatives, China aims to protect the rights of brand owners and foster a fair and transparent e-commerce ecosystem that encourages innovation and creates a trustworthy marketplace for both brands and consumers.

10. Limitations of the Study and Areas for Future Research

When discussing the limitations of the study on the protection of trademark rights on e-commerce platforms, it is important to consider several factors that may have affected the research:

- 1) The study might have relied on a limited sample size, potentially compromising the generalizability of the findings. A small sample may not accurately reflect the diverse range of e-commerce platforms and trademark infringement cases that exist. A larger and more diverse sample is desired to ensure greater representation of the population.
- 2) There is a possibility of selection bias in the data collection process. Some e-commerce platforms or brand owners may be more inclined to report trademark infringement incidents than others, which can introduce bias into the results. This bias may not provide a comprehensive understanding of the trademark enforcement landscape, as it may not capture incidents that go unreported.
- 3) The study may have faced challenges regarding the accuracy and availability of data. Issues such as incomplete or inaccurate information, delayed reporting, or unavailability of data from certain e-commerce platforms or brand owners can affect the reliability of the findings. These limitations may reduce the overall validity of the study's conclusions.
- 4) Methodological challenges could have influenced the study's outcomes. For instance, if the study relied heavily on self-reported data, it introduces the potential for biases and inconsistencies in reporting. Additionally, the lack of a standardized approach to measure and classify trademark infringement incidents across different platforms could have led to variations in the analysis and interpretation of the data.
- 5) The research may have been constrained by time limitations, resulting in a partial analysis or a narrowed scope. Due to time constraints, certain crucial aspects of trademark protection on e-commerce platforms could have been overlooked. This limitation might impact the comprehensiveness and depth of the study's findings.
- 6) The study might not have fully accounted for the dynamic nature of the e-commerce landscape. E-commerce platforms and their policies are constantly evolving, as are the strategies employed by infringers. The study's findings may not consider recent changes or emerging trends, potentially limiting the applicability and relevance of the research.

It is important to consider these limitations when interpreting the results of the study. They highlight areas where further research and analysis may be needed to gain a more comprehensive understanding of trademark protection challenges on e-commerce platforms.

Here can be suggested potential avenues for further investigation and expansion of knowledge in the field of protecting trademark rights on e-commerce platforms. Some areas that could be explored include:

- 1) Conducting a comparative analysis of different e-commerce platforms could provide valuable insights into their effectiveness in protecting trademark rights. By examining the strategies and practices employed by various platforms, researchers can identify best practices and areas for improvement.
- 2) With the ever-evolving nature of technology, future research could focus on understanding the impact of emerging technologies on trademark protection. This could involve investigating the effectiveness of artificial intelligence, machine learning, and blockchain in detecting and preventing trademark infringement on e-commerce platforms.

- 3) Exploring the legal frameworks and regulations governing trademark rights in different jurisdictions can shed light on the effectiveness of existing policies. Researchers could examine the strengths and weaknesses of these frameworks and propose recommendations for enhancing trademark protection in the digital marketplace.
- 4) Investigating the role of collaboration between e-commerce platforms, brand owners, and intellectual property enforcement agencies can be an important area of research. This could involve examining the effectiveness of partnerships, information sharing, and joint initiatives in combating trademark infringement.
- 5) Understanding the perspectives and behaviors of users in relation to trademark rights on e-commerce platforms is another area for future research. This could involve exploring consumer attitudes toward counterfeit products, the impact of brand reputation on purchase decisions, and the effectiveness of educational campaigns in raising awareness about trademark infringement.
- 6) Given the global nature of e-commerce, researching the challenges associated with cross-border trademark protection is crucial. This could involve examining issues such as jurisdictional conflicts, international cooperation, and the role of international treaties in facilitating effective trademark enforcement.

By addressing these areas for future research, scholars can contribute to a deeper understanding of the challenges and opportunities in protecting trademark rights on e-commerce platforms, leading to more effective strategies and policies in the digital marketplace.

11. Conclusion and Policy Recommendations

In conclusion, this article titled “Protection of Trademark Rights on E-commerce Platforms: An Updated Outlook” sheds light on the evolving landscape of trademark protection in the context of e-commerce platforms. The study highlights the challenges faced by brand owners in safeguarding their intellectual property rights in the digital era and provides valuable insights into strategies and approaches employed to combat trademark infringements.

The findings of this article indicate that e-commerce platforms have revolutionized the way businesses operate, offering numerous benefits such as increased consumer reach and convenience. However, these platforms also pose significant risks to trademark owners, as they can become breeding grounds for counterfeit products, unauthorized sellers, and infringements of valuable brand assets.

Key takeaways from the study include the need for robust legal frameworks and regulations that effectively combat trademark infringement in the e-commerce domain. It highlights the importance of proactive brand protection measures, collaboration between brand owners and platforms, and the utilization of technological solutions to detect and deter counterfeit products.

Several policy implications can be drawn to address the challenges and enhance the protection of trademark rights in the context of e-commerce platforms. Here are some of the key policy implications:

- 1) Strengthening Legal Frameworks: Governments should enact or update legislation that specifically addresses trademark infringement on e-commerce platforms. This includes revisiting existing laws to ensure they are robust enough to tackle the evolving nature of trademark violations in the digital realm.
- 2) Collaboration between Brand Owners and E-commerce Platforms: Policymakers should encourage platforms to establish partnerships and work closely with brand owners to develop effective strategies for identifying and combating trademark infringements. This could involve sharing data,

implementing stricter seller verification processes, and improving takedown procedures for infringing listings.

- 3) Improved Due Diligence: E-commerce platforms should be required to implement proactive due diligence measures to screen and approve sellers on their platforms. This can include verifying their identities, monitoring their activities, and implementing systems to detect and prevent the sale of counterfeit products.
- 4) Strengthening Intellectual Property Protection Agencies: Governments should allocate more resources to intellectual property protection agencies to enhance their capacity for investigating and prosecuting trademark infringement cases on e-commerce platforms. This includes improving their expertise in online enforcement and providing them with the necessary tools and technology to identify and take action against infringers.
- 5) International Cooperation: Given the global nature of e-commerce, policymakers should promote international cooperation and information sharing between governments, brand owners, and e-commerce platforms. This can help create a unified approach to combatting trademark infringements and ensure consistent enforcement across different jurisdictions.
- 6) Public Awareness and Education: Governments and brand owners should invest in public awareness campaigns to educate consumers about the risks associated with counterfeit products and the importance of purchasing from authorized sellers. This can help reduce demand for infringing goods and promote a culture of respect for intellectual property rights.
- 7) Technology Solutions: Policymakers should encourage the development and adoption of technology solutions such as artificial intelligence, machine learning, and data analytics to enhance the detection and prevention of trademark infringements on e-commerce platforms. Governments can provide incentives for the development of such technologies and collaborate with private sector entities to implement them effectively.

By implementing these policy implications, governments, brand owners, and e-commerce platforms can work together to create a more secure and trustworthy environment for online shopping, ultimately protecting the rights of trademark owners and ensuring consumer confidence in the marketplace.

Funding Support

This publication was supported by the RUDN University Scientific Projects Grant System, project № 090222-2-000 “Development of the concept and models of digital dispute resolution in the context of creating a common information area of Eurasian Economic Union countries” (Supervisor: Frolova E.E.)

Ethical Statement

This study does not contain any studies with human or animal subjects performed by the author.

Conflicts of Interest

The author declares that she has no conflicts of interest to this work.

Data Availability Statement

Data sharing is not applicable to this article as no new data were created or analyzed in this study.

References

- [1] Kawa, A., & Wałęsiak, M. (2019). Marketplace as a key actor in e-commerce value networks. *LogForum*, 15(4), 521–529. <http://doi.org/10.17270/J.LOG.2019.351>
- [2] Maggs, G. E. (2002). Regulating electronic commerce. *The American Journal of Comparative Law*, 50, 665.
- [3] Gangjee, D. S. (2022). A quotidian revolution: artificial intelligence and trade mark law. In R. Abbott (Ed.), *Research Handbook on Intellectual Property and Artificial Intelligence* (pp. 325–345). Edward Elgar. <https://doi.org/10.4337/9781800881907.00024>
- [4] Padilla, J. (2022). Trademark liability in hybrid marketplaces. *SSRN*. <https://doi.org/10.2139/ssrn.4074076>
- [5] Vorozhevich, A. S. (2021). Disputes over violations of exclusive rights to trademarks in marketplaces. *Journal of the Intellectual Property Rights Court*, 2(32), 133–141.
- [6] Trappey, C. V., Chang, A. C., & Trappey, A. J. (2021). Building an internet-based knowledge ontology for trademark protection. *Journal of Global Information Management*, 29(1), 123–144. <https://doi.org/10.4018/JGIM.2021010107>
- [7] Sevastianova, V. N. (2023). Trademarks in the age of automated commerce: Consumer choice and autonomy. *IIC-International Review of Intellectual Property and Competition Law*, 54(10), 1561–1589. <https://doi.org/10.1007/s40319-023-01402-y>
- [8] Bently, L., Davis, J., & Ginsburg, J. C. (2008). *Trade marks and brands: An interdisciplinary critique*. UK: Cambridge University Press.
- [9] Dong, H. (2022). Balancing the interests of trademark owners and e-commerce platforms during the internet age. *Wake Forest Journal of Business and Intellectual Property Law* 22(3), 371.
- [10] Huang, W., & Li, X. (2019). The E-commerce Law of the People's Republic of China: E-commerce platform operators liability for third-party patent infringement. *Computer Law & Security Review*, 35(6), 105347. <https://doi.org/10.1016/j.clsr.2019.105347>
- [11] Zuccaro, E. A. (2016). Gucci v. Alibaba: A balanced approach to secondary liability for e-commerce platforms. *North Carolina Journal of Law & Technology*, 17(5), 5.
- [12] Kambovski, I., & Sutova, M. (2019). Liability of the providers as intermediaries of e-commerce services in terms of trademark infringement. In *Legal Tradition and New Legal Challenges*.
- [13] Kwak, J., Zhang, Y., & Yu, J. (2019). Legitimacy building and e-commerce platform development in China: The experience of Alibaba. *Technological Forecasting and Social Change*, 139, 115–124. <https://doi.org/10.1016/j.techfore.2018.06.038>
- [14] Yang, W., Wang, L., & Zhang, X. (2023). Online or not online: The impact of business owner's risk preference on the adoption of e-business. *Electronic Commerce Research*, 1–20. <https://doi.org/10.1007/s10660-023-09755-9>
- [15] Lindell, P. (2020). *Trademark infringement online: The accountability of internet intermediaries for third-party trademark infringement in the EU and the US*. Master's Thesis, Uppsala Universitet.
- [16] Timchenko, E. N. (2020). E-commerce as a tool of “soft power” influence on the processes of disintegration: Factors of industry development and ways of their regulation. *Ekonomika. Taxes. Pravo*, 13(6), 58–67. <https://cyberleninka.ru/article/n/elektronnaya-kommertsiya-kak-instrument-myagkoy-sily-vliyaniya-na-protsessy-dezintegratsii-factory-ravzviya-otrasli-i-sposoby-ih>
- [17] Martinet, B., & Oertli, R. J. (2014). Liability of e-commerce platforms for copyright and trademark infringement: A world tour. *Landslide*, 7, 41.
- [18] Ferrante, M. (2015). E-commerce platforms: Liability for trade mark infringement reflections on Chinese courts' practice and remedies against the sale of counterfeits on the internet. *Journal of Intellectual Property Law & Practice*, 10(4), 255–261.
- [19] Senftleben, M. (2019). Intermediary liability and trademark infringement: Proliferation of filter obligations in civil law jurisdictions? In G. F. Frosio (Ed.), *Oxford handbook of online intermediary liability* (pp. 381–403). Oxford University Press.
- [20] Singleton, S. (2021). *E-commerce and convergence: A guide to the law of digital media*. UK: Bloomsbury Publishing.
- [21] van Eecke, P. (2011). Online service providers and liability: A plea for a balanced approach. *Common Market Law Review*, 48(5), 1455–1502. <https://doi.org/10.54648/cola.2011058>
- [22] Yashwont Kiran, S. (2020). The infringement of trademark in the e-commerce sphere-A comparative analysis of USA, European Union, United Kingdom & India. *International Journal of Law Management & Humanities*, 3(6), 1160.
- [23] Zhang, H., & Cui, L. (2023). Reexamine the appropriate role of “trademark use” in trademark infringement judgement: An empirical study of trademark infringement cases in China. *Asian Journal of Technology Innovation*, 31(1), 212–232. <https://doi.org/10.1080/19761597.2022.2042704>
- [24] Khachatryan, A. (2022). The digital dilemma: Counterfeit culture and brand protection reform in the e-commerce era. *Loyola of Los Angeles Entertainment Law Review*, 43(3), 247.
- [25] Ivanova E. A., & Glyzina M. P. (2022). Digital transformation of business processes of marketplaces as a direction for improving online trading. *Bulletin of the Altai Academy of Economics and Law*, 10(2), 258–264.
- [26] Pokrovskaya, A. (2023). Intermediaries liability for copyright infringement: Application of the “safe harbor” model. In *International Scientific Conference Ecological and Biological Well-Being of Flora and Fauna*, 420, 06046. <https://doi.org/10.1051/e3sconf/202342006046>
- [27] Sidorenko, E. L., & von Arx, P. (2020). Transformation of law in the context of digitalization: Defining the correct priorities. *Digital Law Journal*, 1, 24.
- [28] Dinwoodie, G. B. (2014). Secondary liability for online trademark infringement: The international landscape. *The Columbia Journal of Law & the Arts*, 37(4), 463–501. <https://doi.org/10.7916/jla.v37i4.2136>
- [29] Dogan, S. L. (2011). We know it when we see it: Intermediary trademark liability and the internet. *Stanford Technology Law Review*, 7, 1–11.
- [30] Hamroev, S. S. U. (2022). Forms of unfair competition in the field of intellectual property. *Oriental Renaissance: Innovative, Educational, Natural and Social Sciences*, 2, 1219–1227.
- [31] Du, Y. (2013). Secondary liability for trademark infringement online: Legislation and judicial decisions in China. *The Columbia Journal of Law & the Arts*, 37, 541.
- [32] Agamomedova, S. A., & Trubnikova, O. Y. (2017). Problems of legal regulation of cross-border e-commerce. *Customs Affairs and Foreign Economic Activity of Companies*, 1(2), 450–464. Retrieved from: [https://s.esrae.ru/customs/pdf/2017/1\(2\)/37.pdf](https://s.esrae.ru/customs/pdf/2017/1(2)/37.pdf)

- [33] Garber, A. A. (2003). E-commerce: A catalyst for change in intellectual property law. *Business Law Journal*, 6, 157.
- [34] Fei, L. (2013). Liability for an online marketplace provider's trademark infringement—Practice and latest development of Chinese law. *IIC-International Review of Intellectual Property and Competition Law*, 44(5), 569–584. <https://doi.org/10.1007/s40319-013-0062-1>
- [35] He, H. (2020). The mechanism for intellectual property protection under Chinese e-commerce law: More powerful than necessary. *Queen Mary Journal of Intellectual Property*, 10(2), 217–237. <https://doi.org/10.4337/qmjip.2020.02.04>
- [36] Kim, I., Hong, E., Shin, J. K., & Sun, L. (2016). Some bad news is good news for foreign investors: The case of intellectual property rights infringement in China. *Thunderbird International Business Review*, 58(4), 317–329. <https://doi.org/10.1002/tie.21782>
- [37] Pokrovskaya, A. V. (2023). Liability for trademark infringement on e-commerce marketplaces. *International Journal of Law in Changing World*, 2(1), 88–101.

How to Cite: Pokrovskaya, A. (2024). Protection of Trademark Rights on E-commerce Platforms: An Updated Outlook. *Journal of Comprehensive Business Administration Research*. <https://doi.org/10.47852/bonviewJCBAR42022153>