

RESEARCH ARTICLE

Copyright Infringement of Photographs on E-commerce Platforms



Anna Pokrovskaya^{1,*}

¹Department of Civil Law and Procedure and Private International Law, Law Institute of the Patrice Lumumba Peoples' Friendship University of Russia, Russia

Abstract: In the rapidly evolving landscape of e-commerce, protecting intellectual property rights, particularly in the realm of photography, has become increasingly vital. This article delves into the complex issue of copyright infringement on e-commerce platforms, with a specific focus on the concept of intermediary liability. While e-commerce platforms offer unparalleled convenience and global reach to consumers, they also present formidable challenges in upholding the rights of content creators, especially photographers. The article uniquely emphasizes the concept of intermediary liability in the context of e-commerce platforms. This focus is particularly relevant given the widespread use of these platforms in today's digital marketplace. One of the significant contributions of this study is the comparative analysis of case law from different jurisdictions concerning intermediary liability for copyright infringement. This cross-jurisdictional examination helps illustrate how courts in various countries address similar issues, offering insights into potential harmonization of legal standards and guiding principles for future legislation and litigation. The research identifies specific challenges faced by photographers and copyright holders, such as the difficulty in monitoring vast quantities of online content and enforcing rights across multiple jurisdictions. The article sheds light on the broader impact of copyright infringement on the photography industry. The research offers practical recommendations and strategies to address copyright infringement on e-commerce platforms. These include leveraging automated image recognition technologies, establishing clear guidelines and protocols for sellers, and implementing efficient mechanisms for reporting and removing infringing content.

Keywords: e-commerce, photographic works, digital environment, online intermediaries, copyright infringement

1. Introduction

Nowadays, due to the development of new technologies, the emergence of new e-commerce platforms, online shopping, all modern marketing is based on visuals. On the way to the heart of the customer, there are less and less texts and more and more bright pictures, photos, infographics, and video content. Are copyright requirements observed if you take visual content on photo stocks?

In the age of the Internet, situations often arise when the copyrights of content creators – copywriters, photographers, designers – are violated. Sometimes this happens unknowingly, but, as we know, ignorance of the law does not exempt from responsibility. In this article, we will delve more into this case matter, namely we will consider the peculiarities of the liability of e-commerce platforms regarding copyright infringement, we will consider cases in different jurisdictions, as well as give practical recommendations in this regard.

E-commerce platforms function as intermediaries, making it easier for transactions to occur between photographers and customers. Many of these platforms fall under the safe harbor provisions of the legislation, but at the same time, they should also be responsible for copyright infringement. The question of what responsibility of intermediaries in cases of copyright infringement is a hotly debated topic. To better understand intermediaries' liability for copyright infringement, we

should start by looking at the legal environment in which e-commerce platforms operate. Copyright laws differ from country to country, and the expectations for intermediaries in relation to copyright infringement also differ [1]. As a result, courts' approaches to issues regarding intermediaries' liability also differ. Using the example of the case law, however, courts in different jurisdictions seem to have favored similar techniques, which, in turn, can provide guidance for possible future discussion on this topic.

Photographers and copyright owners face a number of challenges when it comes to copyright infringement on e-commerce sites. These include the difficulty in the identification of infringing uses of their work, the volume of content to monitor, and the complexities of enforcing their rights across multiple jurisdictions against infringers.

The widespread occurrence of copyright infringement on online shopping platforms poses challenges for the photography sector. Understanding the impact of these platforms assessing the liability of intermediaries and exploring strategies to mitigate these issues can assist stakeholders in safeguarding copyrighted content while ensuring a sustainable market, for photographers and copyright holders.

2. Literature Review

Copyright infringement in photography is a fairly common problem, but in recent years, with the rapid development of the information technology industry, this situation has become even more

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

widespread and public, causing negative consequences in society. This has serious implications for photographers, who rely on their work to make a living, as well as for the e-commerce platforms themselves, which can face legal consequences for hosting infringing content.

Several studies have highlighted the prevalence of copyright infringement on e-commerce platforms [2, 3]. For example, a study by Travis [4] found that up to 30% of product images on popular e-commerce websites were infringing on copyright. This not only harms the original creators of the photographs but also creates a competitive disadvantage for legitimate sellers who invest time and resources into creating high-quality images.

Moreover, research has shown that copyright infringement on e-commerce platforms can have negative effects on consumer trust and satisfaction [5]. Customers may be wary of purchasing products from platforms that are known to host infringing content, leading to a loss of revenue for both the platform and the legitimate sellers.

In terms of legal implications, several court cases have highlighted the importance of enforcing copyright laws on e-commerce platforms. For example, in the case of *Perfect 10, Inc. v. Amazon.com, Inc.*, the court held that e-commerce platforms can be held liable for copyright infringement if they fail to take adequate measures to prevent the unauthorized use of images.

To address the issue of copyright infringement of photographs on e-commerce platforms, several strategies have been proposed [6]. These include implementing automated image recognition technology to detect infringing content, providing clear guidelines for sellers regarding copyright laws, and establishing mechanisms for reporting and removing infringing images promptly.

Furthermore, scholars have examined the impact of copyright infringement on the creative economy and the broader digital ecosystem [7–9]. Unauthorized use of photographs not only undermines the economic viability of photographers but also hampers innovation and creativity in the digital space. By devaluing original content and rewarding infringement, e-commerce platforms risk stifling the growth of the creative industries and discouraging investment in new artistic endeavors.

Moreover, the issue of copyright infringement on e-commerce platforms intersects with broader debates about intellectual property rights, digital ethics, and online governance [10]. As digital technologies continue to evolve and reshape the way we create, share, and consume content, it is essential to establish clear norms and regulations to protect the rights of creators and promote a fair and sustainable digital economy.

In response to these challenges, stakeholders from various sectors, including photographers, e-commerce platforms, policymakers, and advocacy groups, have called for collaborative efforts to address copyright infringement effectively. Initiatives such as educational campaigns, industry partnerships, and legislative reforms have been proposed to raise awareness about copyright issues, enhance enforcement mechanisms, and foster a culture of respect for intellectual property rights in the digital sphere [11].

Overall, the literature underscores the complex nature of copyright infringement on e-commerce platforms and the need for a multifaceted approach to tackle this problem. By promoting a culture of compliance, investing in technological solutions, and strengthening legal frameworks, stakeholders can work together to safeguard the integrity of creative works and ensure a sustainable future for digital commerce.

3. Methodology

The research on copyright infringement of photographs on e-commerce platforms will adopt a qualitative approach to delve

deep into the legal and practical aspects of the issue. This approach will allow for an in-depth understanding of the complexities involved in copyright infringement cases.

The data for this research will primarily be collected through secondary sources such as academic journals, books, legal databases, and official reports related to copyright law, e-commerce, and intellectual property rights. Additionally, case studies and real-life examples of copyright infringement of photographs on e-commerce platforms will be analyzed to provide a comprehensive overview.

A thorough literature review will be conducted to understand the existing laws, regulations, and practices concerning copyright infringement on e-commerce platforms. This will help in identifying gaps in the current research and potential areas for further investigation.

Real-life case studies of copyright infringement of photographs on popular e-commerce platforms will be examined to analyze the legal implications, enforcement mechanisms, and the impact of such infringements on photographers and rights holders.

The research findings will be synthesized to draw conclusions, propose recommendations for policymakers, e-commerce platforms, and rights holders, and suggest areas for further research to address the challenges posed by copyright infringement in the digital age.

4. Copyright Violations on E-Commerce Marketplaces

4.1. Forms of photo copyright infringement on e-commerce marketplaces

Without approval, if an image is put onto an e-commerce site, it might be classed as copyright violation. This happens when somebody uploads a photograph to a site and displays it without the authority of the copyright holder or violates service terms on that platform [12].

Copyright infringements can also occur if somebody creates new works based on copyrighted photographs without permission [13]. This includes changing or modifying the original photograph, creating collages or composite images with photographs, and using pictures known to belong elsewhere in a separate work without first gaining permission.

And on e-commerce platforms, there is also another type of copyright violation involving photographs: hijacking someone else's photo for one's own use. This may confuse customers, but it threatened the blanket protection of copyright holders. If they do not secure rights in exploitative deals through exclusive contracts with producers or other forms of detailed control over each stage in a technical process, then they lose everything people care about most for digital entertainment these days.

4.2. The unauthorized use of copyright objects on marketplaces

4.2.1. Mentioning someone else's brand

It is not uncommon for a seller to mention the name of a popular brand when selling a "no-name" product. This behavior is caused by the desire to increase sales due to brand recognition. Buyers may not notice the trick, but this is seriously monitored by representatives of famous brands.

Another situation is when the right holder of a brand prohibits the sale of its goods even to distributors. In this case, he cannot restrict the sale of products that are already in circulation, but he has the right to prohibit the use of images of his brand, as well as photo content, if it does not belong to the seller.

4.2.2. Publication of other people's text in product cards

Product descriptions are often subject to copyright violations. Text, like any other content, is intellectual property. It doesn't have to be a literary work – even product descriptions are protected by law. Whoever published the card first is the copyright holder. Rerighting or creating a text from scratch will cost less than a fine for infringement.

4.2.3. Using other people's pictures

Often, novice sellers do not have enough money to rent a studio and hire a photographer. Therefore, they use the content of other sellers, which is also a violation. It also happens that an unscrupulous designer promises to prepare customized cards for the seller, but creates infographics using photos found on the Internet. It is important to understand that using a part of a photo, creating a collage or mirroring will not remedy the situation – you will have to answer for the violation.

4.2.4. Placing other people's images on the product itself

Anything that has a drawing of a popular character without the consent of the right holder is an illegal item of trade. For example, if you place an image of a cartoon character on a child's backpack, sales may increase, but it is necessary to obtain permission from the right holder. Otherwise, the drawing will be considered an infringement of rights.

4.3. Analysis of statistical data

The total number of intellectual property infringement disputes in 2024 increased by 20% and copyright infringement disputes increased by 67% over the previous year. According to lawyers, there are many more disputes because of the development of marketplaces and e-commerce. But also, their overall number continues to increase due to the rapid proliferation of copyrighted material on the internet. While the digital evolution has opened up unprecedented opportunities for creativity and collaboration, it has also brought to the forefront a challenge: how to protect copyrighted content in an era of rapid and easy distribution?

The number of lawsuits over intellectual property rights violations in the Russian Federation increased by 21% over the year. The number of legal disputes has increased by 55% over the last two years. Lawyers point out that most often sellers and manufacturers of goods are involved in disputes. Over 80% of cases last year were related to the protection of exclusive rights. This is due to the stable development of marketplaces and e-commerce, as well as the resumption of business activity in Russia, experts believe. At the end of 2023, over 52,000 such lawsuits were registered.

The number of legal disputes for the protection of copyright and related rights also increased by 67%, with patent rights – by 29%, with exclusive rights to trademarks – by 5%. The interlocutors of the publication recorded a 47% drop in cases that relate to the protection of exclusive rights to brand names.

5. Analyzing Copyright Issues in E-Commerce Case Studies

5.1. Unauthorized commercial copying

If someone commercially copies another person's photographs, music, text, or idea without their permission, the author can demand that they stop doing so and also recover damages. In the case of marketplaces, it is not uncommon for photos and cards of one

seller to be copied by someone else and still successfully sell goods. To protect intellectual property, the first seller has the right to submit a pre-trial claim to the second one and settle the issue peacefully, without filing a lawsuit with the competent authorities. As a rule, infringers are afraid of blocking the account by the marketplace and fulfilling the requirements of right holders.

5.2. Online publishing and consent

It is important to consider that if the author has published the result of intellectual activity on the Internet, it does not mean that he has tacitly authorized its use to all comers. The protection of copyright objects also includes protection of their inviolability: the results of someone else's intellectual activity are prohibited not only to use but also to change.

5.3. Reproduction and distribution in e-commerce

E-commerce allows users to easily reproduce and distribute copyrighted content without having to obtain permission; such examples are illustrated in Table 1. As a result, users can make copies of copyrighted works without authority and sell them to others or share with others, hence infringing on copyrights itself.

5.4. Counterfeiting in e-commerce platforms

E-commerce platforms are known to have facilitated the sale of counterfeit and illegal products. Counterfeit products can be defined as those that use copyrighted brands, graphics, or branding without the consent of the copyright owner [14]. This is a major problem for copyright holders and consumers alike.

5.5. Responding to copyright infringement

As a general rule, if a violation of one's rights is detected, the interested party must send a written complaint to the marketplace, and the marketplace is obliged to promptly respond to it [15].

However, as the court points out, the law does not establish the list of necessary measures and the procedure for their implementation. Accordingly, it is necessary to determine them independently, showing care and diligence [16].

This means that the marketplace must prescribe a procedure for action in case of complaints and follow it, if necessary, and within the time limits that it has established itself.

5.6. Monitoring violations

The courts answer the question of whether the marketplace itself must monitor possible violations in the negative.

An example is an interesting case where the owners of a famous piece of fine art with the conventional name "Zhdun" (which has been repeatedly used in Internet memes) filed a lawsuit against Aliexpress Russia Holding Pte. Ltd.

They found that "Aliexpress" sells toys "Zhdun" and sent a claim to the owner of the platform with a demand to pay compensation for the violation in the amount of 5 million rubles, but the specific facts of violations did not indicate and did not enter into correspondence with the platform, asking to give specific addresses of violators.

After receiving a copy of the lawsuit, the platform immediately (on the day the lawsuit was received) removed the infringing material. At the same time, the platform's terms of use explicitly stated that a complaint should be filed with specific links to the infringing material. This instruction was duplicated to the plaintiff after he received the complaint.

Table 1
Case studies of copyright infringements
on e-commerce marketplaces

No.	Case study	Description
1	National Geographic Society v. Vista Digital	In this case, the National Geographic Society used Vista Digital, a stock image provider, for copyright infringement. Vista Digital was selling illegal reproductions of National Geographic’s renowned images online. The court decided in favor of National Geographic, holding Vista Digital accountable for copyright infringement and awarding damages.
2	Agence France-Presse v. Morel	In 2010, photojournalist Daniel Morel captured terrible photographs of Haiti’s earthquake aftermath. Morel had the photographs appearing at his Twitter handle and claimed their copyright ownership. Nevertheless, AFP and Getty pictures distributed them without permission but were credited as “AFP/Morel.” Morel sued AFP and Getty Images for infringing his copyright that led to a settlement in his favor.
3	Richard Prince and “Instagram Art”	In a contentious case, artist Richard Prince took various pictures from Instagram without authorization and used them in his artwork. The images were originally posted by other individuals on the social media site Instagram, then they were reproduced, enlarged, and exhibited in an art museum located in New York City. Although copyright infringement was claimed against Richard Prince for using their work without permission, he was not guilty as the court ruled that it had been transformative appropriation and fair use.

Thus, the legislation suggests that other platforms should do the same in case of similar disputes.

These case studies reflect the practical ramifications of copyright violation on e-commerce platforms as well as the significance of aggressive protection of copyrights founded on litigation and partnership with these platforms.

6. The Nature of Liability of E-Commerce Marketplaces

Intermediaries such as e-commerce platforms and online markets are particularly important to the dissemination of digital information. The exact nature of the copyright infringement may, in some of these cases, be clear. In this way, intermediaries may find themselves facing claims for copyright infringement on the part of any party who used their services [17]. If intermediaries are liable for copyright infringement, the standards of secondary liability apply [18, 19]. These will include contributory liability and vicarious responsibility. Contributory liability can happen when an intermediary knowingly induces, causes, or substantially affects the infringement [20].

6.1. Exemption from liability for intermediaries

6.1.1. U.S. – DMCA – “safe harbor” exemption

In response to potential intermediaries’ responsibility, there exists legal framework(s). Digital Millennium Copyright Act (hereinafter – DMCA) is a major piece of legislation. This creates a “safe harbor” provision for intermediaries [19]. The DMCA exempts intermediaries from liability as long as they meet several requirements, such as assembling a notice-and-take-down procedure to discard infringing works promptly after their discovery, and not exercising any control or influence over that material [21].

6.1.2. Russia – “information intermediary” exemption

In accordance with Russian law, an information intermediary who transmits material is not liable if the following conditions are simultaneously met (part 2 of article 1253.1 of the Civil Code of the Russian Federation):

- He is not the initiator of this transmission and does not determine the recipient of the said material;
- He does not change the said material during the provision of communication services (exception – changes to ensure the technological process of material transmission);
- He did not know and should not have known that the use of the relevant results of intellectual activity is unauthorized.

6.2. Court practice on intermediaries’ liability for copyright infringement

The legal climate regarding intermediaries’ liability in copyright infringement cases has developed as a result of court decisions and legislative amendments [22].

6.2.1. Court practice in Russia

A. Case Example: Eighth Commandment LLC v. Wildberrys LLC

Additionally, it would be worth citing one specific example from Russian court practice, where courts have addressed intermediary liability for copyright infringement on e-commerce platforms. Thus, Eighth Commandment LLC filed a claim against Wildberrys LLC for recovery of compensation for infringement of exclusive rights to photographic works when they were placed on the marketplace in the amount of 1,050,000 rubles and court costs. The plaintiff, the trustee of the photographic works created by A. V. Baluev, discovered that the said photographs depicting 15 goods were used on the pages of the website www.wildberrys.ru. According to the plaintiff, the defendant did not take timely measures to eliminate the infringement, despite the complaint sent to it.

The case under consideration is interesting because the Court of Intellectual Property Rights of the Russian Federation (hereinafter – CIP) made several important conclusions:

- First, the court once again confirmed that marketplaces are information intermediaries and therefore liable on special grounds.
- Secondly, it noted that when considering claims about infringement of exclusive copyrights by marketplaces, courts

should consider the peculiarities of the emergence of copyright by virtue of the fact of creation of the object, i.e., without any registration. Without a request from the right holders, the defendant cannot determine whether the posted material infringes anyone's rights. In order to detect a specific infringement, the information intermediary must have sufficient information to establish the status of the right holder and the object in dispute and information that enables the tort itself to be detected [23].

- Thirdly, the CIP stated that a right holder's claim against a marketplace must contain information allowing to establish whether the plaintiff has rights to the materials published by the seller on the site; data on the basis of which the marketplace could compare the plaintiff's photos with what is posted by the seller.

6.2.2. Comparative analysis: U.S. and China

A. U.S. legal precedents

In the U.S., significant cases have shaped the understanding of intermediaries' liability:

- Tiffany (NJ) Inc. v. eBay Inc.
- In this case, eBay was scrutinized for counterfeit goods sold by third parties, emphasizing marketplaces' responsibility to address known infringements.
- L'Oréal S. A. v. eBay Int'l AG
- This case also highlighted that marketplaces must take proactive measures against repeated infringements to avoid liability.

B. Chinese legal framework

In China, the courts have similarly held marketplaces accountable:

- E-Land Fashion (Shanghai) Trade Co. v. Taobao Network Co.
- The court emphasized that platforms, along with sellers, could be liable for trademark infringements if they fail to act against known violations.

6.2.3. Legal practice in Germany

In Germany, on the other hand, 'interveners' (Störerhaftung) can be held liable for the infringement of intellectual property rights. Under either of these legal concepts, a marketplace can avoid liability by setting up a system on its platform to exclude or at least limit the number of infringing offers that are both effective and economically feasible.

To sum up, the court practices across different jurisdictions underscore the complexity and specificity of intermediary liability for copyright infringement. While principles such as the responsibility to act against known infringements and the necessity for right holders to provide detailed claims are widely recognized, the exact application and requirements can vary significantly.

7. Navigating IP Compliance in E-Commerce Marketplaces

The convenience of marketplaces attracts more and more buyers and sellers. The range of goods and competition is growing, but at the same time there are more and more cases of non-compliance with intellectual property law by sellers. By studying the rules and practices of the two Russian trading platforms mentioned above,

Wildberries and Ozon, it will give further insight into this area of law and its application in the context of online commerce.

7.1. Copyright infringement on "Wildberries"

Marketplace is loyal to sellers and does not require documents during registration. When concluding an agreement on cooperation between the seller and the site, he must guarantee compliance with the legislation on copyright. The Wildberries offer agreement states that the seller, in case of revealing the fact of using someone else's intellectual property, shall compensate for the damage caused to the right holder and the marketplace.

7.2. Copyright infringement on "Ozon"

This marketplace has slightly different conditions for the registration of sellers from the previous one. Marketplace immediately requires from sellers documents confirming the presence of licenses and intellectual property rights. In case of conflict situations, Ozon asks the seller for the consent of the rights holder. If the seller ignores the request, the marketplace has the right to block it. The site has its own legal service which resolves such conflicts.

7.3. Strategies for photographers' copyright protection

Photographers and copyright holders can effectively protect their work by following a variety of best practices, which are explicitly investigated and presented in Table 2.

8. Intermediaries' Proactive Responses to Copyright Infringements

8.1. Preventative measures for photographers

Photographers as well as e-commerce platform users should be alert to all the types of copyright infringement that can occur and take necessary steps to safeguard their own interests [24]. This includes registering works for copyright, adding identifying feature watermarks or owner information in photographs, and ecosystem by takedown notices and legal action if needed maintaining their rights [25].

In case of infringement of intellectual property rights, the right holder may bring the matter to court [26].

8.1.1. Measures and implications for copyright infringers

The following measures are envisaged in relation to infringers:

1. Compensation. In order to establish the amount of payment, the degree of damage caused will be considered. Such indicators are analyzed as the seller's profit from the sale of this product, how long he distributes it on the pages of the market, etc.,
2. The seller may confiscate goods that infringe copyright from the seller.

It should be kept in mind that the amount of compensation is always individual. There are no specific figures. Not only the amount of damage caused to the copyright holder will be considered but also the object of the offense itself. The fine for using someone else's text and photo will not be the same. If the infringement is minor, they may ask to remove the fact of infringement and that's it.

We can imagine that the seller sells things of a brand that has left the online market in one of the countries. On the basis of the exclusive right to the work, the right holder can win the case.

Table 2
Best practices in protecting photographers' copyrights

No.	Practices	Description
1	Watermarking	Placing a prominent copyright notice or watermark on pictures helps discourage illicit use while also plainly establishing ownership.
2	Registering copyrights	Registering copyrights with the proper copyright office provides additional legal protections and enables copyright holders to seek damages and attorney's fees in the event of infringement.
3	License agreements	Using license agreements, photographers can establish specific terms and limitations for the use of their photographs. These agreements may specify the permitted usage, duration, and any required attribution or charges.
4	Monitoring and strictly enforcing copyrights	Photographers can uncover instances of infringement by routinely monitoring e-commerce platforms and running reverse image searches. When an infringement is identified, it is feasible to take immediate action by issuing takedown notices or reporting it to the platform.
5	Seeking legal aid	If copyright infringement continues or legal action is required, it is essential to consult with an intellectual property attorney who can provide guidance and support.

8.2. Intermediaries “duty of care”

8.2.1. Responsibilities of photographers and copyright holders

Photographers and copyright holders carry significant duty for monitoring and responding to infringements. They are responsible for frequently reviewing various e-commerce sites for unauthorized usage of their images, which requires significant time and effort. This monitoring technique can be cumbersome, particularly for individual photographers or small copyright holders who may lack the resources to conduct a comprehensive search across many sites [27].

8.2.2. Role of specialized law firms and trademark vendors

Copyright infringements are monitored by law firms that specialize in this and by vendors interested in protecting their trademark. They look for pictures, texts, and posts on websites that violate a person's intellectual property rights. The fact of infringement must be notarized by a notary and then with a claim go to court. Most often, right holders appeal directly to sellers.

8.2.3. Actions of marketplaces on infringements

Even if marketplaces do not track the facts of violation of the law, they can withdraw the goods from sale or block the account of the seller who, in the opinion of the author, has violated intellectual property rights. Marketplaces live off commissions paid by sellers, so it is not profitable for them to remove goods from their own storefront. If conflicts arise, the marketplace will request the proper documents to resolve the dispute.

8.2.4. Marketplace copyright requirements and compliance

Still, some marketplaces have their own copyright requirements [12]. For example, many of them check the content of the product card. E-commerce marketplaces like Yandex. Market and Lamoda collaborate exclusively with stores that have registered trademarks. Documents will be checked already at the stage of registration as a marketplace vendor. Sellers who opt to partner with Yandex. Market have the option to attach a letter of guarantee. This letter grants them the legal right to use a specific trademark. True, it is not a question of mandatory trademark registration.

8.2.5. Marketplaces as “intermediaries”

In the case of online sales, marketplaces act as ‘intermediaries’. If, when necessary, the marketplace responds to complaints and indications of non-compliance with the law, then it is not responsible for copyright infringement.

9. Forms of Protection for Infringed Copyrights

9.1. Recovering compensation and addressing marketplace infringement

It is possible to recover compensation or damages from the infringer [28]. In the latter case, it is difficult to prove their amount, so many right holders choose the option of paying compensation. Its amount is regulated by the law D in each jurisdiction.

For example, in Russia, compensation ranges from 10,000 to 5,000,000 rubles; double the right to use or the value of the counterfeit goods.

According to the law, it is necessary to first send a pre-trial claim and then go to court. It is assumed that the parties will be able to settle the dispute in a claim procedure.

Well-known marketplaces have special forms that can be used if your rights are violated: on Wildberries; on Yandex. Marketplace.

Any claim must be accompanied by documents confirming your rights and evidence of violation. Screenshots, as well as the product itself accompanied by a receipt of purchase, will be sufficient. Marketplace will necessarily react if the right holder has attached sufficient evidence of ownership of the exclusive right to the object. This is in the interests of the marketplace itself. Marketplace will request an explanation from the offender, and if illegal actions are confirmed, the product card or personal account will be blocked.

Claims and lawsuits can be filed with the marketplace or directly with the violator. As a rule, the seller will still be responsible. Marketplaces include in their offers a clause stating that the seller is responsible for infringement of someone else's intellectual property rights. Many people believe that this reason makes it easier to sue the marketplace. However, there is a risk that the claim will be denied, because the marketplace is recognized as an information intermediary.

9.2. Examples of successful lawsuits against infringers

In practice, there are many won cases when suing an infringer. An individual entrepreneur filed a lawsuit against another individual entrepreneur. He demanded 60,000 rubles for the fact that the competitor had illegally used photos belonging to him on WB. The individual entrepreneur confirmed his exclusive rights with a copyright contract and an act of work performed. The infringer used confusingly similar images in its product cards. The parties failed to reach an agreement in a pre-trial procedure. The lawsuit was satisfied in court. The infringer was ordered to pay 60,000 roubles and reimburse court costs.

If the lawsuit is filed against the marketplace, the seller must reimburse all expenses incurred by the site in resolving the dispute with the rights holders. That is, even if the marketplace is obliged by court order to pay compensation, the offending seller will return this amount to the marketplace.

In addition to compensation, in a claim or lawsuit you should demand to recognize and stop the infringement. Sometimes it is possible to obtain confiscation and destruction of the counterfeit. In a lawsuit, you can demand that the defendant publish the court's decision in the mass media at its own expense.

This is what Synergetic LLC did in case No. A56-86028/2021. In addition to compensation in the amount of 2,500,000 million, the plaintiff obtained that the competitor destroy the goods and publish, at its own expense, the court's decision on the infringement, indicating the real right holder, in the newspaper Kommersant, with a size of at least 1/8 of a page.

9.3. Consequences of copyright infringement for photographers

When a photographer's work is used without authorization, in most cases there is some damage to their professional reputation and public image. This issue holds particular implications for photographers who earn their living by drawing in clients and building renown through their portfolio.

The ubiquitous access to uncredited or low-priced stock photos accessible on commerce sites undermines the perceived worth of authentic, skillfully crafted photographic works. When amateur snapshots and filtered phone pictures are freely exchanged as if their value matches that of masterfully made shots, it drags down the return that photography professionals can expect to gain for their unique offerings and hard work.

Without consent, there is a risk of photos risk being used or displayed in misleading ways by uninvolved parties. If the images are tied to a specific company or message, unauthorized proliferation could distort the brand identity or message in unintended forms and diminish the intended impact. Skillfully constructed photos demand respect for the vision and labor that went into their creation.

Copyright infringement violates intellectual property rights, and photographers can use legal tools to enforce their rights. Photographers must take extra precautions to monitor their work and deter any unauthorized usage. Financial penalties or legal expenses could arise if their photographs are misused.

10. New Requirements and Future Perspectives

Regulations for e-commerce marketplaces have evolved in recent years to provide stronger safeguards for copyrighted photographs. Many countries have updated their copyright laws to

offer photographers enhanced protection. Clarified definitions, tougher penalties, and improved enforcement aim to dissuade violation. Photographers rely on consistent protection of their work to continue contributing their artwork.

To combat copyright infringement charges, the major marketplaces must implement stringent notification and takedown procedures. The marketplace is then obligated to investigate substantiated claims as promptly as practical and eliminate any illegally posted content. Platforms that neglect to react to takedown requests in a timely manner expose themselves open to possible legal sanctions.

10.1. Evolution of regulations for e-commerce platforms concerning copyright protections

These vast e-commerce marketplaces have invested significantly in sophisticated content screening technologies to help identify possibly pilfered pictures in an automated fashion. Such solutions leverage deep learning algorithms to match new uploads against expansive databases of recognized copyrighted works, allowing platforms to more effectively pinpoint and dispose of infringing files. However, the accuracies of these systems remain imperfect, and human discernment remains crucial for assessing complex situations and making final rulings. Automatic tools are helpful aids but cannot fully replace human judgment.

E-commerce platforms have strengthened relationships with content creators and anti-piracy groups to strengthen copyright protections online [29]. By sharing data about infringement and streamlining takedown processes, platforms hope to curb the spread of unlawfully obtained photographs and educate shoppers.

While digital watermarking helps automate identification of protected pictures, these tricks alone cannot thwart the determined plagiarizer. A complex image may confound extraction of embedded identifiers, and alterations risk divorcing the work from vital attribution metadata. Only by encouraging respect for artistic rights might sites and sellers reasonably expect to avoid liability for misused media. To that end, outreach which humanizes creators' labor may better reform behaviors than fear of penalties or blocked downloads.

Still, all involved bear responsibility. E-commerce platforms must uphold technical safeguards and respond swiftly when rights holders request review of suspect listings [23]. Photographers would be wise to register copyright and watch for unauthorized commercial use, so as to promptly defend their livelihood. Through balanced care for artists and shoppers alike, the Internet shopping realm may mature into a space which nourishes creativity rather than deprives it of reward.

10.2. Continuous evolution and future prospects for photographic copyright

The following are a few reflections on ways that might lead to even stronger safeguards and understanding of photo copyrights on e-commerce sites in the future:

While the future looks bright for photographic copyright on online marketplaces, constant evolution of technology and commerce ensures the journey is ever-changing.

Continued progress in automated identification and attribution through advanced vision systems and distributed ledgers holds potential for streamlining protection. Yet awareness remains key – cultivating comprehension among all users regarding intellectual property through accessible information can help shape compliance.

Cooperation too is crucial, as photographers, rights holders, and platforms work in concert with adaptable policy.

By further refining solutions through open-minded progress on these fronts, we move closer to a landscape upholding both creativity and commerce in the digital age.

11. Conclusion

In conclusion, this research underscores the intricate landscape of copyright infringement pertaining to photographs on e-commerce platforms. Key findings highlight that while these platforms provide significant opportunities for global commerce, they also present substantial challenges for protecting photographers' intellectual property rights. The difficulty in identifying unauthorized use, coupled with the vast volume of content and the complexities of enforcing rights across different jurisdictions, poses considerable hurdles for rights holders.

Notably, the study reveals a high incidence of infringement, with up to 30% of product images on popular platforms being used without authorization, as illustrated by Travis [4]. This not only undermines photographers' livelihoods but also erodes consumer trust and satisfaction, ultimately damaging the reputation and profitability of legitimate e-commerce platforms and sellers.

Court cases, such as *Perfect 10, Inc. v. Amazon.com, Inc.*, demonstrate that e-commerce platforms can be held liable if they fail to take adequate measures to prevent copyright violations. This reinforces the need for platforms to adopt robust detection technologies and clear guidelines to mitigate infringement risks.

Moreover, the research emphasizes the broader impact on the creative economy and the digital ecosystem. Unauthorized usage devalues original content, stifles innovation, and discourages investment in new artistic ventures. Consequently, there is a pressing need for a collaborative approach involving photographers, e-commerce platforms, policymakers, and advocacy groups. Initiatives like educational campaigns, industry partnerships, and legislative reforms are vital to promoting compliance and fostering a culture of respect for intellectual property in the digital age.

Overall, addressing the multifaceted issue of copyright infringement on e-commerce platforms requires a holistic strategy combining technological, legal, and cooperative efforts. By doing so, stakeholders can protect the rights of content creators, enhance consumer trust, and ensure a sustainable future for digital commerce.

11.1. Future research directions

One promising direction for research is to focus on understanding copyright laws and related court cases in various countries, especially those experiencing a surge in online shopping. By examining the nuances of different legal frameworks and enforcement strategies worldwide, researchers can identify effective approaches and common pitfalls in dealing with copyright infringement. This can be achieved through detailed analyses of significant legal cases in both economically advanced and developing countries, providing a comprehensive view of how different jurisdictions approach the issue.

Another crucial area of study is the development and assessment of advanced technologies for automatically detecting stolen images online. As automation plays a significant role in combating copyright infringement, it is essential to evaluate the efficiency and accuracy of these technologies. Future research should focus on exploring the latest advancements in image recognition software, testing their capabilities in real-world

scenarios, and determining their effectiveness in identifying and addressing copyright violations on e-commerce platforms.

12. Recommendations

Advancements in technological solutions such as more nuanced image recognition algorithms and blockchain's decentralized nature have the power to automate protection efforts in ever more sophisticated ways going forward. Furthermore, cultivating understanding among platform patrons regarding intellectual property through awareness and education can help sculpt an environment that feels pleasant and law-abiding for all involved. However, continued cooperation across photographers, rights holders, and online marketplaces, aligned with proper legislation and its implementation, will prove pivotal in safeguarding success in copyright amid flux of the digital realm.

Practical recommendations for key stakeholders are summarized below:

For E-Commerce Platforms, investing in advanced automated image recognition tools to detect and flag potentially infringing content can help promptly identify and remove unauthorized use of copyrighted images, thereby reducing infringement. Developing an efficient, user-friendly mechanism for rights holders to report infringements streamlines the process for photographers and other content creators to flag unauthorized use, ensuring quicker resolution and removal of infringing content. Providing comprehensive guidelines and educational resources to sellers about copyright laws and the importance of respecting intellectual property rights reduces inadvertent infringement by informing sellers about legal requirements and best practices for using visual content. Conducting regular audits of the content on the platform ensures compliance with copyright laws, maintaining a higher standard of content integrity, bolstering the platform's reputation, and enhancing consumer trust.

For photographers and content creators, embedding digital watermarks in photographs to track their use online simplifies identifying unauthorized use of images, providing clear evidence in case of disputes. Utilizing reverse image search tools to monitor the internet for unauthorized use of photographs facilitates continuous monitoring of the vast online space, aiding in the timely detection of infringements. Staying informed about intellectual property laws and actively engaging with legal professionals to understand enforcement mechanisms empowers content creators to protect their rights more effectively and pursue legal action if necessary.

For policymakers, enhancing and harmonizing copyright laws to address the specific challenges posed by the digital and cross-border nature of e-commerce creates a more robust legal environment that better supports the enforcement of copyright infringements across different jurisdictions. Promoting cooperation between countries to streamline cross-border enforcement of copyright violations helps resolve jurisdictional challenges and ensures more effective protection for content creators globally. Encouraging and supporting initiatives by e-commerce platforms and other stakeholders to adopt best practices for copyright protection promotes a collaborative approach to combating copyright infringement, enhancing the overall efficacy of enforcement measures.

For consumers, participating in and supporting awareness campaigns about the importance of respecting copyright and intellectual property rights increases consumer understanding and reduces the demand for infringing content. Actively reporting any suspected infringing content encountered on e-commerce platforms assists platforms in identifying and removing unauthorized content, contributing to a more ethical marketplace.

The issue of copyright infringement on e-commerce platforms is multifaceted, involving various stakeholders each playing a critical role. By taking a proactive and collaborative approach, including technological upgrades, educational initiatives, and legal reforms, it is possible to create a more secure and fair environment for photographers and other content creators.

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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

The data that support this work are available upon reasonable request to the corresponding author.

Author Contribution Statement

Anna Pokrovskaya: Conceptualization, Methodology, Investigation, Resources, Writing – original draft, Writing – review & editing, Visualization, Supervision, Project administration, Funding acquisition.

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