

IP infringement on social media

ECCK IPR Conference 2021 - 18 October 2021

Monitoring and analysing social media in relation to IP infringement



April 2021

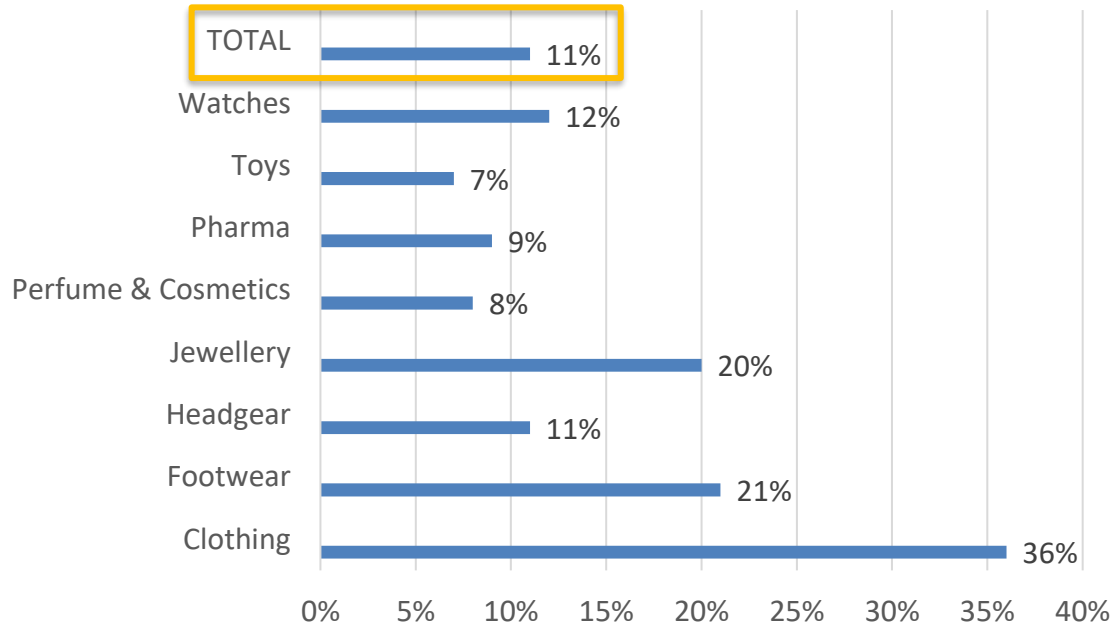


1. To what extent is social media used for IPR infringement activities or promotion, and can we observe certain trends?
2. What is the relative presence of IPR infringement products and illicit digital content on social media compared to genuine products or licit digital content?
3. What kind of IPR infringing business models are used on social media, and what are the main advantages compared to other communication channels?

Facebook, Instagram, Twitter, Reddit
Languages: DE, ES, FR, IT, PL, SE plus EN
Data collection period: April – September 2020

Main results – counterfeit goods

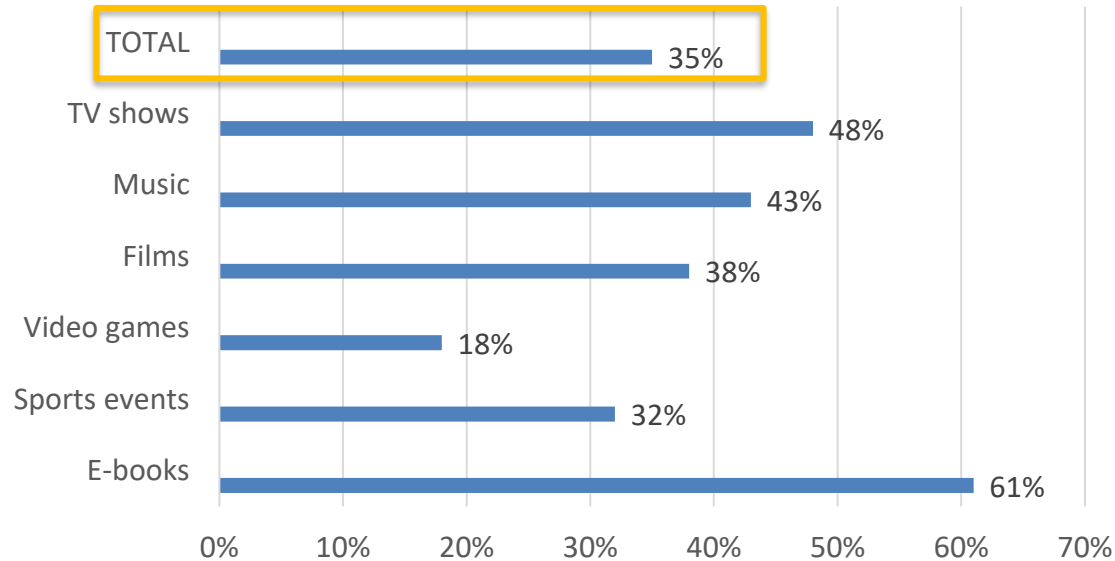
% of conversations related to counterfeits



3,913,125 total conversations

Main results – copyright infringement

% of conversations related to pirated content



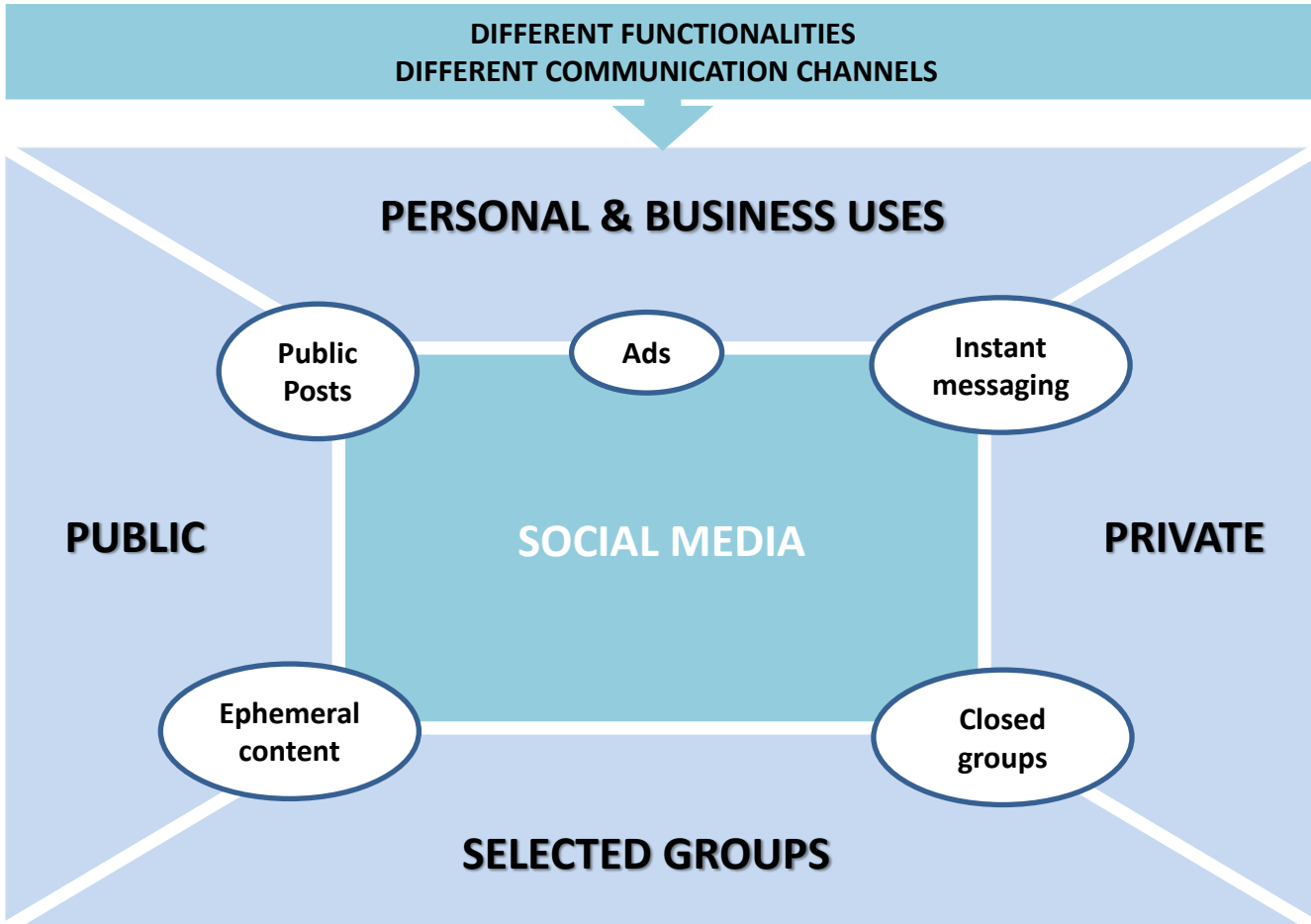
4,318,112 total conversations



Discussion paper on Social Media

New and existing trends in using social media for IP
infringement activities and good practices to address them

June 2021



IP infringing uses of social media : TRENDS

Use of social media to infringe IPRs

Hosting, (live) Streaming, Linking to 3rd party websites

Use of social media to support IP infringing activities

Advertising and marketing of IP infringing services and products

Use of social media to provide information about IPRs infringing activities

Support forum for IP infringing services, General info

Use of closed groups and private communication services

Marketing and/or transaction for IP infringing goods and services

Influencers

Burner accounts

Scam accounts

Hidden offers on marketplaces

IP infringing uses of social media : CHALLENGES

Use of **public, private, closed** group communication and **ephemeral** content: to escape existing IP protection measures and investigation techniques

Different regulations apply to:

- Content publicly available
- Private communication
- Access to personal data of alleged IP infringers.

Impact on the capacity for social media to **cooperate** with IP owners and LEAs

Social media: GOOD PRACTICES

PREVENTIVE

Terms and conditions

- Information resources
- Repeat infringers' policies

User's valid identification (KYBC)

- Requiring valid identification
- Verification of online advertisers' identity
- Measures to detect new accounts created by previously banned users and prevent further misuses
- Measures to undermine the creation of multiple social media accounts
- Specific requirements to access certain functionalities
- Specific restriction to use certain keywords in profile names

Communication campaigns

REACTIVE

Notice and action mechanism

- Information resources for IP owners
- Reporting in bulk
- Expedious process and removal
- Information of users
- Verification by IP owners following notification
- Verification of associated content and accounts
- Notification of username infringement
- Unified notification forms

IP Protection programme

- Search and reporting tools
- Reserving or limiting the use of trade mark related keywords in profiles
- Automated Content Recognition (ACR) systems

Collaboration with IP owners and LEAs

- Direct collaboration
- Investigation support
- Infringing website lists
- Legal action against users

Social media: GOOD PRACTICES

A number of good practices identified are covered by the proposed Digital Services Act...

PREVENTIVE

Terms and conditions

- Information resources
- Repeat infringers' policies

User's valid identification (KYBC)

- Requiring valid identification
- Verification of online advertisers' identity
- Measures to detect new accounts created by previously banned users and prevent further misuses
- Measures to undermine the creation of multiple social media accounts
- Specific requirements to access certain functionalities
- Specific restriction to use certain keywords in profile names

Communication campaigns

REACTIVE

Notice and action mechanism

- Information resources for IP owners
- Reporting in bulk
- Expedious process and removal
- Information of users
- Verification by IP owners following notification
- Verification of associated content and accounts
- Notification of username infringement
- Unified notification forms

IP Protection programme

- Search and reporting tools
- Reserving or limiting the use of trade mark related keywords in profiles
- Automated Content Recognition (ACR) systems

Collaboration with IP owners and LEAs

- Direct collaboration
- Investigation support
- Infringing website lists
- Legal action against users

... with some going further with regard to the protection of IP

Social media: Good practices addressing specific trends

Preventive

Terms and conditions

- Information resources
- Repeat infringers policies

Users' valid identification (KYBC)

- Valid identification
- Verification of the identities of online advertisers
- Measures to detect new accounts created by previously disabled users
- Measures to undermine multiple social media accounts creation
- Specific requirements to access certain functionalities
- Specific requirements to use certain keywords in the profile names

Communication campaigns

**Proactive
voluntary
measures**

**Burners
accounts,
scam,
fake
profiles**

Social media: Good practices addressing specific trends

Reactive

Notification and Action mechanisms

- Information resources for IP owners
- Reporting in bulk
- Expeditious process and removal
- Information to users
- Verification by IP owners following a notification
- Verification of associated content and account
- Notification of username infringement
- Unified notification forms

Scam & fake profiles

Closed Groups

IP protection program

- Search and reporting tools
- Reserve or limit the use of trade mark related keywords in account profiles
- Automated Content recognition (ACR) systems
- Automated Detection measures

Collaboration with IP owners and LEAs

- Direct collaboration
- Investigation support
- Infringing Websites Lists
- Legal actions against users

Scam & fake profiles

Social media: KEY FINDINGS

IP INFRINGING USES

Multiple ways IP infringers are combining Social media specificities & functionalities to support their activities and defeat existing IP protection and investigation measures

GOOD PRACTICES

Set of existing good practices that can contribute to limit the IP infringing uses of social media functionalities



www.euipo.europa.eu



@EU_IPO



EUIPO

Thank you