

Leveraging Consumer Protection for IP Enforcement

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From Brand Harm to Consumer Harm: A Stronger Enforcement Model?

- Consumer laws unlock regulator-led action by framing counterfeits as deception and safety risks—not just IP violations.
- Transparency rules (e.g., INFORM Act, Digital Services Act (DSA)) disrupt seller anonymity, enabling faster identification of repeat offenders.
- Different proof thresholds + administrative remedies allow quicker removals, fines, and injunctions than IP litigation alone.
- Combined IP + consumer law strategies have the possibility to deliver stronger outcomes
- Consumer awareness campaigns are essential to help consumers make the connection between buying a counterfeit product and the potential impact to their own health and safety

What is the Purpose of Consumer Protection Laws?

To safeguard individuals when purchasing goods or services by:

- Preventing unfair, deceptive, or abusive business practices, such as misleading advertising or hidden fees
- Ensuring product and service safety and quality, protecting against dangerous or defective items
- Requiring accurate, transparent information, so consumers can make informed decisions
- Providing accessible redress and remedies, including refunds, repairs, and legal action
- Balancing power between consumers and businesses, addressing inherent inequalities in transactions

United States

Consumer Product Safety Act (CPSA)-
enforced by the Consumer Product Safety
Commission (CPSC)
INFORM Consumers Act
Federal Trade Commission Act
Food, Drug & Cosmetic Act

EU

Unfair Commercial Practices Directive
(2005/29/EC)
Consumer Rights Directive (2011)
Digital Services Act (DSA)
Product Liability Directive (1985)
Modernisation Directive (2019/2161)
Online Safety Act
These rules ensure safety, transparency, fair
terms, and wide-ranging consumer rights,
enforcing a "charter of rights" across the EU

China

Law on Protection of Consumer Rights and
Interests (CRL) (established 1993; latest edits
in 2013/2022)
Implementing Regulations of LPCRI
(effective 2024)
E-Commerce Law (addresses deceptive
marketing, price disparities, returns, platform
accountability)

Brazil

Consumer Defense Code (Código de Defesa do
Consumidor) – Law 8.078/1990
This law provides consumer information rights,
strict supplier liability, reversal of burden of
proof, seven-day cooling-off for online
purchases, and accessible redress mechanisms

India

Consumer Protection Act 2019 (modernizing the
1986 Act) – introduces e-commerce safeguards,
product liability rules, and regulatory authority
under CCPA
Supplemented by laws like the Prevention of
Food Adulteration Act (1954/2006) and the
Indian Contract Act (1872)

Australia

Australian Consumer Law (ACL) under the
Competition and Consumer Act 2010
Enforced nationally by the Australian
Competition & Consumer Commission (ACCC)
and state agencies. It covers fair trading,
product guarantees, misuse prohibitions,
misleading conduct, unfair terms, and safety
standards

Thank you

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Intellectual Property (Trademark) Law vs. Consumer Protection Law

IP LAW

- Create exclusive rights in marks through registration.
- Define infringement standards (likelihood of confusion, passing off).
- Provide civil remedies: injunctions, damages, account of profits.
- Contain unfair competition/false designation provisions (analogous to Lanham § 43(a)).
- Often enable customs enforcement and cross-border protection (e.g., EU, Canada, Brazil).

CONSUMER PROTECTION LAW

- Prevent unfair, deceptive, or abusive business practices, empowering consumers in the marketplace
- Ensure product and service safety, setting quality standards and recall mechanisms
- Require accurate, transparent information, enabling informed choice
- Provide accessible redress and remedies, including refunds, repairs, and legal action