



The Future of Online Enforcement – Getting ahead of Today’s Counterfeiting Challenges

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VENABLE LLP

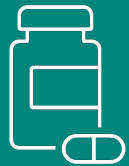
Overview: The Future of Online Enforcement – Getting Ahead of Today’s Counterfeiting Challenges

Three key questions to designed highlight how companies and organizations are dealing with ever-changing counterfeiting threats online, in ecommerce and social media, and beyond.

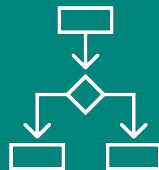
- (1) “What is your company or organization doing now to address the online distribution of counterfeits impacting your customers or stakeholders?”
- (2) “Given the continued growth and reach of e-commerce and social media platforms, what are the big opportunities and challenges you see in dealing with evolving online counterfeit threats in your industry (or field)?”
- (3) “What specific tools, tactics, resources and new features (for our platform and software providers) do you recommend using to improve online anticounterfeiting and brand protection efforts?”

Merck's Product Integrity Strategy

Secure the Supply Chain



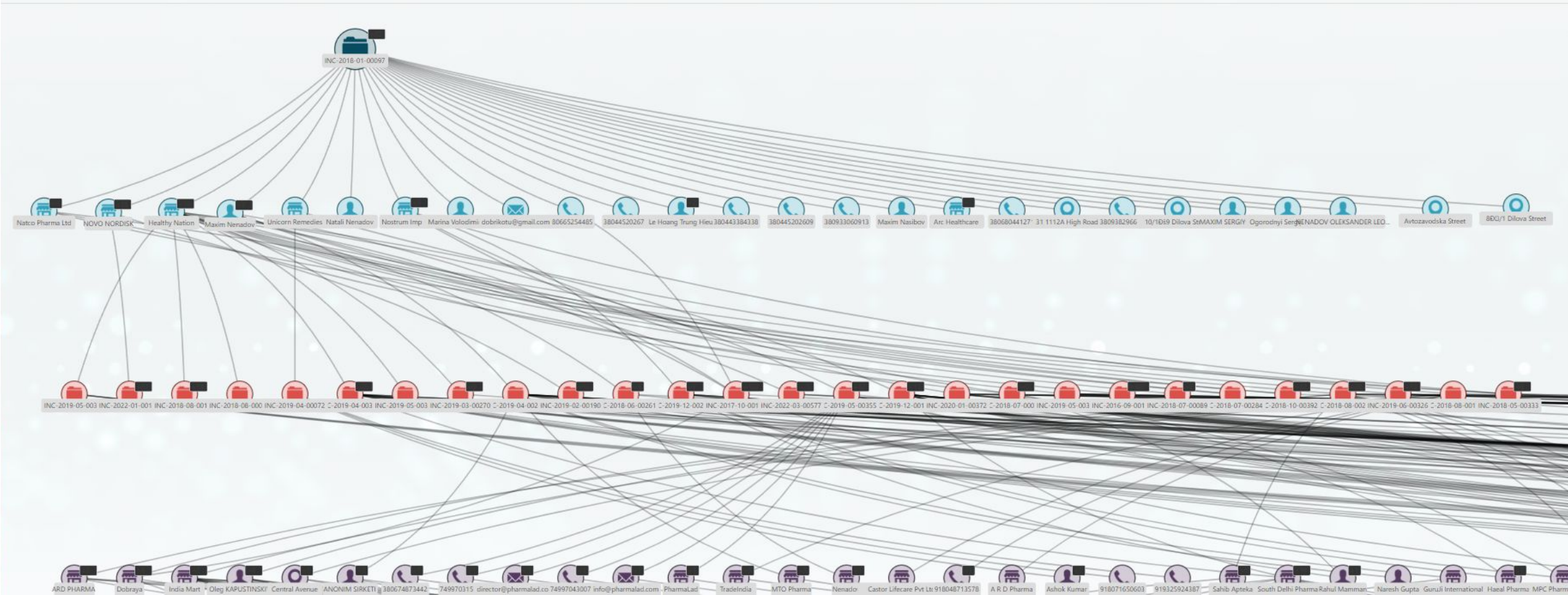
Investigations and Enforcement



Raise Public and Stakeholder Awareness



Intelligence Collection and Link Analysis



Investigation and Enforcement

United States Department of Justice

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FOR IMMEDIATE RELEASE Thursday, March 25, 2021

Ukrainian traffickers sentenced for counterfeit cancer and hepatitis drugs

HOUSTON - Two citizens of Ukraine have been sentenced after admitting they conspired to smuggle and distribute counterfeit cancer and hepatitis drugs into the United States.

Maksym Nienadov, 36, is the owner of the Ukrainian-based company Healthy Nation. He and his co-conspirator and employee – Volodymyr Nikolaenko, 34 – pleaded guilty to conspiracy, trafficking in counterfeit drugs and smuggling goods into the United States July 17, 2020. Nienadov also admitted to introducing misbranded medicine into the United States.

<https://www.justice.gov/usao-sdtx/pr/ukrainian-traffickers-sentenced-counterfeit-cancer-and-hepatitis-drugs>

Counterfeit Keytruda traffickers sentenced in US

Phil Taylor

26-Mar-2021

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Related articles:

- Two US doctors 'admit dealing in unapproved cancer drugs'
- Fake, stolen medicines operation busted in Poland
- Ukrainians admit selling fakes of Merck's Keytruda in US
- Arrests made after



Two Ukrainian nationals have been sentenced to prison terms in the US for trafficking and smuggling counterfeit cancer and hepatitis medicines into the US, including fakes of Merck & Co's big-selling cancer immunotherapy Keytruda.

<https://www.securindustry.com/pharmaceuticals/counterfeit-keytruda-traffickers-sentenced-in-us/s40/a13241/#.YT6Szz1KiUk>

Adversarial Risk Analysis

“
*Know thy self,
know thy enemy.
A thousand battles,
a thousand victories.*

— Sun Tzu



Inputs into Automated Brand Protection

**Trademarked
and copyrighted
terms**



**Brand product
categories**



**Images and
logos**



**Manufacturing and
distribution locations**



8

How Amazon uses Machine Learning to protect Brands

Logo Detection

Identifying a logo with a trademark on an image of a product



Logo Detection

Size and location



10



Logo Detection

Surface Textures



Logo Detection

Training the Model

- 1 million catalog images
- 300K images with a Logo
- Multiple human annotators
- Collected logo samples
- 1500+ images per second



Logo Detection

Challenges

As we've improved our detection of image-based IP Infringement, bad actors have evolved their modus operandi

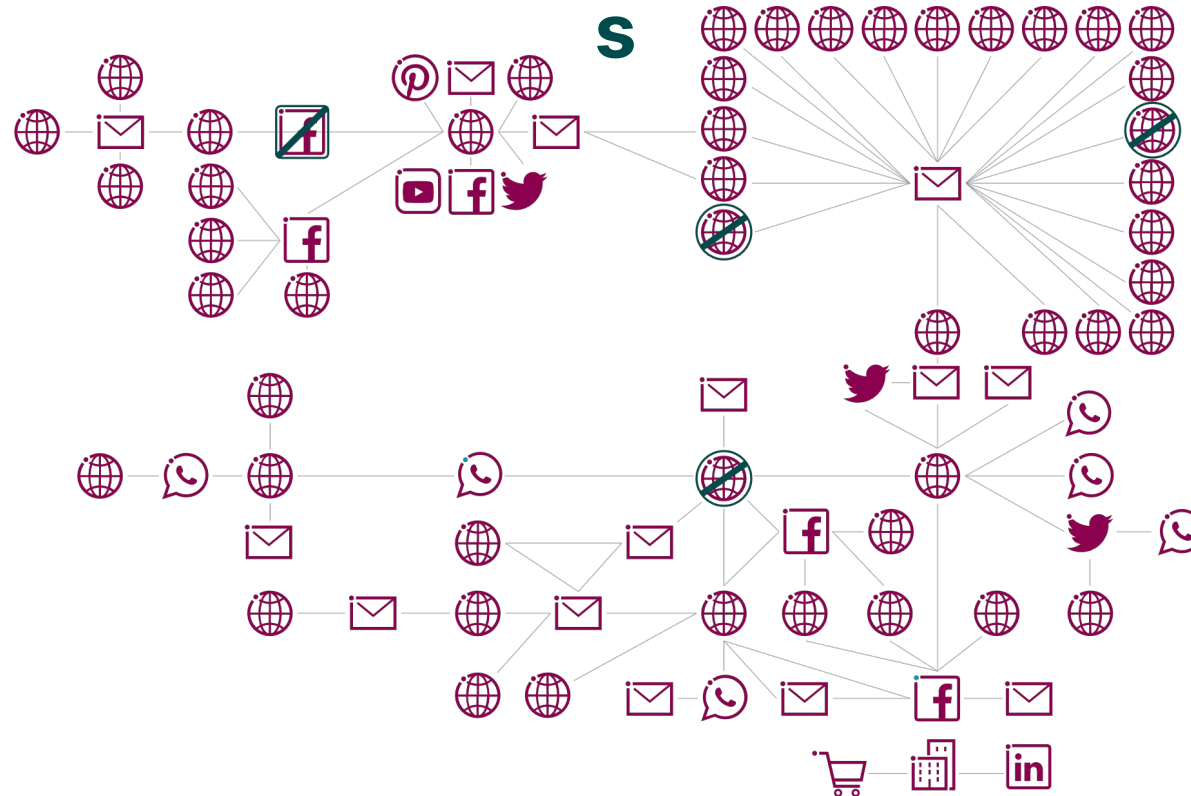


1
3



Corsearch protects brands and consumers

Network Analysis



14bn
Items scraped

3.2bn
Potential infringements

15.5m+
Items enforced

CORSEARCH

Lookalike Product & Imagery

Official Dove Product & Imagery



Image
recognition

28

Global
investigation &
test purchase
Team

70

China
Enforcement
team



DATA PROVIDES A BIG OPPORTUNITY TO DRIVE LEGISLATIVE CHANGE



Saving in Listings Enforced: threshold = 3 listings



IF
PLATFORMS
ADOPTED A
3 STRIKES
POLICY:

24% reduction
in infringing listings
overall



DATA INFORMS & INFLUENCES

The Washington Post

AMAZON VOWED TO CRACK DOWN ON CORONAVIRUS PROFITEERING. SOME SELLERS HAVE FIGURED OUT LOOPHOLES | THE WASHINGTON POST

Bloomberg

GOOGLE SEARCH SHOWS SUSPECT SITES FOR DRUG, BABY TEETHER: STUDY | BLOOMBERG

THE  TIMES

GOOGLE ACCUSED OVER SCAM SITES IN SEARCH RESULTS | THE TIMES

WTR
World Trademark Review

UK AND US INCOPRO REPORTS SHOW BREADTH OF WILLFUL COUNTERFEIT PURCHASING | WTR

ADWEEK

5 TIPS FOR PROTECTING BRANDS FROM PREYING COVID-19 COUNTERFEITERS | ADWEEK

BUSINESS
INSIDER

GOOGLE'S NEW TOOL TO REMOVE FAKE PRODUCTS FROM SEARCH RESULTS IS AN INEFFICIENT HEADACHE FOR USERS FLAGGING VIOLATIONS | BUSINESS INSIDER

 **cheddar**

MOST ONLINE COUNTERFEIT GOODS MAY BE COMING FROM THE SAME 3 PERCENT OF SELLERS | CHEDDAR NEWS

P3pharmacy
Intelligence. Analysis. Insight. p3pharmacy.co.uk

GOOGLE URGED TO CRACK DOWN ON FAKE MEDICINE SITES | P3PHARMACY

Brands can control the NFT opportunity

Types of ownership

Personal
only
Commercial
use

Secondary
use

No transfer of © or
TM

License copyright?
License

trademarks??
Do imposed restrictions s
apply?



SuperRare



CORSEARCH



TikTok is the leading destination for short-form mobile video. Our mission is to inspire creativity and bring joy.

Mikaela Schiller, Senior Policy Analyst IARG

Reducing Discoverability

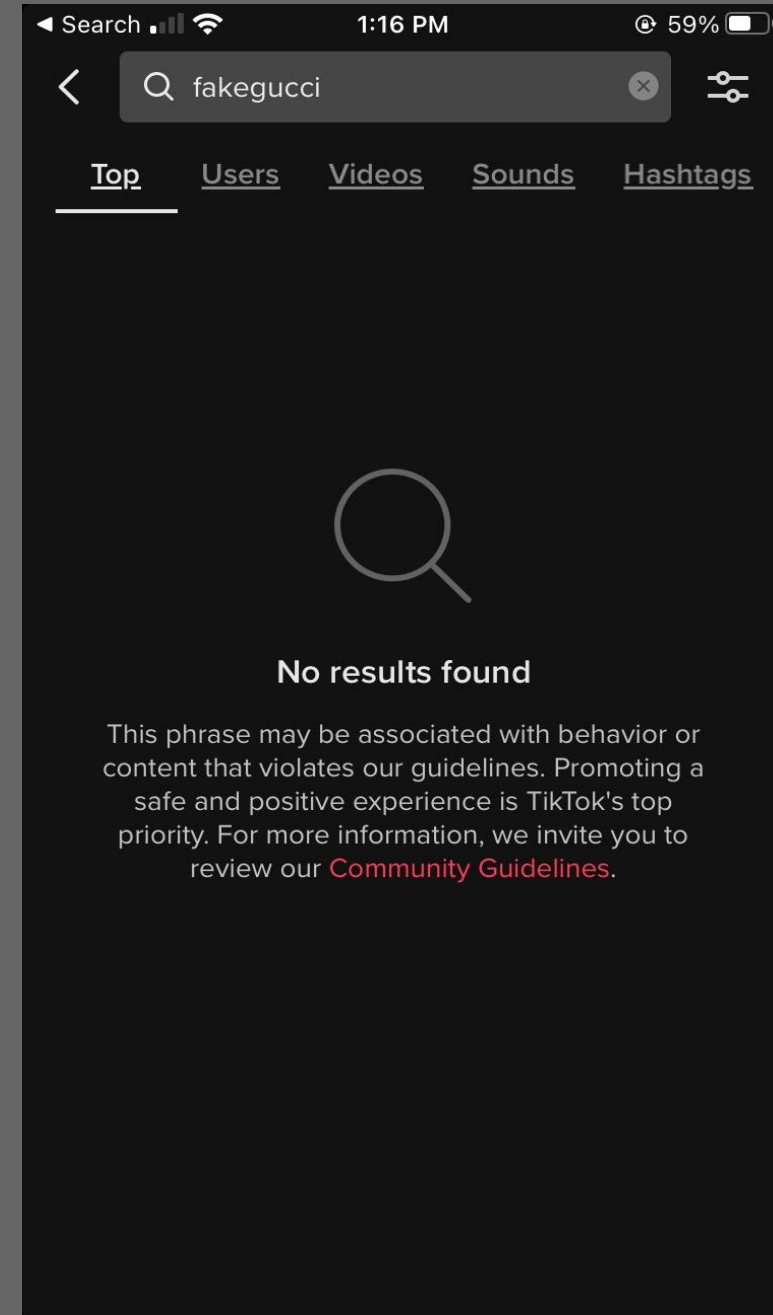
01

We proactively block terms from search that promote the trade of counterfeit goods and redirect our users to our Community Guidelines.

Machine Learning

02

Uploaded content goes through safety checks, during which technology scans text, audio, and visual signals.



Content Moderation

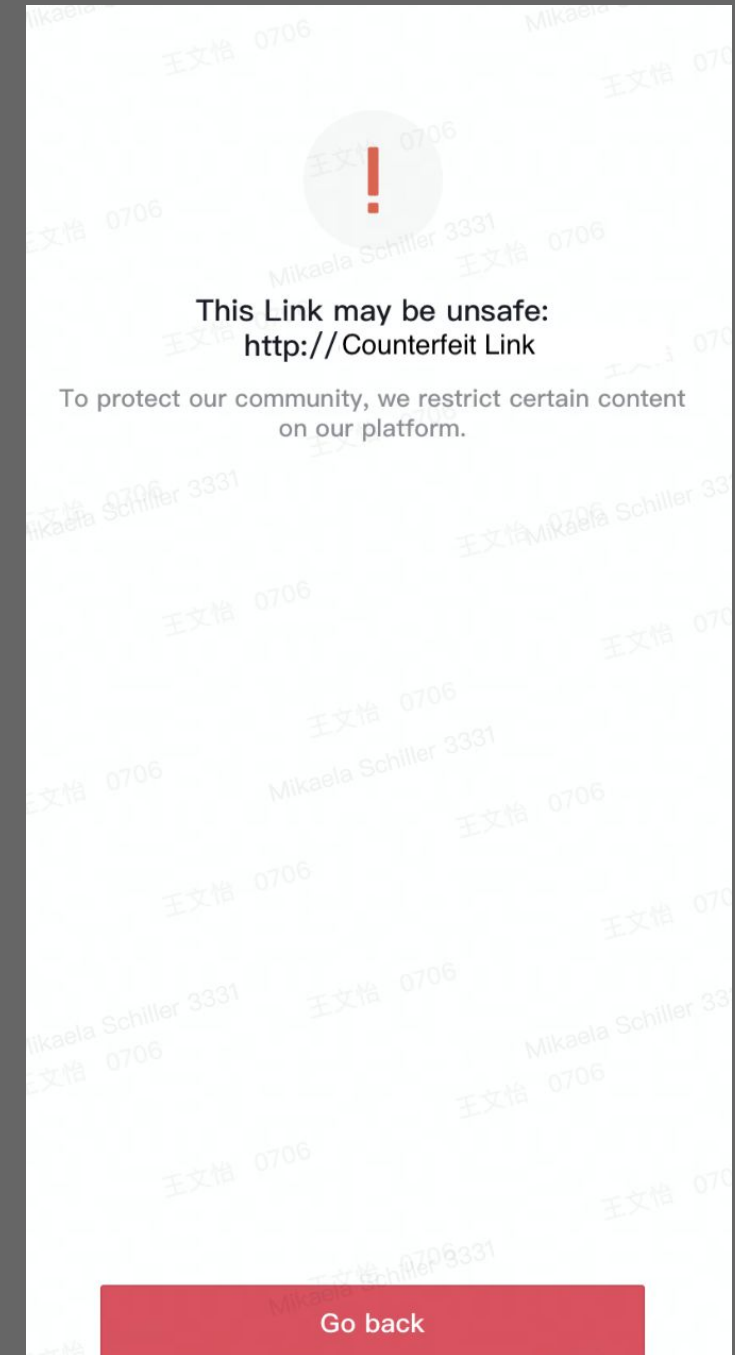
03

Our human moderators scan and review content for violations of our policies.

URL Blocking

04

Any time we identify a website associated with selling counterfeit goods, we block this link.



People 05

Our global safety teams are made up of experienced industry professionals whose backgrounds span across legal, intellectual property, law enforcement and more to assess the current policies for effectiveness and tailor them if we find they aren't capturing harmful behavior in an impactful way.

Report a video

If you see a video on TikTok that you believe violates our [Community Guidelines](#), please report it to us.

To report a video in your TikTok app:

1. Go to the video you need to report.
2. Press and hold on the video.
3. Select **Report** and follow the instructions provided.

You can also use [our online form](#) to report content on TikTok.

Content Reporting 06

Users can report the trade of counterfeit goods in-app or on our web-form. Rights holders are able to report content that violates or infringes copyright, trademark or other intellectual property rights.



Intellectual Property Infringement

TikTok respects the intellectual property ("IP") rights of others.

TikTok's [Terms of Service](#), [Intellectual Property Policy](#), and [Community Guidelines](#) do not allow posting, sharing, or sending any content that violates or infringes upon someone else's copyright, trademark, or other intellectual property rights.

If you believe that your IP-protected work was posted without your authorization on TikTok's site or app, or otherwise hosted by TikTok, you may refer to the instructions in our [Intellectual Property Policy](#) and submit an IP infringement report using any of the methods listed below.

Copyright infringement

- Fill out the [Copyright Infringement Report](#) form

Trademark infringement

- Fill out the [Trademark Infringement Report](#) form

Note that all information submitted in your report may be forwarded to the uploader of the content, to [lumendatabase.org](#), or otherwise made public by TikTok or a third party in order to investigate your report.

Challenges

01

Policy Evasion

- Evolving signals & coded language
- Less explicit advertisement

02

Product Exploitation

- Comments
- Livestream
- Direct Message
- Links & Off-platform redirection

03

User Education

- Vague user notifications
- Lack of educational resources

Opportunities

Community, People & Partners

Policy & Proactive detection

Transparency & Education

Topics

Sexual assault resources

Eating disorders

Online challenges

Bullying prevention

COVID-19

Election integrity

Suicide & self-harm


Well-being

Guides

Safety & privacy controls


Safety partners

Topics




Sexual assault resources

At TikTok, our goal is to create a supporting and welcoming community. We understand that trauma may easily resurface for survivors of sexual assault and we're committed to fostering...



Eating disorders

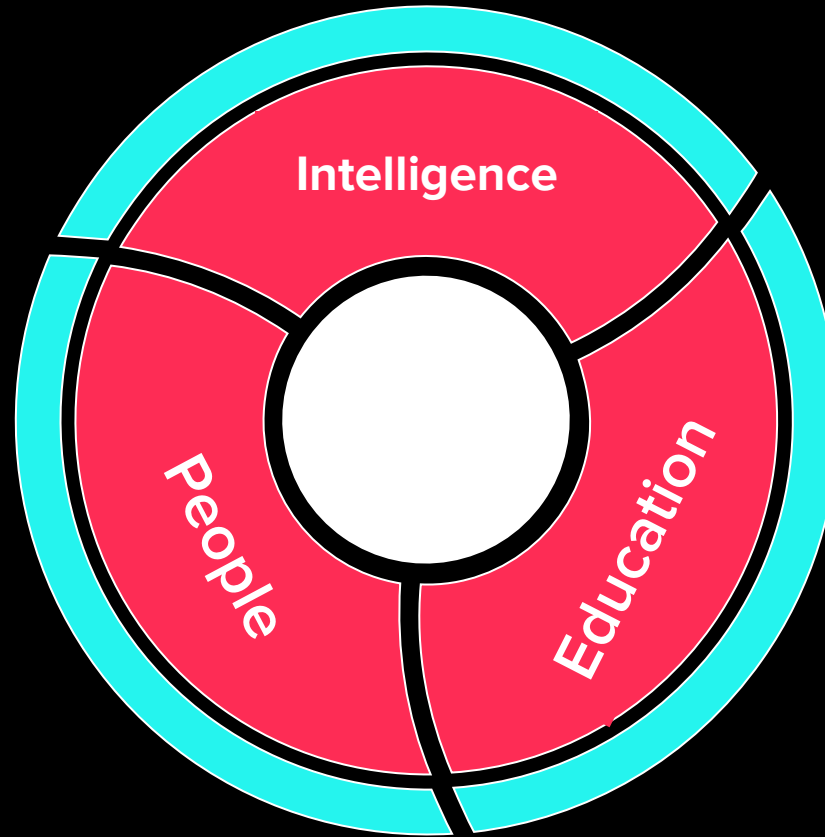
This is a guide for teens, caregivers, and educators looking for info and support on eating disorders.



Online challenges

This is a resource for teens, caregivers, and educators looking for info and support on online challenges. What are online challenges? Online challenges or dares typically involve people recording themselves...

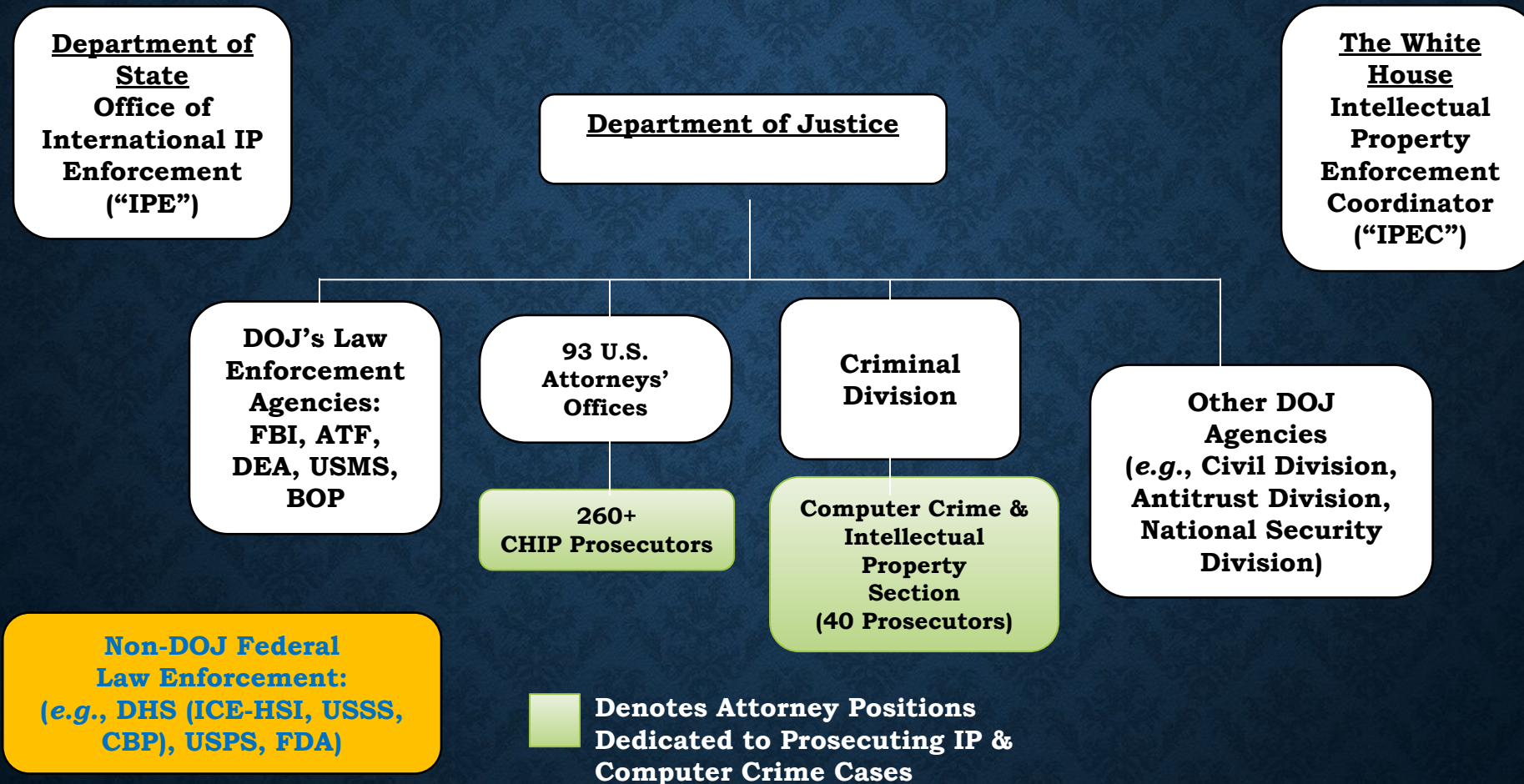
Tools, Tactics Resources & Features





Kendra Ervin

Computer Crime and Intellectual Property Section





Computer Crime & Intellectual Property Section

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COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION (CCIPS)



GENERAL INFORMATION COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION

LEADERSHIP

John Lynch

Chief, Computer Crime & Intellectual Property Section

CONTACT

Department of Justice Main Switchboard

(202) 514-2000

ABOUT THE COMPUTER CRIME & INTELLECTUAL PROPERTY SECTION

The Computer Crime and Intellectual Property Section (CCIPS) is responsible for implementing the Department's national strategies in combating computer and intellectual property crimes worldwide. CCIPS prevents, investigates, and prosecutes computer crimes by working with other government agencies, the private sector, academic institutions, and foreign counterparts. Section attorneys work to improve the domestic and international infrastructure-legal, technological, and operational-to pursue network criminals most effectively. The Section's enforcement responsibilities against intellectual property crimes are similarly multi-faceted. Intellectual Property (IP) has become one of the principal U.S. economic engines, and the nation is a target of choice for thieves of material protected by copyright, trademark, or trade-secret designation. In pursuing all these goals, CCIPS attorneys regularly run complex investigations, resolve unique legal and investigative issues raised by emerging computer and telecommunications technologies; litigate cases; provide litigation support to other prosecutors; train federal, state, and local law enforcement personnel; comment on and propose legislation; and initiate and participate in international efforts to combat computer and intellectual property crime.



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REPORTING COMPUTER, INTERNET-RELATED, OR INTELLECTUAL PROPERTY CRIME

Internet-related crime, like any other crime, should be reported to appropriate law enforcement investigative authorities at the local, state, federal, or international levels, depending on the scope of the crime. Citizens who are aware of federal crimes should report them to local offices of federal law enforcement.

► [Reporting computer hacking, fraud and other internet-related crime](#)

▼ [Reporting Intellectual Property Crime](#)

REPORTING INTELLECTUAL PROPERTY CRIME

Type of Crime	Appropriate federal investigative law enforcement agencies
Copyright piracy (e.g., software, movie, sound recordings)	<ul style="list-style-type: none"> FBI local office U.S. Immigration and Customs Enforcement (ICE) Internet Crime Complaint Center
Trademark counterfeiting	<ul style="list-style-type: none"> FBI local office U.S. Immigration and Customs Enforcement (ICE) Internet Crime Complaint Center
Theft of trade secrets /Economic Espionage	<ul style="list-style-type: none"> FBI local office

- Reporting Intellectual Property Crime: A Guide for Victims of Copyright Infringement, Trademark Counterfeiting, and Trade Secret Theft (Second Edition)

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CCIPS DOCUMENTS AND REPORTS

Manuals/Guides

Prosecuting Computer Crimes Manual (2010)

Prosecuting Intellectual Property Crimes Manual (April 2013)

Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigation Manual (2009)

IP Victim Guide (June 2016)


Digital Forensic Analysis Methodology Flowchart (August 22, 2007)

U.S. Department of Justice
Criminal Division

REPORTING INTELLECTUAL PROPERTY CRIME

A Guide for Victims of Copyright Infringement, Trademark Counterfeiting, and Trade Secret Theft

Third Edition




U.S. Department of Justice | Computer Crime and Intellectual Property Section | October 2018

U.S. Department of Justice
Executive Office for United States Attorneys

PROSECUTING INTELLECTUAL PROPERTY CRIMES

Third Edition



Computer Crime and Intellectual Property Section
Criminal Division

April 2013

CCIPS Online

Investigating Trademark Counterfeiting Crime: A Field Guide

Searching and Seizing Computers and Obtaining Electronic Evidence in Criminal Investigation

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Switchboard
(202) 514-2000





DOJ ICHIP Network



- **International Computer Hacking and Intellectual Property (ICHIP) attorney advisors:**
U.S. DOJ attorneys deployed overseas to provide training and expert assistance in enforcing intellectual property rights and combatting cybercrime.
- ICHIP@usdoj.gov

Summary, Closing and Q&A

- (1) Companies and organizations (such as DOJ CCIPS) use a variety of technologies and strategies to address the online distribution of counterfeits impacting their customers or stakeholders.
- (2) As online counterfeiting evolves, there are big opportunities (e.g. data sharing) and challenges (e.g. new platforms/technologies such as blockchain and NFTs).
- (3) Brands and government agencies use an array of tools, tactics, resources and new features (on platforms) to improve online anticounterfeiting and brand protection efforts.

QUESTIONS?