TRACIT Submission to the Public Consultation on the EU's Counterfeit and Piracy Watch List

Online Platforms

The Transnational Alliance to Combat Illicit Trade is a private sector initiative headquartered in the United States and dedicated to mitigating the economic and social harms caused by illicit trade, including counterfeiting and piracy. TRACIT brings together companies across industries affected by illicit activity and supports stronger government enforcement and international cooperation.

TRACIT welcomes the European Commission's continued attention to online platforms that facilitate the sale and distribution of counterfeit and other IP infringing goods. Recent enforcement actions and fines imposed on Temu, AliExpress, and preliminary findings concerning Meta demonstrate meaningful progress, and we are encouraged by the growing commitment to hold platforms accountable. As e-commerce expands across borders, consumers are increasingly exposed to unsafe or unregulated products, while legitimate businesses and workers bear the cost. In response to the public consultation, TRACIT submits the following priority online-platform nominations and recommendations. These are based on evidence provided by industry stakeholders and on findings from TRACIT's upcoming report, *The Landscape of Lawlessness Online*.

TRACIT urges the Commission to use the Watch List to drive measurable improvements in seller verification, proactive screening, effective stay down procedures, repeat-infringer enforcement and cooperation with rights holders and competent authorities.

Transnational Alliance to Combat Illicit Trade
One Penn Plaza New York NY | +1 917 815 2824
www.TRACIT.org | info@TRACIT.org

Online platforms that facilitate counterfeiting

TRACIT has found substantial counterfeit activity across marketplaces and social-media platforms, including sponsored advertisements that direct consumers to fraudulent websites or websites selling counterfeits. Evidence also indicates that platforms' enforcement practices vary across different jurisdictions in which a platform operates. TRACIT's research identifies recurring structural weaknesses that enable a broad range of illicit and unsafe products, including IP-infringing goods:

- Inadequate seller verification: Many platforms do not reliably establish the identity, business status, or location of commercial sellers, nor do they consistently verify licences or product registrations for regulated goods.
- Insufficient pre-listing controls: Listings, advertisements, and livestream promotions often go live without meaningful pre-publication checks, allowing clear infringement indicators, altered product information, and unauthorised goods in high-risk categories to circulate unchecked.
- Reactive notice-and-takedown systems: Enforcement mechanisms remain largely complaint-driven. Brand owners report that action frequently requires repeated notifications, extensive documentation, or even court orders before platforms intervene.
- Weak staydown mechanisms and ineffective penalties: Removed sellers and listings routinely reappear through false identities, linked accounts, or minor modifications to images and descriptions. Platforms often fail to connect these signals or apply sanctions that deter repeat offenders.
- Migration to linked platforms and private channels: Illicit activity increasingly shifts from public listings to livestreams, closed groups, disappearing content, and private messaging. This fragmentation obscures transactions and complicates evidence gathering for enforcement authorities and rights holders.
- Lack of consistency and transparency across jurisdictions: Platforms operating in multiple countries apply divergent controls and provide limited or non-comparable information on verification processes, notices, proactive measures, penalties, appeals, and repeat-offender management.

Our Submission

The following table identifies the platforms that warrant priority examination. Priority 1 platforms present the strongest concern, while Priority 2 platforms remain material concerns requiring enhanced engagement and monitoring.

TRACIT recognizes that many platforms have taken meaningful steps to strengthen seller controls, improve product-safety measures and enhance enforcement systems. These efforts matter, and they reflect years of dialogue in which TRACIT and rights holders have consistently called for stronger, more reliable safeguards. However, experience shows that progress remains uneven: some platforms have made significant advances, while others continue to exhibit recurring weaknesses that allow counterfeit, unsafe and illegal goods to circulate at scale. This submission therefore highlights where further action is needed and encourages continued cooperation alongside clearer duties and more consistent enforcement.

Platform	Geographic reach	Evidence
Priority 1		
Meta's platforms Facebook Instagram WhatsApp	Worldwide	**TRACIT strongly encourages the European Commission to include Meta in the Counterfeit and Piracy Watch List.** **Meta represents one of the most problematic online environments for rights holders, characterized by persistent high-volume counterfeit activity and, inadequate enforcement mechanisms that materially enable illicit trade.** • Rights holders report extremely high volumes of counterfeit offers and fraudulent advertising across Meta's platforms, making these platforms a primary focus of social-media enforcement efforts. • Meta platforms are routinely used to promote counterfeit versions of both high-risk regulated products—such as pharmaceuticals, tobacco, alcohol, and agrochemicals—and large volumes of counterfeit apparel, footwear, luxury goods, and other consumer products, creating significant consumer-protection and brand-integrity concerns. • Seller-verification processes on Meta remain weak. First-time merchants face limited upfront checks, allowing counterfeiters to create multiple accounts and circumvent verification thresholds and enforcement measures. • Monitoring counterfeit activity on Meta platforms is particularly challenging due to disappearing Stories, closed groups, anonymous listings, and livestream formats that allow infringing sellers to operate with limited visibility and rapidly shift content across channels. • Repeat IP-infringing sellers are widespread. Meta does not reliably connect related accounts across Facebook and Instagram, enabling counterfeiters to maintain parallel identities and reappear quickly after takedowns. • Many identified sellers are repeat offenders or are connected to previously identified seller networks. • Counterfeit listings and negotiations frequently migrate into private messaging channels, including WhatsApp, fragmenting transactions and obstructing evidence collection for rights holders. • A September 2025 warning from the European Medicines Agency (EMA) and Heads of Medicines Agencies (HMA) identified hundreds of fake Facebook profiles listings and advertisements promoting falsified medicines. Consumers were then redirected to messaging platforms, including WhatsApp, to arrange payment and delivery privately. • Instagram has faced scrutiny for facilitating the sale of fentanyl-laced counterfeit pills, presenting a particularly serious public-health risk. • Meta platforms have continually been the subject of multiple legal actions, most notable being that the EU Commission preliminarily found in October 2025 that Facebook and Instagram had failed to provide simple mechanisms for notifying illegal content and effective routes for challenging moderation decisions.

Platform	Geographic reach	Evidence
IndiaMart		**TRCIT strongly encourages the European Commission to include IndiaMart in the Counterfeit and Piracy Watch List.** **IndiaMart represents a significant concern for rights holders, with substantial volumes of counterfeit pharmaceutical, medical-device and crop-protection products identified on the platform, inconsistent compliance controls, limited proactive enforcement, and significant challenges in addressing repeat infringement.** • Rights holders report significant volumes of counterfeit and illicit pharmaceuticals, medical-devices and crop-protection products being offered on IndiaMart. • Pharmaceutical products are frequently listed at prices substantially below market value, raising concerns regarding the authenticity and legitimacy of products offered through the platform. • Counterfeit crop-protection products are also of concern. The availability of such products can create risks for legitimate manufacturers and distributors and complicate efforts to identify and remove infringing listings. • Product listings frequently use images that are also commonly used across other listings. Because sellers are not required to use original product images, these practices can make it difficult for buyers and rights holders to establish whether listings accurately represent the products being offered. • Compliance controls on IndiaMart are inconsistent, with rights holders reporting stronger controls for pharmaceutical products than for medical devices. The platform states that it conducts seller verification and operates TrustSEAL, a paid verification and certification service for sellers. • Rights holders can report suspected counterfeit products through a dedicated counterfeit reporting form. However, reported enforcement can take more than 72 hours to one week, creating a significant window during which listings remain available. • IndiaMART does not effectively employ automatic filtering or systematic proactive enforcement measures to identify counterfeit listings. • IndiaMART does not have an effective repeat-infringer policy or enforcement actions that is capable of identifying and addressing sellers who repeatedly offer infringing products. • Rights holders report that actions from IndiaMart have limited impact beyond the specific enforcement exercises undertaken. • Enforcement is complicated by the platform's position that it acts as an "intermediary" between buyers and sellers and is not liable for sellers' actions. This creates challenges in securing effective and sustained action against repeated problematic sellers.
Tokopedia		• Tokopedia is a priority 1 concern for rights holders, due to large volumes of counterfeits and frequency of repeat sellers which contradict their own policies. • Obvious counterfeits remain available, including products offered at prices substantially below legitimate market values. Sellers also use deliberate misspellings and altered product descriptions to evade detection.

Platform	Geographic reach	Evidence
		• Transparency around enforcement remains limited. Rights holders do not consistently receive clear information about the reasons for rejected complaints, the sanctions applied to sellers or the measures taken to prevent removed listings from reappearing. • Tokopedia's e-Pharmacy feature creates additional concerns because there is limited visibility into buyer-verification procedures, particularly the validation of prescriptions and the controls applied to sellers offering regulated pharmaceutical products. Weaknesses in these processes increase the risk that unauthorized, falsified or otherwise unlawful medicines can reach consumers.
Telegram	Worldwide	• Telegram is classed as priority 1, due to it being widely used to facilitate trade in counterfeit and otherwise illegal products, including electronics, medicines and illicit online services. • Telegram is frequently used as the destination platform after counterfeit or illicit products have been promoted through public-facing advertisements, social-media posts or marketplace listings. Moving negotiations, payment arrangements and delivery details into private conversations fragments the evidence required for enforcement. • Counterfeit activity frequently takes place in closed or semi-closed groups and private messaging channels, limiting visibility for rights holders and enforcement authorities and making transactions difficult to monitor or document. • The ease with which users can create or re-register accounts enables sellers to return after enforcement action, operate through multiple identities and rapidly re-establish channels or groups that have been removed. • The volume and speed of infringing activity make individual takedowns ineffective as a long-term response. Removed content can be replaced, reposted or transferred to newly created groups without an effective stay-down mechanism. • The European Medicines Agency and Heads of Medicines Agencies warned in September 2025 that consumers encountering advertisements for falsified medicines were being redirected to messaging platforms, including Telegram, where payment and delivery were arranged privately and outside public view.
Lazada	Indonesia Malaysia Philippines Singapore Thailand and Vietnam	• Lazada is a Priority 1 concern across Southeast Asia, with operations in Indonesia, Malaysia, the Philippines, Singapore, Thailand, and Vietnam. Rights holders report very high volumes of counterfeit goods and sustained enforcement challenges across these markets. • Legal frameworks across several relevant markets do not consistently require marketplaces to deploy preventive technology, effective repeat-infringer policies, timely moderation, seller traceability or meaningful transparency, leaving rights holders dependent on reactive monitoring and takedowns. • In November 2025, Singapore's Competition and Consumer Commission found that almost 80% of children's products examined (17 out of 22) on Shopee and Lazada, including cots,

Platform	Geographic reach	Evidence
		strollers and accessories, were unsafe and failed applicable international safety standards. • Product-safety sweeps have also found that Lazada recorded a high rate of non-compliance and reports counterfeit sellers returning after takedown. • Specifically, Lazada Malaysia has been identified for their continual availability of regulated medical devices, including contact lenses. Attempts to raise the matter with the platform, have been unsuccessful.
Shopee	Southeast Asia and Latin America	• Evidence classifies Shopee as Priority 1, due to the large volume of counterfeit goods being listed and sold. • Shopee has been identified as one of the most problematic platforms by volume of online monitoring, with significant enforcement challenges on Shopee in Brazil, Colombia, Mexico, Chile, Indonesia, the Philippines, Vietnam, Thailand and Malaysia. Rights holders frequently remain dependent on surveillance and reactive notice and takedown. • Counterfeits and highly hazardous pesticides are openly listed on Shopee, including listings that conceal product names, pixelate labels or describe restricted chemicals in benign terms. • Shopee's rules often provide limited detail on verification and enforcement. • Although Shopee reports that it proactively detects and prevents most suspected IP infringements, industry feedback has repeatedly reported repeat offending sellers returning after their removal, continuing gaps for regulated and unsafe products to permeate into the market.
TikTok TikTok Shop	Worldwide	• TikTok and TikTok Shop together are a Priority 1 concern, due to very large volumes of counterfeit goods and sponsored advertisements for fraudulent or counterfeiting websites. • Although TikTok and TikTok Shop are marketed as separate entities, in practice they are deeply interlinked. Content promoting counterfeit products is frequently disseminated on TikTok, while sales are routed through TikTok Shop. For brand-protection purposes, both must be treated as a combined ecosystem. • Rights holders report significant differences in enforcement performance across jurisdictions, with counterfeit listings and infringing promotional content presenting greater challenges in certain markets. • “Dupes’ and influencer promotion of potentially infringing products have gained significant visibility on TikTok and can direct traffic to third-party sites selling counterfeit products. • TikTok content has been found marketing falsified and counterfeit semaglutide and vapes disguised as stationery, including promotions aimed at underage users and claims of discreet delivery designed to avoid age checks. • Despite TikTok Shop’s published seller rules and comparatively stronger controls, counterfeit cosmetics, electronics, and other IP-infringing goods are frequently found on the platform. Repeat sellers routinely return using new or altered accounts, indicating weak account-linking and insufficient staydown mechanisms.

Platform	Geographic reach	Evidence
		• The interlinkage between TikTok and TikTok Shop means that improvements on TikTok Shop alone are insufficient. Counterfeiters continue to exploit TikTok's content formats—short videos, livestreams, influencer promotions—to drive traffic to infringing listings, continuing to present significant enforcement challenges for rights holders.
DHgate	China with worldwide reach	• DHgate is a Priority 1 platform due to very large volumes of counterfeit goods funnelled through the platform and its extensive global reach. • The platform's product-compliance framework relies largely on broad prohibited-item lists and does not clearly explain how licences, product registrations or other sector-specific documents are verified. • Counterfeit listings are widespread across major categories, including apparel, footwear, luxury goods, electronics, cosmetics, toys, and regulated products, often using branded imagery and packaging to mimic legitimate goods. • Takedown processes are slow and burdensome, frequently requiring multiple complaints and repeated follow-up before infringing listings are removed. • Repeat counterfeit sellers are common. Sellers routinely return using new accounts or minimally altered listings, reflecting weak seller-identity verification and insufficient staydown mechanisms. • DHgate's seller-registration process allows anonymous or lightly verified sellers to operate at scale, enabling counterfeiters to maintain multiple parallel storefronts and rapidly replace removed listings. • The platform's search and recommendation features often surface counterfeit listings prominently—through "top-selling," "recommended," or "similar items" placements amplify consumer exposure to counterfeits.DHgate's cross-border and small-parcel model can present additional challenges for customs detection and enforcement.
Taobao	China	• Taobao is a Priority 1 platform, and a major focus of rights-holder enforcement in China with very large volumes of counterfeit goods. • Rights holders face structural obstacles when enforcing IP on Taobao, including requirements for Chinese court decisions, narrow action limited to named defendants, and sellers using false or incomplete information to avoid accountability. Sellers frequently change the brands offered or maintain limited stock to reduce enforcement risk. • Counterfeit versions of high-risk and regulated products—including pharmaceuticals such as semaglutide—have been found listed on Taobao without prescription checks or medical-approval safeguards, despite restrictions limiting lawful sale to licensed healthcare providers.
Xiaohongshu (RED)	China	• Xiaohongshu is a Priority 1 platform with significant volumes of counterfeit goods requiring significant rights-holder enforcement.

Platform	Geographic reach	Evidence
		• The platform's "review-driven" and "lifestyle discovery" model makes it highly attractive for counterfeit sellers, who use stolen brand imagery, manufactured social proof, and influencer-style content to pass off infringing products as authentic. • Counterfeiters exploit Xiaohongshu's "seeded reviews" culture by posting fabricated testimonials and curated product photos, making counterfeit listings appear credible to consumers, including newly arrived international users unfamiliar with the platform's seller ecosystem. • Brand owner reports describe wider difficulties affecting Chinese platforms, including evasive sellers, strict and inconsistent complaint requirements and disappearing livestream content that is difficult to capture and report. • Xiaohongshu is a high-risk channel for counterfeit cosmetics, beauty products, and other consumer goods, with sellers exploiting influencer-style content, fabricated reviews, and loopholes in seller-verification to market infringing products. • Concerns raised by brand owners in the pharmaceutical sector about unverified sellers promoting weight-loss injections and related products on Xiaohongshu.
Alibaba.com	China with worldwide operations	• Alibaba.com is a Priority 1 concern due to substantial enforcement demands across Alibaba Group's domestic and international platform ecosystem. • The company highlights strong enforcement within China under strict regulatory requirements, but rights holders report that controls are significantly weaker across Alibaba.com's global operations, allowing counterfeit listings to proliferate. • Counterfeit and banned pesticides, active chemical ingredients, and customised formulations—including packaging, graphics, and counterfeit brand logos—are offered for cross-border delivery. • Pharmaceutical products have been listed by sellers carrying Alibaba's "Verified Supplier" label, underscoring gaps in seller-vetting and the absence of systematic pre-listing checks for licences or product registrations. • Counterfeit toys, electronics, apparel, footwear, and other consumer goods are widely available on Alibaba.com, with sellers using branded imagery, deceptive packaging, and customised manufacturing services to replicate legitimate products at scale.
AliExpress	China with worldwide operations	• AliExpress is a Priority 1 concern and a major focus of enforcement across Alibaba Group's international platforms. The company highlights strong enforcement within China under strict domestic regulation, but rights holders report that controls are significantly weaker across AliExpress's global operations, allowing counterfeit listings to persist at scale. • Counterfeit sellers can bypass AliExpress business-licence checks by using unrelated companies, proxy accounts or relatives' identities, despite the platform's extensive capacity to collect and analyse buyer data. • Counterfeit cosmetics, toys and illegal or dangerous goods are also identified on AliExpress.

Platform	Geographic reach	Evidence
		• European Commission findings concerning "systemic failures" in risk assessment, content moderation and enforcement against traders who repeatedly post illegal content.
Shein	Worldwide	• Evidence classifies Shein as Priority 1 and reports very large volumes of counterfeit goods together with low compliance with the rules applicable to online platforms. • 2025 investigations identifying clothing containing hazardous chemicals far above EU safety limits and serious compliance failures in children's products and electrical chargers sold through Shein. • TRACIT has also identified near-identical hazardous products reappearing after removal, in some cases from the same supplier, demonstrating weaknesses in supplier linkage and staydown.
Vinted	Europe and selected non-EU markets	• This submission places Vinted in Priority 1, due to a consistent pervasiveness of counterfeit goods. • Rights holders report persistent counterfeit activity on Vinted, particularly involving apparel and luxury goods. • There is a surge in counterfeit listings, with sellers using sophisticated tactics such as staged photos, detailed descriptions, and fake authenticity cues to pass off counterfeit luxury items.
Pinduoduo	China	• Evidence identifies Pinduoduo among the Chinese platforms demanding significant rights-holder enforcement and has broader problems involving evasive listings, false seller information and strict complaint requirements. • Counterfeit online alcohol sales and unverified sellers of weight-loss injections and related products have been linked to Pinduoduo. • Burdensome takedown processes requiring repeated follow-up and records counterfeit sellers returning through new accounts or minimally altered listings after removal have also been a consistent issue for industry stakeholders.

Priority 2		
WeChat / Weixin	China and other markets worldwide	• WeChat/Weixin is used by sellers to promote and arrange sales of counterfeit goods, with activity often shifting from public posts or influencer content into private messaging channels. • The platform is also used to advertise and facilitate purchases of counterfeit and falsified medicines, including weight-loss injections such as semaglutide, with payment and delivery arranged privately in ways that limit visibility and make monitoring more challenging. • WeChat's influencer-style features, including Channels, Groups and Moments, are also used to promote 'dupe' products and direct consumers to third-party sales pages.

Etsy	Worldwide	• Evidence place Etsy as Priority 2 and reports indicate large volumes of finished counterfeit products and trims. • Weaknesses in seller verification, prelisting scrutiny and the ability to follow a transaction when it moves off-platform are also common complaints against the platform.
Mercado Libre	Latin America	• Mercado Libre is placed in Priority 2, with rights holders reporting notable volumes of counterfeit goods and pesticide-related infringements across several markets. • Sellers are able to offer pesticide products without consistent pre-listing checks for licences or product registrations. Counterfeit or illicit pesticides can still appear despite the platform's published country-specific product rules.
Dolap	Turkey	• Evidence identifies Dolap.com as a Priority 2 platform. • Large volume of obvious counterfeits, including branded fakes, openly available on the platform. • No effective repeat infringer policy in place, allowing sellers to remain active. • Rights holders report limited engagement from the platform. • No clear or concrete information on preventive measures implemented.

Additional Platforms for Monitoring (TBM)		
Amazon International Stores	Worldwide	• Amazon warrants continued monitoring due to recurring issues with repeat offenders and uneven enforcement performance across its global stores, including instances where counterfeits, prohibited or unsafe goods have appeared.
Temu	Worldwide	• Temu warrants monitoring given the recurring appearance of counterfeit cosmetics and unsafe children's products, alongside regulatory concerns in the EU about traders resurfacing under new accounts and the effectiveness of penalties for repeat offenders.
eBay	Worldwide	• eBay warrants monitoring due to the continued availability of illegal or counterfeit medicines, pesticides, and cosmetics, and the absence of consistent pre-listing checks for regulated products, as well as product-safety sweeps showing banned or recalled items remaining accessible.

Conclusion

TRACIT urges the Commission to examine the Priority 1 and Priority 2 platforms for inclusion in the Counterfeit and Piracy Watch List and to maintain structured monitoring of their controls.

Our upcoming report, *The Landscape of Lawlessness Online* provides a comprehensive assessment of how online platforms are exploited to market and distribute counterfeit, unsafe, stolen and otherwise illegal goods. Drawing on evidence across multiple platforms and product sectors, the report demonstrates that infringements and non-compliance are not isolated listing-level failures, but recurring weaknesses in seller verification, product controls, enforcement and transparency. It therefore provides an important evidentiary basis for strengthening platform accountability.

In light of these findings, TRACIT recommends that governments and regulators adopt the following measures:

- Establish clear statutory duties and online–offline parity. Consumer-protection, product-safety, licensing, labelling and market-integrity requirements that apply offline should apply equally to commercial activity conducted through online platforms. Platforms should be required to take proactive measures against all forms of illicit trade.
- Require robust seller verification. Platforms should authenticate sellers' identities, business registrations and authority to sell particular products before permitting listings. Verification should be renewed periodically and repeated following material account changes or the identification of risk indicators.
- Introduce pre-listing and regulated-product checks. Platforms should validate product identity, compliance documentation, safety certifications and authorization for branded or controlled goods before publication. For regulated products—including pharmaceuticals, pesticides, alcohol and tobacco—platforms should also verify licenses, registrations and applicable buyer-side conditions such as age or prescription requirements.
- Mandate proactive monitoring, takedown and stay-down. Platforms should continuously monitor for unlawful listings and remove them within defined timeframes, without relying solely on notices from brand owners or authorities. Removed listings should be prevented from returning through automated matching, linked-account analysis and detection of minimally altered images, descriptions or seller information.
- Strengthen traceability and evidence preservation. Seller-verification records, product documentation, transaction information and enforcement histories should be retained for a defined period and provided promptly to competent authorities where violations are suspected.
- Require transparency, independent oversight and consumer redress. Platforms should publish comparable information on illegal listings, proactive detection, repeat offenders and enforcement outcomes. Regulators should possess audit powers, while platforms should maintain accessible contact points and provide consumers with straightforward complaint, refund and escalation procedures.
- Make intermediary protections conditional on responsible conduct. Modern platforms curate and promote listings, target advertisements, process payments and often influence fulfilment and returns; they should not automatically be treated as passive hosts. Safe-harbor protections should therefore depend on demonstrable due diligence, timely enforcement and effective action against repeat offenders.
- Align commercial incentives with public safety. Platforms have demonstrated that sophisticated monitoring tools can operate at scale, but comparable safeguards are not consistently applied to counterfeit, unsafe or regulated goods. Systemic failures should attract proportionate measures, including turnover-based fines, corrective orders and, where appropriate, suspension or revocation of operating permissions.

The EU is demonstrating global leadership in building a safer and more accountable online marketplace, and TRACIT recognizes both the progress achieved through EU regulation and the efforts many platforms have made to improve their controls. Voluntary cooperation has been valuable and should continue, but the EU experience clearly shows that it must operate alongside clear duties and consistent enforcement to deliver lasting results. TRACIT therefore encourages the Commission to

continue advancing this regulatory framework, ensuring that platform safeguards are applied effectively and that the EU remains at the forefront of protecting consumers and legitimate businesses online.