

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PINK FLOYD (1987) LIMITED,

Plaintiff,

Civil Action No.: 1:22-cv-04969

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE "A",

Defendants.

COMPLAINT

Plaintiff, Pink Floyd (1987) Limited ("PFL" or "Plaintiff"), hereby files this Complaint against the Partnerships and Unincorporated Associations identified on Schedule A attached hereto (collectively, "Defendants"), and for its Complaint hereby alleges as follows:

JURISDICTION AND VENUE

1. This Court has original subject matter jurisdiction over the claims in this action pursuant to the provisions of the Lanham Act, 15 U.S.C. § 1051 et seq. 28 U.S.C. § 1338(a)–(b) and 28 U.S.C. § 1331.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, and this Court may properly exercise personal jurisdiction over Defendants since each of the Defendants directly targets consumers in the United States, including Illinois, through at least the fully interactive commercial internet stores operating under the domain names ("Defendant Domain Names") identified in Schedule A attached hereto (collectively, the "Defendant Internet Stores"). Specifically, Defendants are reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can purchase products bearing counterfeit versions of Plaintiff's trademarks. Each of the Defendants has

targeted sales from Illinois residents by operating online stores under the Defendant Domain Names that offer shipping to the United States, including Illinois, accept payment in U.S. dollars and, on information and belief, has sold products bearing counterfeit versions of Plaintiff's federally registered trademarks to residents of Illinois. Each of the Defendants is committing tortious acts in Illinois, is engaging in interstate commerce, and has wrongfully caused Plaintiff substantial injury in the State of Illinois.

3. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this judicial district, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this judicial district.

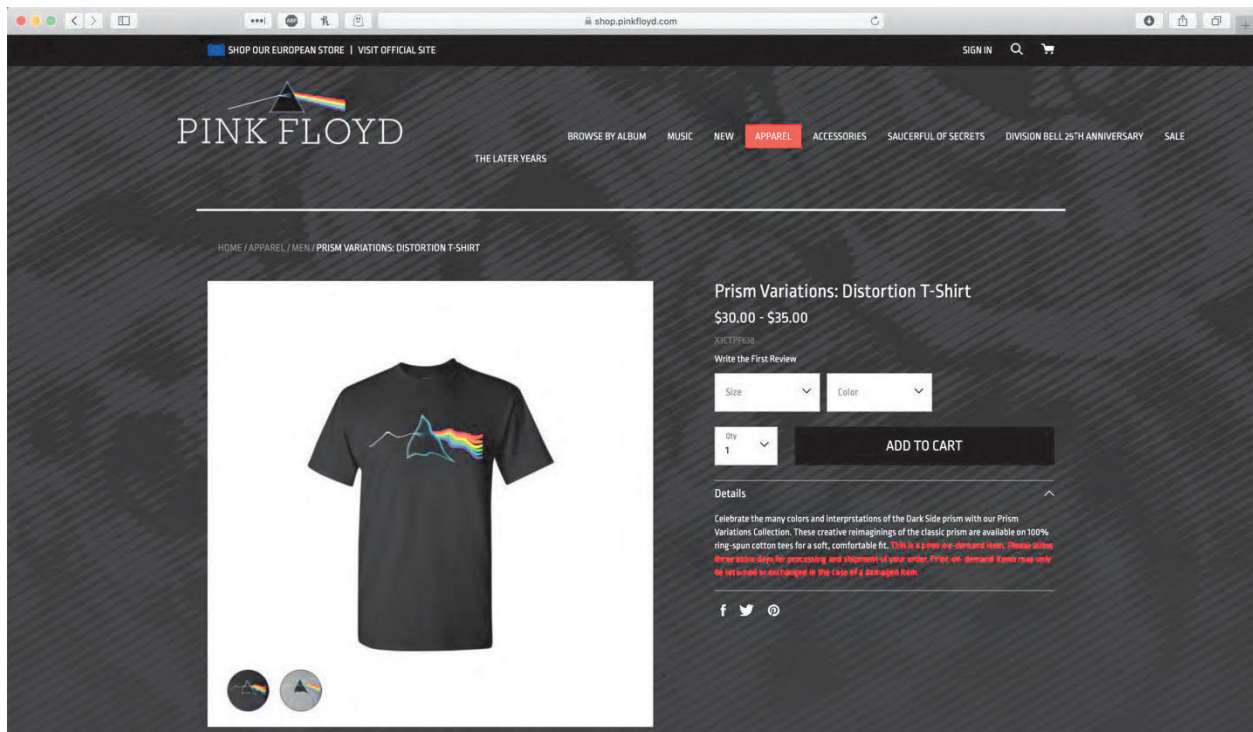
INTRODUCTION

4. This action has been filed by Plaintiff to combat online counterfeiters who trade upon Plaintiff's reputation and goodwill by selling and/or offering for sale products in connection with Plaintiff's PINK FLOYD Trademarks, which are covered by U.S. Trademark Registration Nos. 2,194,702; 3,247,700; 4,232,255; 4,236,037; 5,521,572; and 6,514,317 (collectively, the "PINK FLOYD Trademarks"). The registrations are valid, subsisting, unrevoked, and uncanceled. The registrations for the trademarks constitute prima facie evidence of validity and of Plaintiff's exclusive right to use the trademarks pursuant to 15 U.S.C. § 1057(b). A genuine and authentic copy of each U.S. federal trademark registration certificate for each of the PINK FLOYD Trademarks is attached as **Exhibit 1**.

5. In the past, PFL was able to police its marks against identifiable infringers and counterfeiters. The rise of online retailing, coupled with the ability of e-commerce sites to hide their identities, has made it nearly impossible for policing actions to be undertaken. The company

has availed itself of takedown procedures to remove infringing products, but these efforts have proved to be an unavailing game of whack-a-mole against the mass counterfeiting that is occurring over the internet. The aggregated effect of the mass counterfeiting that is taking place has overwhelmed Plaintiff and its ability to police its rights against the hundreds of anonymous defendants which are selling illegal counterfeits at prices substantially below an original:

ORIGINAL



COUNTERFEITS

rocktee.net
🔍 📄 🏠

Pink Floyd

LOGIN
CART






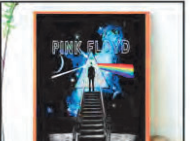

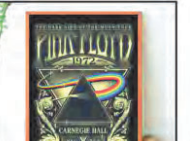
SHOP WITH US NEW
SHOP THE HOLIDAY
GIFT FOR DAD
BLOG
TRACK ORDER
SIZE CHART

Home | Results for
Showing 1-16 of 30 results
Relevance

PRODUCT CATEGORIES

- 13 Reasons Why
- 2CELLOS
- 3D All Over Print T-Shirt
- 3D Hoodies
- 5 Seconds of Summer
- 5 Seconds Of Summer All Over Print
- Aaron Lewis
- Aaron Lewis All Over Print
- Accept
- ACDC
- Aerosmith
- Alice Cooper
- Alice In Chains
- Alice in chains All Over Print

Search results: ""

 <p style="font-size: 8px;">PINK FLOYD Happiness is listening to Pink Floyd Unisex Classic T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>	 <p style="font-size: 8px;">PINK FLOYD Come To The Dark Side We Listen To Pink Floyd Unisex Classic T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>	 <p style="font-size: 8px;">PINK FLOYD Pink Floyd The Doctor Says It Can't Be Cured Unisex Classic T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>	 <p style="font-size: 8px;">PINK FLOYD Pink Floyd Jesus Unisex Classic T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>
			

iteeglobal.com
🔍 📄 🏠

Pink Floyd

LOGIN
CART









SHOP WITH US NEW
SHOP THE HOLIDAY
GIFT FOR DAD
BLOG
TRACK ORDER
SIZE CHART

Home | Results for
Showing all 20 results
Relevance

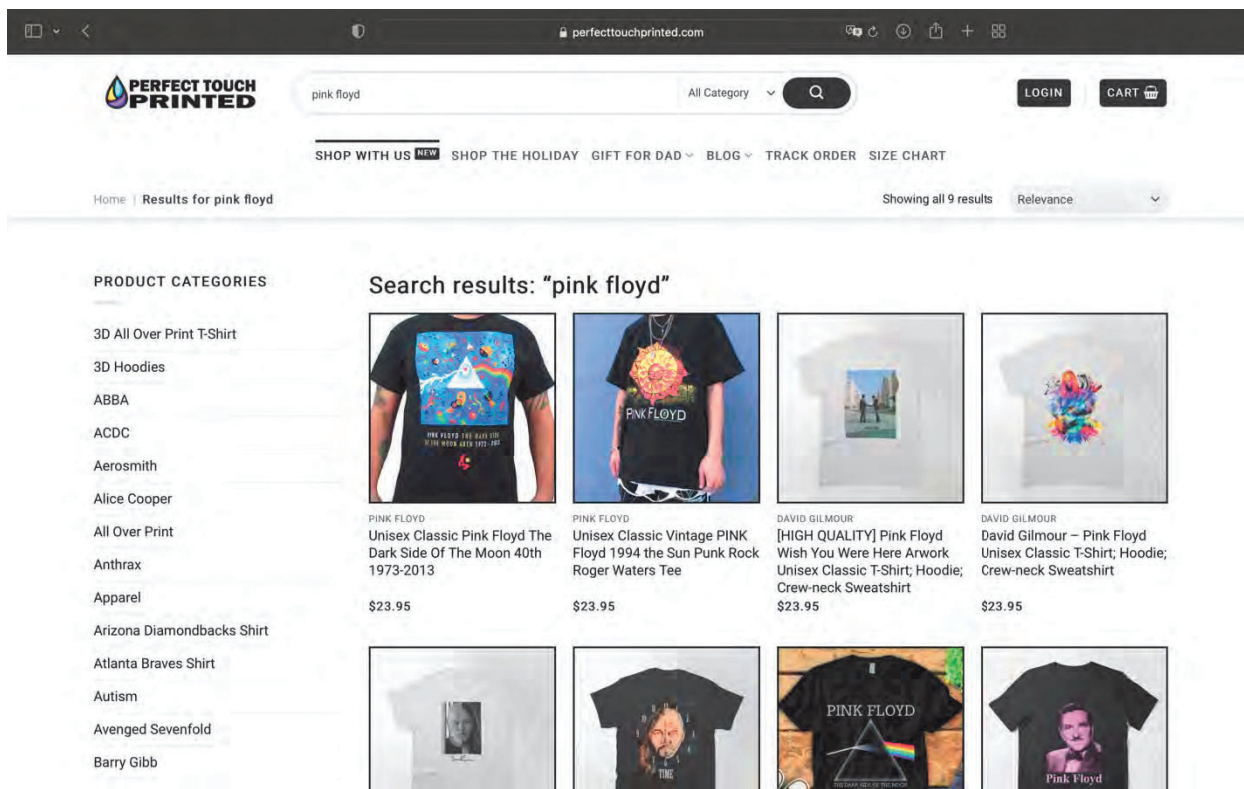
PRODUCT CATEGORIES

- 3D All Over Print T-Shirt
- 3D Hoodies
- ABBA
- ABBA All Over Print
- Accept
- ACDC
- Aerosmith
- Alice Cooper
- Alice In Chains
- All Over Print
- Amaranthe
- Amon Amarth
- Anthrax
- Apparel

Search results: ""

 <p style="font-size: 8px;">PINK FLOYD Pink Floyd Unisex T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>	 <p style="font-size: 8px;">PINK FLOYD Pink Floyd Unisex T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>	 <p style="font-size: 8px;">PINK FLOYD Pink Floyd Unisex T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>	 <p style="font-size: 8px;">PINK FLOYD Pink Floyd Unisex T-Shirt; Hoodie; Crew-neck Sweatshirt</p> <p>\$26.99</p>
			

Open "https://iteeglobal.com" in a new tab



6. The above examples evidence a cooperative counterfeiting network using fake eCommerce storefronts designed to appear to be selling authorized products. Each has identical or similar layout, and each has a drop-down menu that lists Pink Floyd as a “Category.” To be able to offer the counterfeit products at a price substantially below the cost of the original, while still being able to turn a profit after absorbing the costs of manufacturing, advertising and shipping, requires an economy of scale only achievable through a cooperative effort throughout the supply chain. As Homeland Security’s recent report confirms, counterfeiters act in concert through coordinated supply chains and distribution networks to unfairly compete with legitimate brand owners while generating huge profits for the illegal counterfeiting network:

Historically, many counterfeits were distributed through swap meets and individual sellers located on street corners. **Today, counterfeits are being trafficked through vast e-commerce supply chains in concert with marketing, sales, and distribution networks.** The ability of e-commerce platforms to aggregate information and reduce transportation and search costs for consumers provides a big advantage over brick-and-mortar retailers. Because of this, sellers on digital

platforms have consumer visibility well beyond the seller's natural geographical sales area.

...

The impact of counterfeit and pirated goods is broader than just unfair competition. Law enforcement officials have uncovered intricate links between the sale of counterfeit goods and transnational organized crime. **A study by the Better Business Bureau notes that the financial operations supporting counterfeit goods typically require central coordination**, making these activities attractive for organized crime, with groups such as the Mafia and the Japanese Yakuza heavily involved. Criminal organizations use coerced and child labor to manufacture and sell counterfeit goods. In some cases, the proceeds from counterfeit sales may be supporting terrorism and dictatorships throughout the world.

...

Selling counterfeit and pirated goods through e-commerce is a highly profitable activity: production costs are low, millions of potential customers are available online, transactions are convenient, and listing on well-branded e-commerce platforms provides an air of legitimacy.

See Department of Homeland Security, *Combating Trafficking in Counterfeit and Pirated Goods*, Jan. 24, 2020, (<https://www.dhs.gov/publication/combating-trafficking-counterfeit-and-pirated-goods>), at 10, 19 (emphasis added) attached hereto as **Exhibit 2**.

7. The Defendant Internet Stores share unique identifiers, such as design elements and similarities of the unauthorized products offered for sale, establishing a logical relationship between them, and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants also use templates with common design elements that omit information identifying Defendants. Defendants attempt to avoid liability by going to great lengths to conceal both their identities as well as the full scope and interworking of their illegal network. Despite deterrents such as takedowns and other measures, the use of aliases enables counterfeiters to stymie authorities:

The scale of counterfeit activity online is evidenced as well by the significant efforts e-commerce platforms themselves have had to undertake. A major e-commerce platform reports that its proactive efforts prevented over 1 million suspected bad actors from publishing a single product for sale through its platform and blocked over 3 billion suspected counterfeit listings from being published to their marketplace. Despite efforts such as these, private sector actions have not been

sufficient to prevent the importation and sale of a wide variety and large volume of counterfeit and pirated goods to the American public.

...

A counterfeiter seeking to distribute fake products will typically set up one or more accounts on online third-party marketplaces. The ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders. Rapid proliferation also allows counterfeiters to hop from one profile to the next even if the original site is taken down or blocked. On these sites, online counterfeiters can misrepresent products by posting pictures of authentic goods while simultaneously selling and shipping counterfeit versions.

...

Not only can counterfeiters set up their virtual storefronts quickly and easily, but they can also set up new virtual storefronts when their existing storefronts are shut down by either law enforcement or through voluntary initiatives set up by other stakeholders such as market platforms, advertisers, or payment processors.

Id. at 5, 11, 12.

8. eCommerce giant Alibaba has also made public its efforts to control counterfeiting on its platform. It formed a special task force that worked in conjunction with Chinese authorities for a boots-on-the-ground effort in China to stamp out counterfeiters. In describing the counterfeiting networks it uncovered, Alibaba expressed its frustration in dealing with “vendors, affiliated dealers and factories” that rely upon fictitious identities that enable counterfeiting rings to play whack-a-mole with authorities:

Fighting China's counterfeits in the online era

Xinhua | Updated: 2017-09-19 14:20



BEIJING - A secret team in Chinese e-commerce giant Alibaba has the task of pretending to be online consumers who test-buy purchases from the billion-plus products on its platforms.

Alibaba's Anti-Counterfeiting Special Task Force, formed last year, actively works with local law enforcement agencies, said Qin Seng.

"After we clean up online shops selling counterfeits, the counterfeiters usually change their identities and places of dispatch, using more covert means to continue selling online," Qin said.

The team uses big data to identify counterfeits and the vendors, affiliated dealers and factories suspected of producing or selling counterfeit items. They pass evidence to the public security, administration of commerce and industry, quality inspection, food and drug supervision and other law enforcement agencies. At the same time, they investigate the evidence in the field.

The team faces many risks in their offline probes.

"Most counterfeiting dens are hidden and well-organized. For example, we encountered a village producing counterfeits. The villagers installed cameras everywhere and when they saw outsiders entering, they became vigilant and even threatened us," Qin said.

See Xinhua, *Fighting China's Counterfeits in the Online Era*, China Daily (Sept. 19, 2017), available at www.chinadaily.com.cn/business/2017-09/19/content_32200290.htm (**Exhibit 3**).

9. Plaintiff has been and continues to be irreparably damaged through consumer confusion, dilution, loss of control over its reputation and goodwill as well as the quality of goods bearing the PINK FLOYD Trademarks. The rise of eCommerce as a method of supplying goods to the public exposes brand holders and creators that make significant investments in their products to significant harm from counterfeiters:

Counterfeiting is no longer confined to street-corners and flea markets. The problem has intensified to staggering levels, as shown by a recent Organisation for Economic Cooperation and Development (OECD) report, which details a 154 percent increase in counterfeits traded internationally — from \$200 billion in 2005 to \$509 billion in 2016. Similar information collected by the U.S. Department of Homeland Security (DHS) between 2000 and 2018 shows that seizures of infringing goods at U.S. borders have increased 10-fold, from 3,244 seizures per year to 33,810.

...

The rise in consumer use of third-party marketplaces significantly increases the risks and uncertainty for U.S. producers when creating new products. It is no longer

enough for a small business to develop a product with significant local consumer demand and then use that revenue to grow the business regionally, nationally, and internationally with the brand protection efforts expanding in step. Instead, with the international scope of e-commerce platforms, once a small business exposes itself to the benefits of placing products online — which creates a geographic scope far greater than its more limited brand protection efforts can handle — it begins to face increased foreign infringement threat.

...

Moreover, as costs to enter the online market have come down, such market entry is happening earlier and earlier in the product cycle, further enhancing risk. If a new product is a success, counterfeiters will attempt, often immediately, to outcompete the original seller with lower-cost counterfeit and pirated versions while avoiding the initial investment into research and design.

...

Counterfeiters have taken full advantage of the aura of authenticity and trust that online platforms provide. While e-commerce has supported the launch of thousands of legitimate businesses, their models have also enabled counterfeiters to easily establish attractive “store-fronts” to compete with legitimate businesses.

See Combating Trafficking in Counterfeit and Pirated Goods, Jan. 24, 2020, (**Exhibit 2**) at 4, 8, 11.

10. Not only are the creators and brand holders harmed, but the public is also harmed:

The rapid growth of e-commerce has revolutionized the way goods are bought and sold, allowing for counterfeit and pirated goods to flood our borders and penetrate our communities and homes. Illicit goods trafficked to American consumers by e-commerce platforms and online third-party marketplaces threaten public health and safety, as well as national security. This illicit activity impacts American innovation and erodes the competitiveness of U.S. manufacturers and workers.

The President’s historic memorandum provides a much warranted and long overdue call to action in the U.S. Government’s fight against a massive form of illicit trade that is inflicting significant harm on American consumers and businesses. This illicit trade must be stopped in its tracks.

Id. at 3, 4. (Underlining in original).

11. Plaintiff’s investigation shows that the telltale signs of an illegal counterfeiting ring are present in the instant action. For example, the Defendant Internet Stores include PINK FLOYD’s copyright-protected content, images and product descriptions, making it very difficult for the

consumer to distinguish such counterfeit sites from authorized retailers. Thus, Defendants are using fake online storefronts designed to appear to be selling genuine Plaintiff products, while selling inferior imitations of Plaintiff's products. The Defendant Internet Stores also share unique identifiers, such as design elements and similarities of the counterfeit products offered for sale, establishing a logical relationship between them, and suggesting that Defendants' illegal operations arise out of the same transaction, occurrence, or series of transactions or occurrences. Defendants attempt to avoid liability by going to great lengths to conceal both their identities and the full scope and interworking of their illegal counterfeiting operation. Plaintiff is forced to file this action to combat Defendants' counterfeiting of Plaintiff's registered trademarks, as well as to protect unknowing consumers from purchasing unauthorized PINK FLOYD products over the internet.

12. This Court has personal jurisdiction over each Defendant, in that each Defendant conducts significant business in Illinois and in this judicial district, and the acts and events giving rise to this lawsuit of which each Defendant stands accused were undertaken in Illinois and in this judicial district. In addition, each Defendant has offered to sell and ship infringing products into this judicial district.

THE PLAINTIFF

13. Pink Floyd (1987) Limited is the business entity for the iconic band PINK FLOYD. It is a limited company having its principal place of business in the United Kingdom. PINK FLOYD has been in existence since 1965 and was inducted into the Rock & Roll Hall of Fame in 1996. PINK FLOYD remains active and is an official source of authentic PINK FLOYD products.

14. Plaintiff is engaged in the business of manufacturing, distributing and retailing high-quality concert merchandise including within the Northern District of Illinois District (collectively, the "Plaintiff Products") under the federally registered PINK FLOYD Trademarks.

Defendants' sales of counterfeit products in violation of Plaintiff's intellectual property rights are irreparably damaging Plaintiff.

15. Plaintiff's brand, symbolized by the PINK FLOYD Trademarks, is a recognized symbol of high-quality merchandise. The PINK FLOYD Trademarks are distinctive and identify the merchandise as goods from Plaintiff. The registrations for the PINK FLOYD Trademarks constitute prima facie evidence of their validity and of Plaintiff's exclusive right to use the PINK FLOYD Trademarks pursuant to 15 U.S.C. § 1057 (b).

16. The PINK FLOYD Trademarks have been continuously used and never abandoned.

17. Plaintiff has expended substantial time, money, and other resources in developing, advertising, and otherwise promoting the PINK FLOYD Trademarks. As a result, products bearing the PINK FLOYD Trademarks are widely recognized and exclusively associated by consumers, the public, and the trade as being products sourced from Plaintiff.

THE DEFENDANTS

18. Defendants are individuals and business entities who, upon information and belief, reside in the People's Republic of China or other foreign jurisdictions. Defendants conduct business throughout the United States, including within Illinois and in this judicial district, through the operation of the fully interactive commercial websites and online marketplaces operating under the Defendant Domain Names. Each Defendant targets the United States, including Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit PINK FLOYD products to consumers within the United States, including Illinois and in this judicial district.

THE DEFENDANTS' UNLAWFUL CONDUCT

19. The success of the PINK FLOYD brand has resulted in its significant counterfeiting. Defendants conduct their illegal operations through fully interactive commercial websites operating under the Defendant Domain Names. Each Defendant targets consumers in the United States, including the State of Illinois, and has offered to sell and, on information and belief, has sold and continues to sell counterfeit products that violate Plaintiff's intellectual property rights ("Counterfeit Products") to consumers within the United States, including the State of Illinois.

20. Defendants have registered, purchased, set up, and maintained the Defendant Internet Stores using the Defendant Domain Names. Defendants have engaged in fraudulent conduct with respect to the registration of the Defendant Domain Names by providing false and/or misleading information to its domain registrars during the registration or maintenance process related to their Defendant Domain Names. Defendants have registered and maintained the Defendant Domain Names for the sole purpose of engaging in illegal counterfeiting activities.

21. The Defendants intentionally conceal their identities and the full scope of their counterfeiting operations in an effort to deter Plaintiff from learning Defendants' true identities and the exact interworking of Defendants' illegal counterfeiting operations. Through their operation of the Defendant Internet Stores, Defendants are directly and personally contributing to, inducing and engaging in the sale of Counterfeit Products as alleged, oftentimes as partners, co-conspirators and/or suppliers. Upon information and belief, Defendants are an interrelated group of counterfeiters working in active concert to knowingly and willfully manufacture, import, distribute, offer for sale, and sell Counterfeit Products. For example, the address listed on the websites operated at the Defendant Domain Names is the same. **Exhibit 5.** A search using the leading online provider indicates that this address is a vacant warehouse that is available to rent

rather than an office or other commercial space that is presently occupied. *Id.* The leasing company for the warehouse confirmed that Defendants who registered the Defendant Domain Names are not located at that address, have not been located at the address, and that Defendants have not done any business with the leasing company. **Exhibit 6.** The phone number provided on the websites operated at the Defendant Domain Names when searched in the leading online provider returns results indicating it is associated with “a scam called Shopbase. A virtual network of Asian (Chinese), scammers, working out of a virtual address.” **Exhibit 7.** A search at the Better Business Bureau also reveals the telephone number to be associated with a business called “Shopbase” with 1.24/5 score of customer reviews. *Id.* This same phone appears on other similarly designed websites featuring a variety of addresses across the United States as well as the ShopBase.com website. **Exhibit 8.**

22. Upon information and belief, at all times relevant hereto, the Defendants in this action have had full knowledge of Plaintiff’s ownership of the PINK FLOYD Trademarks, including its exclusive right to use and license such intellectual property and the goodwill associated therewith.

23. Upon information and belief, Defendants facilitate sales by designing the Defendant Internet Stores operating under the Defendant Domain Names so that they appear to unknowing consumers to be authorized online retailers, outlet stores, or wholesalers selling genuine PINK FLOYD Products.

24. Defendants often go to great lengths to conceal their identities by often using multiple fictitious names and addresses to register and operate their massive network of Defendant Internet Stores. Defendants often use privacy services that conceal the owners’ identity and contact information. Upon information and belief, Defendants regularly create new websites and online

marketplace accounts on various platforms using the identities listed in Schedule A to the Complaint, as well as other unknown fictitious names and addresses. Such Defendant Domain Name registration patterns are one of many common tactics used by the Defendants to conceal their identities, the full scope and interworking of their massive counterfeiting operation, and to avoid being shut down.

25. The counterfeit PINK FLOYD products for sale on the websites hosted at the Defendant Domain Names bear similarities and indicia of being related to one another, suggesting that the counterfeit PINK FLOYD products were manufactured by and come from a common source and that, upon information and belief, Defendants are interrelated. The Defendant Internet Stores also include other notable common features, including use of the unique shopping cart platforms, accepted payment methods, check-out methods, metadata, illegitimate SEO tactics, HTML user-defined variables, lack of contact information, identically or similarly priced items and volume sales discounts, similar hosting services, similar name servers, and the use of the same text and images.

26. In addition to operating under multiple fictitious names, Defendants in this case and defendants in other similar cases against online counterfeiters use a variety of other common tactics to evade enforcement efforts. For example, counterfeiters like Defendants will often register new domain names or online marketplace accounts under new aliases once they receive notice of a lawsuit. Counterfeiters also often move website hosting to rogue servers located outside the United States once notice of a lawsuit is received. Rogue servers are notorious for ignoring takedown demands sent by brand owners. Counterfeiters also typically ship products in small quantities via international mail to minimize detection by U.S. Customs and Border Protection. A 2020 U.S. Customs and Border Protection report on seizure statistics indicated that e-commerce sales have

contributed to large volumes of low-value packages imported into the United States. U.S. Customs and Border Protection, *Intellectual Property Right Seizure Statistics*, FY 2020 (https://www.cbp.gov/sites/default/files/assets/documents/2021-Sep/101808%20FY%202020%20IPR%20Seizure%20Statistic%20Book%2017%20Final%20spreads%20ALT%20TEXT_FINAL%20%28508%29%20REVISED.pdf), at 15 attached hereto as **Exhibit 4**. In FY 2020, there were 184 million express mail shipments and 356 million international mail shipments. Over 90 percent of all intellectual property seizures occur in the international mail and express environments. *Id.* The ongoing e-commerce revolution drove a 28 percent increase in low-value shipments and 219 percent increase in air cargo in FY 2020. *Id.*

27. Further, counterfeiters such as Defendants, typically operate multiple credit card merchant accounts and third-party accounts, such as and not limited to, PayPal, Inc. ("PayPal") accounts, behind layers of payment gateways so that they can continue operating despite Plaintiff's enforcement efforts. Upon information and belief, Defendants maintain off-shore bank accounts and regularly move funds from their PayPal accounts to off-shore bank accounts outside the jurisdiction of this Court. Indeed, analysis of PayPal transaction logs from previous similar cases indicates that offshore counterfeiters regularly move funds from U.S.-based PayPal accounts to China-based bank accounts outside the jurisdiction of this Court.

28. Upon information and belief, Defendants also deceive unknowing consumers by using the PINK FLOYD Trademarks without authorization within the content, text, and/or meta tags of their websites to attract various search engines crawling the Internet looking for websites relevant to consumer searches for PINK FLOYD Products. Additionally, upon information and belief, Defendants use other unauthorized search engine optimization (SEO) tactics and social media spamming so that the Defendant Domain Names listings show up at or near the top of

relevant search results and misdirect consumers searching for genuine PINK FLOYD Products. Further, Defendants utilize similar illegitimate SEO tactics to propel new online marketplace accounts to the top of search results after others are shut down.

29. Defendants' use of the PINK FLOYD Trademarks on or in connection with the advertising, marketing, distribution, offering for sale and sale of the Counterfeit Products is likely to cause and has caused confusion, mistake and deception by and among consumers and is irreparably harming Plaintiff. Defendants have manufactured, imported, distributed, offered for sale and sold Counterfeit Products using the PINK FLOYD Trademarks and continue to do so.

30. Defendants, without authorization or license from Plaintiff, knowingly and willfully used and continue to use the PINK FLOYD Trademarks in connection with the advertisement, offer for sale and sale of the Counterfeit Products, through, inter alia, the internet. The Counterfeit Products are not genuine PINK FLOYD Plaintiff Products. Plaintiff did not manufacture, inspect or package the Counterfeit Products and did not approve the Counterfeit Products for sale or distribution. The Defendant Internet Stores offer shipping to the United States, including Illinois, and, on information and belief, each Defendant has sold Counterfeit Products into the United States, including Illinois.

31. Upon information and belief, Defendants will continue to register or acquire domain names for the purpose of selling Counterfeit Goods that infringe upon the PINK FLOYD Trademarks unless preliminarily and permanently enjoined.

32. Defendants' use of the PINK FLOYD Trademarks in connection with the advertising, distribution, offering for sale, and sale of counterfeit PINK FLOYD Products, including the sale of counterfeit PINK FLOYD Products into Illinois, is likely to cause and has

caused confusion, mistake, and deception by and among consumers and is irreparably harming Plaintiff.

COUNT I
TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

33. Plaintiff repeats and incorporates by reference herein its allegations contained in the above paragraphs of this Complaint.

34. This is a trademark infringement action against Defendants based on their unauthorized use in commerce of counterfeit imitations of the registered PINK FLOYD Trademarks in connection with the sale, offering for sale, distribution, and/or advertising of infringing goods. The PINK FLOYD Trademarks are highly distinctive marks. Consumers have come to expect the highest quality from Plaintiff's products provided under the PINK FLOYD Trademarks.

35. Defendants have sold, offered to sell, marketed, distributed, and advertised, and are still selling, offering to sell, marketing, distributing, and advertising products in connection with the PINK FLOYD Trademarks without Plaintiff's permission.

36. Plaintiff is the exclusive owner of the PINK FLOYD Trademarks. Plaintiff's United States Registrations for the PINK FLOYD Trademarks (**Exhibit 1**) are in full force and effect. Upon information and belief, Defendants have knowledge of Plaintiff's rights in the PINK FLOYD Trademarks, and are willfully infringing and intentionally using counterfeits of the PINK FLOYD Trademarks. Defendants' willful, intentional and unauthorized use of the PINK FLOYD Trademarks is likely to cause and is causing confusion, mistake and deception as to the origin and quality of the counterfeit goods among the general public.

37. Defendants' activities constitute willful trademark infringement and counterfeiting under Section 32 of the Lanham Act, 15 U.S.C. § 1114.

38. Plaintiff has no adequate remedy at law, and if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its well-known PINK FLOYD Trademarks.

39. The injuries and damages sustained by Plaintiff have been directly and proximately caused by Defendants' wrongful reproduction, use, advertisement, promotion, offering to sell, and sale of counterfeit PINK FLOYD Products.

COUNT II
FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a))

40. Plaintiff repeats and incorporates by reference herein its allegations contained in the above paragraphs of this Complaint.

41. Defendants' promotion, marketing, offering for sale, and sale of counterfeit PINK FLOYD products has created and is creating a likelihood of confusion, mistake, and deception among the general public as to the affiliation, connection, or association with Plaintiff or the origin, sponsorship, or approval of Defendants' counterfeit PINK FLOYD Products by Plaintiff.

42. By using the PINK FLOYD Trademarks in connection with the sale of counterfeit PINK FLOYD products, Defendants create a false designation of origin and a misleading representation of fact as to the origin and sponsorship of the counterfeit PINK FLOYD products.

43. Defendants' false designation of origin and misrepresentation of fact as to the origin and/or sponsorship of the counterfeit PINK FLOYD products to the general public is a willful violation of Section 43 of the Lanham Act, 15 U.S.C. § 1125.

44. Plaintiff has no adequate remedy at law and, if Defendants' actions are not enjoined, Plaintiff will continue to suffer irreparable harm to its reputation and the goodwill of its brand.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1) That Defendants, their affiliates, officers, agents, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be temporarily preliminarily, and permanently enjoined and restrained from:

- a. using the PINK FLOYD Trademarks or any reproductions, counterfeit copies, or colorable imitations thereof in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine PINK FLOYD Product or is not authorized by Plaintiff to be sold in connection with the PINK FLOYD Trademarks;
- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine PINK FLOYD Product or any other product produced by Plaintiff that is not Plaintiff's or not produced under the authorization, control, or supervision of Plaintiff and approved by Plaintiff for sale under the PINK FLOYD Trademarks;
- c. committing any acts calculated to cause consumers to believe that Defendants' counterfeit PINK FLOYD Products are those sold under the authorization, control, or supervision of Plaintiff, or are sponsored by, approved by, or otherwise connected with Plaintiff;
- d. further infringing the PINK FLOYD Trademarks and damaging Plaintiff's goodwill;
- e. otherwise competing unfairly with Plaintiff in any manner;
- f. shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for Plaintiff, nor authorized by Plaintiff to be sold or offered for

sale, and which bear any Plaintiff trademarks, including the PINK FLOYD Trademarks, or any reproductions, counterfeit copies, or colorable imitations thereof;

- g. using, linking to, transferring, selling, exercising control over, or otherwise owning the Defendant Internet Stores, Defendant Domain Names, or any other domain names or online marketplace account that is being used to sell or is the means by which Defendants could continue to sell counterfeit PINK FLOYD Products; and
- h. operating and/or hosting websites at the Defendant Domain Names and any online marketplace accounts registered or operated by Defendants that are involved with the distribution, marketing, advertising, offering for sale, or sale of any product bearing the PINK FLOYD Trademarks or any reproduction, counterfeit copy or colorable imitation thereof that is not a genuine PINK FLOYD Product or not authorized by Plaintiff to be sold in connection with the PINK FLOYD Trademarks.

2) That Defendants, within fourteen (14) days after service of judgment with notice of entry thereof upon them, be required to file with the Court and serve upon Plaintiff a written report under oath setting forth in detail the manner and form in which Defendants have complied with paragraph 1, a through h, above;

3) Entry of an Order that, at Plaintiff's choosing, the registrants of Defendant Domain Names shall be changed from the current registrants to Plaintiff, and that the domain name registries for the Defendant Domain Names, including, but not limited to, VeriSign, Inc., Neustar, Inc., Afilias Limited, CentralNic, Nominet, and the Public Interest Registry, shall unlock and change the registrar of record for the Defendant Domain Names to a registrar of Plaintiff's selection, and that the domain name registrars, including, but not limited to, GoDaddy Operating Company, LLC ("GoDaddy"), Name.com, PDR LTD. d/b/a PublicDomainRegistry.com ("PDR"), and Namecheap, Inc.

(“Namecheap”), shall take any steps necessary to transfer the Defendant Domain Names to a registrar account of Plaintiff’s selection; or that the same domain name registries shall disable Defendant Domain Names and make them inactive and untransferable;4) Entry of an Order that, upon Plaintiff’s request, those in privity with Defendants and those with notice of the injunction, including any online marketplaces, social media platforms, Facebook, YouTube, LinkedIn, Twitter, internet search engines such as Google, Bing and Yahoo, web hosts for the Defendant Domain Names, and online marketplace account registrars, shall:

- a. disable and cease providing services for any accounts through which Defendants engage in the sale of counterfeit PINK FLOYD products using the PINK FLOYD Trademarks, including any accounts associated with the Defendants listed on Schedule A;
- b. disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit PINK FLOYD Products using the PINK FLOYD Trademarks; and
- c. take all steps necessary to prevent links to the Defendant Domain Names identified on Schedule A from displaying in search results, including, but not limited to, removing links to the Defendant Domain Names from any search index;

5) That Defendants account for and pay to Plaintiff all profits realized by Defendants by reason of Defendants’ unlawful acts herein alleged, and that the amount of damages for infringement of the PINK FLOYD Trademarks be increased by a sum not exceeding three times the amount thereof as provided by 15 U.S.C. § 1117;

6) In the alternative, that Plaintiff be awarded statutory damages pursuant to 15 U.S.C. § 1117(c)(2) of \$2,000,000 for each and every use of the PINK FLOYD Trademarks;

- 7) That Plaintiff be awarded its reasonable attorneys' fees and costs; and
- 8) Award any and all other relief that this Court deems just and proper.

DATED: September 14, 2022

Respectfully submitted,

/s/ Keith A. Vogt

Keith A. Vogt (Bar No. 6207971)

Keith Vogt, Ltd.

33 West Jackson Boulevard, #2W

Chicago, Illinois 60604

Telephone: 312-971-6752

E-mail: keith@vogtip.com

ATTORNEY FOR PLAINTIFF

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PINK FLOYD (1987) LIMITED,

Plaintiff,

Civil Action No.: 1:22-cv-04969

v.

THE PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON SCHEDULE "A",

Defendants.

SCHEDULE A TO COMPLAINT

No.	Defendants
1	iteeglobal.com
2	rocktee.net
3	perfecttouchprinted.com

Exhibit 1

Int. Cls.: 9, 16, 25 and 41

**Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38,
39, 50, 100, 101 and 107**

Reg. No. 2,194,702

United States Patent and Trademark Office

Registered Oct. 13, 1998

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

PINK FLOYD

PINK FLOYD (1987) LIMITED (UNITED KING-
DOM CORPORATION)
43, PORTLAND ROAD
LONDON W11 4LJ, ENGLAND

FOR: APPARATUS FOR RECORDING,
TRANSMISSION OR REPRODUCTION OF
SOUND OR IMAGES, NAMELY, AUDIO AND
VIDEO CASSETTE RECORDERS, RECORD
PLAYERS AND COMPACT DISC PLAYERS,
COMPACT DISCS, RECORDS, AND PRE-RE-
CORDED AUDIO AND VIDEO TAPES FEAT-
URING MUSICAL ENTERTAINMENT AND
INTERVIEWS, COMPUTER PROGRAMS FOR
ELIMINATING DISTORTION AND AMBIENT
NOISE DURING THE RECORDING OF MUSIC,
COMPUTER GAMES CASSETTES, CAR-
TRIDGES, DISCS TAPES AND PROGRAMS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-15-1967; IN COMMERCE
10-15-1967.

FOR: PRINTED MATTER, NAMELY, BOOKS,
MAGAZINES AND JOURNALS RELATING TO
MUSICAL ENTERTAINMENT, MOUNTED
AND UNMOUNTED POSTERS, MOUNTED
AND UNMOUNTED PHOTOGRAPHS, POST
CARDS, GREETING CARDS, SONG BOOKS,
SHEET MUSIC AND DECALCOMANIA, IN
CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND
50).

FIRST USE 10-0-1967; IN COMMERCE
10-0-1968.

FOR: ARTICLES OF OUTER CLOTHING,
NAMELY, HEADBANDS, JACKETS, LEATHER
JACKETS, JERSEYS, JUMPERS, PAJAMAS,
PANTS, SCARVES, GLOVES, SWEATSHIRTS,
SPORTS SHIRTS, SHIRTS, T-SHIRTS, TROU-
SERS, WRIST BANDS, HATS, CAPS AND
FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND
39).

FIRST USE 10-0-1967; IN COMMERCE
10-0-1968.

FOR: RECORDING STUDIOS, MUSIC PUB-
LISHING SERVICES, ENTERTAINMENT,
NAMELY, LIVE PERFORMANCES BY A MUSI-
CAL BAND, MOTION PICTURE FILM PRO-
DUCTION, PRODUCTION OF VIDEO TAPES,
VIDEO DISCS AND VIDEO CASSETTES, FOR
OTHERS; COMPOSITION OF MUSIC FOR
OTHERS, AND ORGANIZING EXHIBITIONS
FOR MUSICAL ENTERTAINMENT, IN CLASS
41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 10-0-1967; IN COMMERCE
10-0-1968.

SER. NO. 75-217,644, FILED 12-23-1996.

JAMES L. VANA, EXAMINING ATTORNEY

Int. Cls.: 9, 16, 25 and 41

**Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 39,
50, 100, 101 and 107**

United States Patent and Trademark Office

Reg. No. 3,247,700

Registered May 29, 2007

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

PINK FLOYD

PINK FLOYD (1987) LIMITED (UNITED KING-
DOM LIMITED COMPANY)
42-46 HIGH STREET
ESHER, SURREY, KT10 9RT
UNITED KINGDOM

FOR: COMPACT DISCS, PHONOGRAPHIC RE-
CORDS, PRE-RECORDED AUDIO AND VIDEO
TAPES ALL FEATURING MUSIC AND/OR INTER-
VIEWS WITH MUSICIANS, IN CLASS 9 (U.S. CLS. 21,
23, 26, 36 AND 38).

FOR: PRINTED MATTER, NAMELY, BOOKS,
MAGAZINES, JOURNALS IN THE FIELD OF MU-
SICAL ENTERTAINMENT, IN CLASS 16 (U.S. CLS. 2,
5, 22, 23, 29, 37, 38 AND 50).

FOR: ARTICLES OF OUTER CLOTHING, NAME-
LY, HEADBANDS, JACKETS, LEATHER JACKETS,
JERSEYS, JUMPERS, PAJAMAS, PANTS, SCARVES,
GLOVES, SWEATSHIRTS, SPORT SHIRTS, SHIRTS,
T-SHIRTS, TROUSERS, WRIST BANDS, HATS,
CAPS, AND FOOTWEAR , IN CLASS 25 (U.S. CLS.
22 AND 39).

FOR: VIDEO, DISC AND CASSETTE RECORD-
ING FOR OTHERS, IN CLASS 41 (U.S. CLS. 100, 101
AND 107).

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

OWNER OF INTERNATIONAL REGISTRATION
0861426 DATED 7-11-2005, EXPIRES 7-11-2015.

OWNER OF U.S. REG. NO. 2,194,702.

THE MARK PINK FLOYD DOES NOT IDENTIFY
ANY LIVING INDIVIDUAL.

SER. NO. 79-015,083, FILED 7-11-2005.

DANIEL CAPSHAW, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,232,255

Registered Oct. 30, 2012

Int. Cls.: 9, 16 and 25

TRADEMARK

PRINCIPAL REGISTER

PINK FLOYD (1987) LTD. (UNITED KINGDOM LIMITED COMPANY (LTD.))
THAMES HOUSE, PORTSMOUTH ROAD
ESHER, SURREY, UNITED KINGDOM KT109AD

FOR: APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; AUDIO AND VIDEO CASSETTE RECORDERS, RECORD PLAYERS AND COMPACT DISC PLAYERS, COMPACT DISCS, RECORDS, DVDS AND PRE-RECORDED AUDIO AND VIDEO TAPES FEATURING MUSICAL ENTERTAINMENT AND INTERVIEWS, COMPUTER PROGRAMS FOR ELIMINATING DISTORTION AND AMBIENT NOISE DURING THE RECORDING OF MUSIC, COMPUTER GAMES CASSETTES, CARTRIDGES, DISCS TAPES AND PROGRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRINTED MATTER, NAMELY, BOOKS, MAGAZINES AND JOURNALS RELATING TO MUSICAL ENTERTAINMENT, MOUNTED AND UNMOUNTED POSTERS, MOUNTED AND UNMOUNTED PHOTOGRAPHS, POST CARDS, GREETING CARDS, SONG BOOKS, SHEET MUSIC AND DECALCOMANIA, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: ARTICLES OF OUTER CLOTHING, NAMELY, HEADBANDS, JACKETS, LEATHER JACKETS, JERSEYS, JUMPERS, PAJAMAS, PANTS, SCARVES, GLOVES, SWEATSHIRTS, SPORTS SHIRTS, SHIRTS, T-SHIRTS, TROUSERS, WRIST BANDS, HATS, CAPS AND FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).



PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 009912163, FILED 4-20-2011, REG. NO. 009912163, DATED 11-2-2011, EXPIRES 4-20-2021.

THE COLOR(S) RED, ORANGE, YELLOW, LIGHT GREEN, DARK GREEN, BLUE, VIOLET, AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A DARK GREEN CIRCLE CONTAINING A SPECTRUM OF THE COLORS RED, ORANGE, YELLOW, LIGHT GREEN, BLUE, AND VIOLET WITH A LIGHT GREEN, WAVY LINE PROTRUDING ABOVE AND BELOW THE SPECTRUM ALL AGAINST A BLACK BACKGROUND.

David J. Kyros

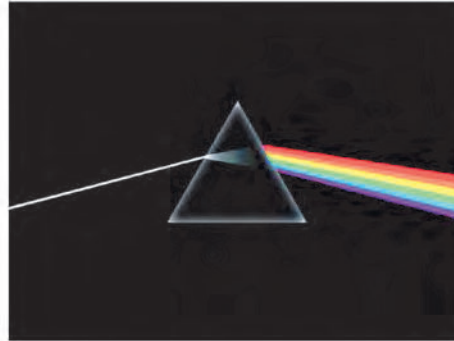
Director of the United States Patent and Trademark Office

SER. NO. 85-324,827, FILED 5-19-2011.

CHRISTINE MARTIN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,236,037

Registered Nov. 6, 2012

Int. Cls.: 9, 16 and 25

TRADEMARK

PRINCIPAL REGISTER

PINK FLOYD (1987) LTD. (UNITED KINGDOM LIMITED COMPANY (LTD.))
THAMES HOUSE, PORTSMOUTH ROAD
ESHER, SURREY, UNITED KINGDOM KT109AD

FOR: APPARATUS FOR RECORDING, TRANSMISSION OR REPRODUCTION OF SOUND OR IMAGES; AUDIO AND VIDEO CASSETTE RECORDERS, RECORD PLAYERS AND COMPACT DISC PLAYERS, COMPACT DISCS, RECORDS, DVDS AND PRE-RECORDED AUDIO AND VIDEO TAPES FEATURING MUSICAL ENTERTAINMENT AND INTERVIEWS, COMPUTER PROGRAMS FOR ELIMINATING DISTORTION AND AMBIENT NOISE DURING THE RECORDING OF MUSIC, COMPUTER GAMES CASSETTES, CARTRIDGES, DISCS TAPES AND PROGRAMS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FOR: PRINTED MATTER, NAMELY, BOOKS, MAGAZINES AND JOURNALS RELATING TO MUSICAL ENTERTAINMENT, MOUNTED AND UNMOUNTED POSTERS, MOUNTED AND UNMOUNTED PHOTOGRAPHS, POST CARDS, GREETING CARDS, SONG BOOKS, SHEET MUSIC AND DECALCOMANIA, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FOR: ARTICLES OF OUTER CLOTHING, NAMELY, HEADBANDS, JACKETS, LEATHER JACKETS, JERSEYS, JUMPERS, PAJAMAS, PANTS, SCARVES, GLOVES, SWEATSHIRTS, SPORTS SHIRTS, SHIRTS, T-SHIRTS, TROUSERS, WRIST BANDS, HATS, CAPS AND FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).



PRIORITY CLAIMED UNDER SEC. 44(D) ON ERPN CMNTY TM OFC APPLICATION NO. 009909391, FILED 4-20-2011, REG. NO. 009909391, DATED 12-20-2011, EXPIRES 4-20-2021.

THE COLOR(S) WHITE, RED, ORANGE, YELLOW, GREEN, BLUE, VIOLET, AND BLACK IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A WHITE, TRIANGULAR PRISM DESIGN WITH BEAM OF WHITE LIGHT TO LEFT AND SPECTRUM OF COLORS RED, ORANGE, YELLOW, GREEN, BLUE, AND VIOLET TO THE RIGHT OF THE PRISM, ALL APPEARING AGAINST A BLACK RECTANGULAR BACKGROUND.

David J. Kyffers

Director of the United States Patent and Trademark Office

SER. NO. 85-324,805, FILED 5-19-2011.

CHRISTINE MARTIN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

PINK FLOYD

Reg. No. 5,521,572

Registered Jul. 24, 2018

**Int. Cl.: 9, 14, 15, 16, 18,
21, 25, 26, 28, 34, 35, 41**

Service Mark

Trademark

Principal Register

PINK FLOYD (1987) LIMITED (UNITED KINGDOM Limited Company, England, Wales)

71 Queen Victoria St.
London Ec4v 4bc
UNITED KINGDOM

CLASS 9: Apparatus for recording, transmission or reproduction of sound or images; digital media, namely, pre-recorded tapes, CDs, DVDs and CD-ROMs containing music, movies, and live musical performances; downloadable music files; downloadable audio recordings featuring documentary movies; phonograph records featuring music; digital music downloadable from the internet; electronic, downloadable multimedia file containing audio relating to the fields of music, musical entertainment and live performances by a musical band; music audio recordings; musical video recordings; video recordings featuring music, animation and artistic performances and information in the fields of music, musical entertainment and live performances by a musical band; audio recordings featuring music, animation and artistic performances and information in the fields of music, musical entertainment and live performances by a musical band; downloadable musical sound recordings; pre-recorded audio cassette tapes featuring music; pre-recorded video tapes featuring music; compact discs featuring musical recordings; data storage devices, namely, computer memory cards, RAM (random access memory) cards, portable, external computer hard drives, blank flash drives, blank compact discs, blank USB flash drives; magnetic data carriers, namely, blank magnetic discs; blank magnetic tapes for tape recorders; computer operating programs; computer game programs, namely, computer software for creating video games, software for creating virtual reality games and virtual reality game software, computer gaming software recorded for recreational game playing purposes; computer game software downloadable from a global computer network; USB computer security key; downloadable software applications in the field of music for sharing, reviewing and listening to music audio and visual files and music tutorials in the form of audio and visual files and electronic documents; covers and cases for smart phones; covers and cases for computer tablet devices, laptops and computers; bags adapted for laptops; sunglasses and spectacles; sunglasses and spectacle cases; mouse mats and pads; magnets, decorative magnets

CLASS 14: Jewelry; horological and chronometric instruments; smart watches; key rings and key chains; badges of precious metal; cufflinks; ornamental lapel pins

CLASS 15: Musical instruments; musical instrument accessories, namely, stands, cases, carrying bags and storage bags for musical instruments, reeds for use in woodwind mouthpieces and mutes for musical instruments, tuning apparatus for musical instruments; music sheet stands; guitar picks, plectrums; guitar straps; drumsticks; caps

CLASS 16: Printed matter, namely, books, magazines and journals in the fields of music and musical entertainment, posters, photographs, postcards, greeting cards, song books, printed sheet music, printed decalcomanias, printed wall charts for displaying data in the fields of music and musical entertainment; calendars; stickers; art prints; Bags of paper or plastic for packaging; articles for packaging, namely, containers and cartons of paper or cardboard, plastic sandwich bags, plastic bags for packing, plastic wrap, wrapping paper, cardboard and paper boxes, plastic bubble packs for wrapping, cellophane paper, kraft paper; coasters made of paper



Andrei Iancu

Director of the United States
Patent and Trademark Office

CLASS 18: Bags, namely, rucksacks and messenger bags, wallets, duffel bags, overnight bags, sports bags, drawstring bags, beach bags, tote bags, travel bags, shoulder bags, clutch bags, leather bags, handbags, toiletry bags sold empty; credit-card holders; card wallets; purses

CLASS 21: Tableware, namely, dinnerware, dinner plates, drinking glasses, bowls; cookware, namely, pots and pans; dishes; containers for household or kitchen use; containers, namely, insulated containers for beverages, plastic household storage containers for food, thermal insulated containers for food or beverages; mugs; cups; coasters not of paper; lunch boxes; flasks; coffee pot holders; travel mugs

CLASS 25: Clothing, namely, jackets, leather jackets, hooded jackets, shirts, dresses, skirts, blouses, sweaters, hooded sweaters, coats, pants, shorts, t-shirts, infant wear, scarves, bow ties, neck ties, underwear, swimwear, clothing belts, insulated gloves, leather gloves, bicycle gloves, ski gloves, snowboard gloves, socks, tights; footwear, namely, shoes, athletic footwear, evening footwear, infant footwear, children's footwear, casual footwear, beach footwear; headgear, namely, hats, baseball caps; sweat bands; bathrobes; dressing gowns

CLASS 26: Sewing kits; Sewing articles and decorative textile articles, namely, ornamental ribbons made of textiles, ornamental bows of textile for decoration; embroidered patches for clothing and bags; ornamental novelty badges; novelty buttons; ornamental novelty pins

CLASS 28: Party games; board games; building games; card games; action target games; pinball machines; dice games; dart games; chess games; marbles for games; beanbags in the form of playthings; children's toy tricycles; infant toys; toy action figures; plush toys; musical toys; playing cards; puzzles; children's toy bicycles other than for transport; sport balls; hockey gloves, football gloves, lacrosse gloves, baseball gloves, golf gloves, boxing gloves, goalkeeper's gloves; tennis uprights, volleyball uprights, badminton uprights; nets for sports; bags specially adapted for sports equipment

CLASS 34: Lighters for smokers

CLASS 35: Advertising, marketing and promotional services in the fields of music, musical concerts and musicians; distribution of advertising material in the nature of leaflets, flyers, printed matter and marketing and promotional material in the nature of discount vouchers and rebates; promotional marketing; providing marketing and promotion of special events in the fields of music, music concerts and musicians

CLASS 41: Educational services, namely, conducting programs in the field of music and music production; providing of training in the field of music production; instruction in the field of music; cultural activities, namely, art exhibitions, museum services; entertainment in the form of live musical concerts; entertainment in the form of live performances by a musical band; arranging, conduction, production and direction of live and pre-recorded entertainment shows in the field of music; production of music television shows, audio and video recordings and radio programs featuring music and artistic performances and information in the fields of music, musical entertainment, live performances by a musical band and pre-recorded performances by a musical band; music recording studio services; recording studio services for videos; film and video productions; record production; production of music records; audio production for film soundtracks; music publishing services; music recording services; production of music; production of sound, music and video recordings; production of musical videos; music video production services; entertainment, namely, presentation, production and organization of live music concerts, musical shows and live performances by musical bands; production of video tapes, digital audio and video discs, and cassette recordings; provision of musical compositions; publication of music books; music recording studio services; recording studio services for videos; presentation of musical performances; providing non-downloadable playback of music via global communications networks; live performances by musical bands; organization of musical performances; post-production editing services in the field of music and videos; Providing online non-downloadable publications in the nature of newsletters, journals, magazines, books, in the field of music; provision of music video entertainment, namely, non-downloadable videos in the field of music via an interactive website; Provision of information relating to entertainment, music, live performances, namely, musical concerts,

music shows and theatre shows, and entertainment shows; Producing and directing of live radio and television programs; museum services; organization of exhibitions for cultural, entertainment and educational purposes

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

PRIORITY DATE OF 01-12-2016 IS CLAIMED

OWNER OF INTERNATIONAL REGISTRATION 1331848 DATED 07-11-2016, EXPIRES 07-11-2026

The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

SER. NO. 79-201,936, FILED 07-11-2016

United States of America

United States Patent and Trademark Office



Reg. No. 6,514,317

Registered Oct. 12, 2021

Int. Cl.: 9, 14, 15, 16, 18, 21, 25, 26, 28, 34, 41

Service Mark

Trademark

Principal Register

Pink Floyd (1987) Limited (UNITED KINGDOM private limited company)
71 Queen Victoria Street
London, UNITED KINGDOM EC4V4BE

CLASS 9: Apparatus for recording, transmission and reproduction of sound and images; recorded content, namely, musical sound recordings and musical video recordings; media content, namely, musical sound recordings and musical video recordings; musical recordings; musical video recordings; video recordings featuring music; audio recordings featuring music; downloadable musical sound recordings; downloadable video recordings featuring music; pre-recorded tape featuring music; data storage devices, namely, prerecorded CDs, DVDs, video tapes, vinyl records, optical discs and laser discs featuring music; prerecorded magnetic data carriers featuring music; musical recordings in the form of discs, namely, prerecorded CDs, DVDs, digital video discs, magnetic discs, optical discs, video discs featuring musical recordings; vinyl record in the nature of musical recordings; compact discs featuring music; pre-recorded DVDs featuring music; records in the nature of musical recordings; pre-recorded audio and video tapes featuring music; downloadable computer programmes for use in playing music and videos; downloadable computer games programs; USB keys, namely, pre-recorded USB flash drives featuring music; software applications in the nature of downloadable mobile applications for playing music and videos; mobile software applications in the nature of downloadable mobile applications for playing music and videos; protective covers and cases for smart phones; protective covers and cases for computer tablet devices, laptops and computers; bags adapted for laptops; sunglasses and spectacles; sunglasses and spectacle cases; mouse mats and pads; magnets, decorative magnets; smart watches

FIRST USE 3-1-1973; IN COMMERCE 3-1-1973

CLASS 14: Jewellery; horological and chronometric instruments; key rings and key chains; Badges of precious metal; cufflinks; ornamental pins, namely, ornamental lapel pins, pins being jewelry, tie pins

FIRST USE 12-31-1973; IN COMMERCE 12-31-1973

CLASS 15: Musical instruments; musical instrument accessories, namely, stands, cases,



Performing the Functions and Duties of the
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



carrying bags and storage bags; guitar picks, plectrums; guitar straps; drumsticks; capos clips, namely, capos

CLASS 16: Printed matter, namely, books, magazines and journals in the field of musical entertainment; mounted and unmounted posters; mounted and unmounted photographs; postcards; greeting cards; song books; printed sheet music; decalcomanias; calendars; stickers; art prints; coasters of paper

CLASS 18: Luggage; all-purpose carrying bags; wallets; other carriers, namely, general purpose accessory textile pouches sold empty; hand bags; tote bags, toiletry bags sold empty; credit-card holders; wallets; card wallets; purses

FIRST USE 12-31-1995; IN COMMERCE 12-31-1995

CLASS 21: Tableware, namely, dishes and plates; cookware, namely, pots and pans; containers for household use; mugs; cups; glasses, namely, glass beverageware; coasters, not of paper or textile; lunch boxes; flasks; coffee holders, namely, coffee servers; travel mugs

FIRST USE 12-31-2005; IN COMMERCE 12-31-2005

CLASS 25: Clothing, namely, jackets, leather jackets, jerseys, jumpers, pajamas, baby bodysuits, pants, scarves, gloves, sweatshirts, sports shirts, shirts, T-shirts, polo shirts, vests, tank tops, tube tops, trousers, sweat bands, bathrobes, dressing gowns; footwear; headwear; articles of outer clothing, namely, headbands, jackets, leather jackets, jerseys, jumpers, pajamas, pants, scarves, gloves, sweatshirts, sports shirts, shirts, T-shirts, trousers, wrist bands as clothing, hats, caps being headwear, footwear; sweat bands; bathrobes; dressing gowns

FIRST USE 12-31-1973; IN COMMERCE 12-31-1973

CLASS 26: Accessories for apparel, namely, buckles of precious metal, charms for attachment to zipper pulls and buttons; cloth patches for clothing; sewing articles, namely, sewing pins, sewing thimbles, sewing needles; decorative textile articles, namely, ornamental bows of textile for decoration, ornamental ribbons made of textiles; embroidered patches for clothing; badges for wear, not of precious metal, namely, ornamental novelty badges; ornamental novelty badges

FIRST USE 12-31-1973; IN COMMERCE 12-31-1973

CLASS 28: Games and playthings, namely, board games, dart boards; gymnastic and sporting articles not included in other classes, namely, skateboards, surfboards; playing cards; puzzles; Christmas tree decorations

CLASS 34: Lighters for smokers

CLASS 41: Education, namely, providing training, seminars and workshops in the field of music; providing of training services in the field of music; sporting and cultural activities, namely, organizing community sporting and cultural events; entertainment services in the nature of live visual and audio performances, namely, musical band performances; audio recording and video production; music publishing services; music recording services, namely, recording studio services; production of music; production of sound, music and video recordings; production of musical videos; music video production services; music production for musicals, concerts and films; presentation of musical performances; music concerts; live music concerts, live show performances, and live musical performances; music entertainment services in the nature of live musical performances; live music services in the nature of live musical performances; organisation of live music concerts; provision of live music concerts; production of video tape film, video disc and video cassette recordings; provision of musical compositions for others; publication of music books; music recording studio services; recording studio services for videos; production of music shows; presentation of musical

performance; providing digital music from the internet, namely, providing on-line non-downloadable music; providing on-line music, not downloadable; entertainment, namely, providing online non-downloadable music and film to users online via a communication network; providing an online database via a communication network featuring non-downloadable music, non-downloadable films and entertainment information; live performances by musical bands; organisation of musical performances; management in the nature of presentation of live shows performances and live musical performances; post-production editing services in the field of music and videos; selection and compilation for use of pre-recorded music for broadcasting by others; providing on-line electronic publications, namely, books and magazines in the field of music, not downloadable; provision of online non-downloadable music videos via an interactive website; provision of information in the field of entertainment, music, live performances and entertainment events; producing and directing radio and music events in the form of live radio and television programmes; music distribution; video distribution in the field of music; museum services; organisation of live exhibitions in the fields of culture, entertainment and education for non-business and non-commercial purposes

The color(s) white, red, orange, yellow, green, blue, violet, and black is/are claimed as a feature of the mark.

OWNER OF UNITED KINGDOM , REG. NO. 00003325140, DATED 07-17-2018, EXPIRES 07-17-2028

The mark consists of a white, triangular prism design with beam of white light to left and spectrum of colors red, orange, yellow, green, blue, and violet to the right of the prism, all appearing against a black rectangular background.

OWNER OF U.S. REG. NO. 4236037

SER. NO. 90-129,477, FILED 08-21-2020

Exhibit 2



Combating Trafficking in Counterfeit and Pirated Goods

Report to the President of the United States

January 24, 2020



Homeland
Security

Office of Strategy, Policy & Plans

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Foreword/Message from the Acting Secretary of Homeland Security

The rapid growth of e-commerce has revolutionized the way goods are bought and sold, allowing for counterfeit and pirated goods to flood our borders and penetrate our communities and homes. Illicit goods trafficked to American consumers by e-commerce platforms and online third-party marketplaces threaten public health and safety, as well as national security. This illicit activity impacts American innovation and erodes the competitiveness of U.S. manufacturers and workers.

Consumers must be confident in the safety, quality, and authenticity of the products they purchase online. DHS is committed to combating counterfeiters and pirates with the help of our U.S. Government partners and private sector stakeholders - who are critical to helping secure supply chains to stem the tide of counterfeit and pirated goods.



“Combating Trafficking in Counterfeit and Pirated Goods,” has been prepared by the U.S. Department of Homeland Security’s Office of Strategy, Policy, and Plans. The report uses available data, substantial public input, and other information to develop a deeper understanding of how e-commerce platforms, online third-party marketplaces, and other third-party intermediaries facilitate the importation and sale of massive amounts of counterfeit and pirated goods. The report identifies appropriate administrative, statutory, regulatory, and other actions, including enhanced enforcement measures, modernization of legal and liability frameworks, and best practices for private sector stakeholders. These strong actions can be implemented swiftly to substantially reduce trafficking in counterfeit and pirated goods while promoting a safer America.

This report was prepared pursuant to President Donald J. Trump’s April 3, 2019, *Memorandum on Combating Trafficking in Counterfeit and Pirated Goods*. The President’s historic memorandum provides a much warranted and long overdue call to action in the U.S. Government’s fight against a massive form of illicit trade that is inflicting significant harm on American consumers and businesses. This illicit trade must be stopped in its tracks.

This report was prepared in coordination with the Secretaries of Commerce and State, the Attorney General, the Office of Management and Budget, the Intellectual Property Enforcement Coordinator, the United States Trade Representative, the Assistant to the President for Economic Policy, the Assistant to the President for Trade and Manufacturing Policy, and with other partners in the U.S. Government. The report also benefitted from extensive engagement with the private sector.

Sincerely,

Chad Wolf
Acting Secretary,
U.S. Department of Homeland Security

1. Executive Summary

The President’s April 3, 2019, *Memorandum on Combating Trafficking in Counterfeit and Pirated Goods* calls prompt attention to illicit trade that erodes U.S. economic competitiveness and catalyzes compounding threats to national security and public safety.

Counterfeiting is no longer confined to street-corners and flea markets. The problem has intensified to staggering levels, as shown by a recent Organisation for Economic Cooperation and Development (OECD) report, which details a 154 percent increase in counterfeits traded internationally — from \$200 billion in 2005 to \$509 billion in 2016. Similar information collected by the U.S. Department of Homeland Security (DHS) between 2000 and 2018 shows that seizures of infringing goods at U.S. borders have increased 10-fold, from 3,244 seizures per year to 33,810.

Relevant to the President’s inquiry into the linkages between e-commerce and counterfeiting, OECD reports that “E-commerce platforms represent ideal storefronts for counterfeits and provide powerful platform[s] for counterfeiters and pirates to engage large numbers of potential consumers.”¹ Similarly, the U.S. Government Accountability Office (GAO) found that e-commerce has contributed to a shift in the sale of counterfeit goods in the United States, with consumers increasingly purchasing goods online and counterfeiters producing a wider variety of goods that may be sold on websites alongside authentic products.

Respondents to the July 10, 2019, Federal Register Notice issued by the Department of Commerce echoed these observations.² Perhaps most notably, the International Anti-Counterfeiting Coalition (IACC) reports that the trafficking of counterfeit and pirated goods in e-commerce is a top priority for every sector of its membership — comprised of more than 200 corporations, including many of the world’s best-known brands in the apparel, automotive, electronics, entertainment, luxury goods, pharmaceutical, personal care and software sectors. The IACC submission goes on to say:

Across every sector of the IACC’s membership, the need to address the trafficking of counterfeit and pirated goods in e-commerce has been cited as a top priority. The vast amounts of resources our members must dedicate to ensuring the safety and vitality of the online marketplace, bears out the truth of the issue highlighted by Peter Navarro, Assistant to the President for Trade and Manufacturing Policy, in his April 3, 2019 Op-Ed piece in The Wall Street Journal - that the sale of counterfeit brand-name goods presents a pervasive and ever-growing threat in the online space. One IACC member reported making

¹ OECD (2018), *Governance Frameworks to Counter Illicit Trade*, Illicit Trade, OECD Publishing, Paris, <https://doi.org/10.1787/9789264291652-en>.

² Under Federal Register Notice (84 FR 32861), the Department of Commerce sought “comments from intellectual property rights holders, online third-party marketplaces and other third-party intermediaries, and other private-sector stakeholders on the state of counterfeit and pirated goods trafficking through online third-party marketplaces and recommendations for curbing the trafficking in such counterfeit and pirated goods.”

*hundreds of investigative online test purchases over the past year, with a nearly 80% successfully resulting in the receipt of a counterfeit item.*³

The scale of counterfeit activity online is evidenced as well by the significant efforts e-commerce platforms themselves have had to undertake. A major e-commerce platform reports that its proactive efforts prevented over 1 million suspected bad actors from publishing a single product for sale through its platform and blocked over 3 billion suspected counterfeit listings from being published to their marketplace. Despite efforts such as these, private sector actions have not been sufficient to prevent the importation and sale of a wide variety and large volume of counterfeit and pirated goods to the American public.

The projected growth of e-commerce fuels mounting fears that the scale of the problem will only increase, especially under a business-as-usual scenario. Consequently, an effective and meaningful response to the President’s memorandum is a matter of national import.

Actions to be Taken by DHS and the U.S. Government

Despite public and private efforts to-date, the online availability of counterfeit and pirated goods continues to increase. Strong government action is necessary to fundamentally realign incentive structures and thereby encourage the private sector to increase self-policing efforts and focus more innovation and expertise on this vital problem. Therefore, DHS will immediately undertake the following actions and make recommendations for other departments and agencies to combat the trafficking of counterfeit and pirated goods.

<i>Immediate Actions by DHS and Recommendations for the U.S. Government</i>
1. Ensure Entities with Financial Interests in Imports Bear Responsibility
2. Increase Scrutiny of Section 321 Environment
3. Suspend and Debar Repeat Offenders; Act Against Non-Compliant International Posts
4. Apply Civil Fines, Penalties and Injunctive Actions for Violative Imported Products
5. Leverage Advance Electronic Data for Mail Mode
6. Anti-Counterfeiting Consortium to Identify Online Nefarious Actors (ACTION) Plan
7. Analyze Enforcement Resources
8. Create Modernized E-Commerce Enforcement Framework
9. Assess Contributory Trademark Infringement Liability for Platforms
10. Re-Examine the Legal Framework Surrounding Non-Resident Importers
11. Establish a National Consumer Awareness Campaign

³ International Anti-Counterfeiting Coalition’s comments made on the Department of Commerce, International Trade Administration, Office of Intellectual Property Rights’, Report on the State of Counterfeit and Pirated Goods Trafficking Recommendations, 29 July 2019. Posted on 6 August 2019. <https://www.regulations.gov/document?D=DOC-2019-0003-0072>

Best Practices for E-Commerce Platforms and Third-Party Marketplaces

Government action alone is not enough to bring about the needed paradigm shift and ultimately stem the tide of counterfeit and pirated goods. All relevant private-sector stakeholders have critical roles to play and must adopt identified best practices, while redoubling efforts to police their own businesses and supply chains.

While the U.S. brick-and-mortar retail store economy has a well-developed regime for licensing, monitoring, and otherwise ensuring the protections of intellectual property rights (IPR), a comparable regime is largely non-existent for international e-commerce sellers. The following table catalogs a set of high priority “best practices” that shall be communicated to all relevant private sector stakeholders by the National Intellectual Property Rights Coordination Center. It shall be the Center’s duty to monitor and report on the adoption of these best practices within the scope of the legal authority of DHS and the Federal government.

<i>Best Practices for E-Commerce Platforms and Third-Party Marketplaces</i>
1. Comprehensive "Terms of Service" Agreements
2. Significantly Enhanced Vetting of Third-Party Sellers
3. Limitations on High Risk Products
4. Rapid Notice and Takedown Procedures
5. Enhanced Post-Discovery Actions
6. Indemnity Requirements for Foreign Sellers
7. Clear Transactions Through Banks that Comply with U.S. Enforcement Requests for Information (RFI)
8. Pre-Sale Identification of Third-Party Sellers
9. Establish Marketplace Seller ID
10. Clearly Identifiable Country of Origin Disclosures

Foremost among these best practices is the idea that e-commerce platforms, online third-party marketplaces, and other third-party intermediaries such as customs brokers and express consignment carriers must take a more active role in monitoring, detecting, and preventing trafficking in counterfeit and pirated goods.

2. Introduction

E-commerce platforms represent ideal storefronts for counterfeits...and provide powerful platform[s] for counterfeiters and pirates to engage large numbers of potential consumers.

- Organisation for Economic Cooperation and Development⁴

The rapid growth of e-commerce platforms, further catalyzed by third-party online marketplaces connected to the platforms, has revolutionized the way products are bought and sold. “Online third-party marketplace” means any web-based platform that includes features primarily designed for arranging the sale, purchase, payment, or shipping of goods, or that enables sellers not directly affiliated with an operator of such platforms to sell physical goods to consumers located in the United States.

In the United States, e-commerce year-over-year retail sales grew by 13.3 percent in the second quarter of 2019 while total retail sales increased by only 3.2 percent as brick-and-mortar retail continued its relative decline.⁵ For example, Amazon reports third-party sales on its marketplace grew from \$100 million in 1999 to \$160 billion in 2018.⁶ In 2018 alone, Walmart experienced an e-commerce sales increase of 40 percent.⁷

Counterfeits threaten national security and public safety directly when introduced into government and critical infrastructure supply chains, and indirectly if used to generate revenue for transnational criminal organizations. Counterfeits also pose risks to human health and safety, erode U.S. economic competitiveness and diminish the reputations and trustworthiness of U.S. products and producers. Across all sectors of the economy, counterfeit goods unfairly compete with legitimate products and reduce the incentives to innovate, both in the United States and abroad.

While the expansion of e-commerce has led to greater trade facilitation, its overall growth—especially the growth of certain related business models—has facilitated online trafficking in counterfeit and pirated goods. American consumers shopping on e-commerce platforms and online third-party marketplaces now face a significant risk of purchasing counterfeit or pirated goods. This risk continues to rise despite current efforts across e-commerce supply chains to reduce such trafficking.

⁴ OECD (2018), *Governance Frameworks to Counter Illicit Trade*, Illicit Trade, OECD Publishing, Paris, <https://doi.org/10.1787/9789264291652-en>.

⁵ Department of Commerce, U.S. Census Bureau, Economic Indicators Division, “Quarterly Retail E-Commerce Sales 2nd Quarter 2019,” 19 August 2019. <https://www2.census.gov/retail/releases/historical/ecom/19q2.pdf>

⁶ Jeff Bezos, “2018 Letter to Shareholders,” *The Amazon Blog*. 11 April 2019. <https://blog.aboutamazon.com/company-news/2018-letter-to-shareholders>

⁷ Note: Walmart does not separate out the percentage of third-party vendor sales. More information can be found, *here*, Jaiswal, Abhishek, “Getting Started Selling on Walmart in 2019: An Insider’s Guide to Success,” *BigCommerce*.

<https://www.bigcommerce.com/blog/selling-on-walmart-marketplace/#millennials-are-the-drivers-of-legacy-brand-change-including-walmart>. See also, “Walmart Marketplace: Frequently Asked Questions,” *Walmart*. <https://marketplace.walmart.com/resources/#1525808821038-8edf332b-5ba2>.

The OECD reports international trade in counterfeit and pirated goods amounted to as much as \$509 billion in 2016. This represents a 3.3 percent increase from 2013 as a proportion of world trade. From 2003⁸ through 2018, seizures of infringing goods by the U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) increased from 6,500 to 33,810 while the domestic value of seized merchandise — as measured by manufacturer’s suggested retail price of the legitimate good (MSRP) — increased from \$94 million in 2003 to \$1.4 billion in 2018.⁹

The rise in consumer use of third-party marketplaces significantly increases the risks and uncertainty for U.S. producers when creating new products. It is no longer enough for a small business to develop a product with significant local consumer demand and then use that revenue to grow the business regionally, nationally, and internationally with the brand protection efforts expanding in step. Instead, with the international scope of e-commerce platforms, once a small business exposes itself to the benefits of placing products online — which creates a geographic scope far greater than its more limited brand protection efforts can handle — it begins to face increased foreign infringement threat.

Moreover, as costs to enter the online market have come down, such market entry is happening earlier and earlier in the product cycle, further enhancing risk. If a new product is a success, counterfeiters will attempt, often immediately, to outcompete the original seller with lower-cost counterfeit and pirated versions while avoiding the initial investment into research and design.

In other words, on these platforms, the counterfeit and pirated goods compete unfairly and fraudulently against the genuine items. While counterfeit and pirated goods have been sold for years on street corners, alleys, and from the trunks of cars, these illicit goods are now marketed to consumers in their homes through increasingly mainstream e-commerce platforms and third party online marketplaces that convey an air of legitimacy.

With the rise of e-commerce, the problem of counterfeit trafficking has intensified. The OECD documents a 154 percent increase in counterfeits traded internationally, from \$200 billion in 2005 to \$509 billion in 2016.¹⁰ Data collected by CBP between 2000 and 2018 shows that seizures of infringing goods at U.S. borders, much of it trafficked through e-commerce, has increased ten-fold. Over 85 percent of the contraband seized by CBP arrived from China and Hong Kong. These high rates of seizures are consistent with a key OECD finding.

Counterfeit and pirated products come from many economies, with China appearing as the single largest producing market. These illegal products are frequently found in a range of industries, from luxury items (e.g. fashion apparel or deluxe watches), via intermediary products (such as machines, spare parts or

⁸ https://www.cbp.gov/sites/default/files/documents/FY2003%20IPR%20Seizure%20Statistics_0.pdf.

⁹ https://www.cbp.gov/sites/default/files/assets/documents/2019-Aug/IPR_Annual-Report-FY-2018.pdf

¹⁰ OECD/EUIPO (2016), Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact, OECD Publishing, Paris. <https://www.oecd-ilibrary.org/docserver/9789264252653-en.pdf?expires=1576509401&id=id&accname=id5723&checksum=576BF246D4E50234EAF5E8EDF7F08147>

chemicals) to consumer goods that have an impact on personal health and safety (such as pharmaceuticals, food and drink, medical equipment, or toys).¹¹

Operation Mega Flex

In 2019, in response to the alarmingly high rates of contraband uncovered by DHS and a request from the White House Office of Trade and Manufacturing Policy (OTMP), CBP initiated Operation Mega Flex. This operation uses enhanced inspection and monitoring efforts to identify high-risk violators that are shipping and receiving illicit contraband through international mail facilities and express consignment hubs.

The periodic “blitz operations” conducted under the auspices of Operation Mega Flex examine thousands of parcels from China and Hong Kong and carefully catalog the range of contraband seized. To date, such operations have included visits to seven of CBP’s international mail facilities and four express consignment hubs and the completion of over 20,000 additional inspections. The following table summarizes the findings of three Mega Flex blitzes conducted between July and September of 2019.

Results of Operation Mega Flex (2019)				
	Blitz I <i>July 16 & 17</i>	Blitz II <i>August 21</i>	Blitz III <i>September 18</i>	Total
Inspections	9,705	5,757	5,399	20,861
Discrepancies	1,145	1,010	735	2,890
Discrepancy Rate	11.8%	17.5%	13.6%	13.9%
Counterfeits	212	467	382	1,061
Counterfeit Rate	2.2%	8.1%	7.1%	5.1%

Source: U.S. Customs and Border Protection

Among the discrepancies uncovered by Operation Mega Flex were 1,061 shipments of counterfeit products. These counterfeits range from fake name brand items, like Louis Vuitton bags to sports equipment made with faulty parts. Other contraband included drug paraphernalia, deadly opioids, and counterfeit drivers’ licenses.¹² In all, counterfeits constituted more than one of every three discrepancies uncovered by inspectors.¹³

¹¹ OECD/EUIPO (2016), Trade in Counterfeit and Pirated Goods: Mapping the Economic Impact, OECD Publishing, Paris. <https://www.oecd-ilibrary.org/docserver/9789264252653-en.pdf?expires=1576509401&id=id&accname=id5723&checksum=576BF246D4E50234EAF5E8EDF7F08147>

¹²Oren Fliegelman, “Made in China: Fake IDs,” *The New York Times*. 6 February 2015.

<https://www.nytimes.com/2015/02/08/education/edlife/fake-ids-or-why-would-a-student-order-a-tea-set.html>

¹³ Among the near 3,000 discrepancies, 20% of them were agricultural violations, such as bad meat, fruit, or produce, unsafe for the American consumer. These agricultural discrepancies are dangerous to the United States because they may contain diseases or pests that can greatly impact agriculture. For example, on October 16, 2018, CBP seized nearly 900 pounds of mitten crabs from an incoming Chinese freight. In Asia, mitten crabs are considered a seasonal delicacy; however, they have a disastrous impact on other global habitats and are labeled as an invasive species. See, Department of Homeland Security, U.S. Customs and Border Protection, “CBP Prevents Smuggling of Nearly 900 Pounds of Invasive Mitten Crabs,” 31 October 2018. <https://www.cbp.gov/newsroom/national-media-release/cbp-prevents-smuggling-nearly-900-pounds-invasive-mitten-crabs>.

Authorities also seized 174 controlled or prohibited substances, including: recreational drugs like LSD, cocaine, DMT, ecstasy, marijuana, mushrooms, and poppy pods as well as steroids and highly addictive painkillers like Tramadol.

It is not just a rise in the volume of counterfeits we are witnessing. GAO notes that counterfeiters are increasingly producing a “wider variety of goods that may be sold on websites alongside authentic products.”¹⁴

DHS finds the current state of e-commerce to be an intolerable and dangerous situation that must be addressed firmly and swiftly by strong actions within the Department and across other relevant agencies of the U.S. Government (USG). These include: The Federal Bureau of Investigation and the Department of Justice, the Department of Commerce, and the Department of the Treasury. This report provides a blueprint for swift and constructive changes and sets forth several actions for immediate implementation.

3. Overview of Counterfeit and Pirated Goods Trafficking

While most e-commerce transactions involve legitimate sellers and products, far too many involve the trafficking of counterfeit and pirated goods and expose legitimate businesses and consumers to substantial risks. This is a global phenomenon; the OECD reports international trade in counterfeit and pirated goods amounted to as much as half a trillion dollars in 2016.¹⁵

Key Drivers of Counterfeiting and Piracy in E-Commerce

Historically, many counterfeits were distributed through swap meets and individual sellers located on street corners. Today, counterfeits are being trafficked through vast e-commerce supply chains in concert with marketing, sales, and distribution networks. The ability of e-commerce platforms to aggregate information and reduce transportation and search costs for consumers provides a big advantage over brick-and-mortar retailers. Because of this, sellers on digital platforms have consumer visibility well beyond the seller’s natural geographical sales area.

Selling counterfeit and pirated goods through e-commerce is a highly profitable activity: production costs are low, millions of potential customers are available online, transactions are convenient, and listing on well-branded e-commerce platforms provides an air of legitimacy.

Other discrepancies found by CBP in the blitz operations included 13 weapon modifications and gun parts, 3 occurrences of drug paraphernalia, and 3 pill presses. For full summary of findings, see, Department of Homeland Security, U.S. Customs and Border Protection, Operation Mega Flex I, II and III Summaries, 2019.

¹⁴U.S. Government Accountability Office Report to the Chairman, Committee on Finance, U.S. Senate: *Intellectual Property: Agencies Can Improve Efforts to Address Risks Posed by Changing Counterfeits Market*, GAO-18-216, Washington, DC: Government Accountability Office, January 2018. <https://www.gao.gov/assets/690/689713.pdf>

¹⁵See OECD, Trends in Trade in Counterfeit and Pirated Goods (March 2019), available at <https://www.oecd.org/governance/risk/trends-in-trade-in-counterfeit-and-pirated-goods-g2g9f533-en.htm>

¹⁵See Parker et al. 2016

When sellers of illicit goods are in another country, they are largely outside the jurisdiction for criminal prosecution or civil liability from U.S. law enforcement and private parties.

The Role of Online Third-Party Marketplaces

Third-party online marketplaces can quickly and easily establish attractive “store-fronts” to compete with legitimate businesses. On some platforms, little identifying information is necessary to begin selling.

A counterfeiter seeking to distribute fake products will typically set up one or more accounts on online third-party marketplaces. The ability to rapidly proliferate third-party online marketplaces greatly complicates enforcement efforts, especially for intellectual property rights holders. Rapid proliferation also allows counterfeiters to hop from one profile to the next even if the original site is taken down or blocked. On these sites, online counterfeiters can misrepresent products by posting pictures of authentic goods while simultaneously selling and shipping counterfeit versions.

Counterfeiters have taken full advantage of the aura of authenticity and trust that online platforms provide. While e-commerce has supported the launch of thousands of legitimate businesses, their models have also enabled counterfeiters to easily establish attractive “store-fronts” to compete with legitimate businesses.

Platforms use their third-party marketplace functions to leverage “two-sided” network effects to increase profitability for the platform by adding both more sellers and more buyers. Because sellers benefit with each additional buyer using the platform (more consumers to sell to), and buyers are more likely to join/use the platform with each additional seller (more sellers to buy from), there can be diminished internal resistance to adding lower quality sellers.

Platforms that recognize this strategy may incentivize seller listings to stimulate further growth and increase profits but do so without adequate scrutiny. As just one incentive, many platforms create “frictionless entry” by reducing the costs for sellers and buyers to join, thereby increasing the likelihood that the platform will reach an efficient and highly profitable scale.

Platforms also generate value by opening previously unused (or less frequently used) markets. In addition, online platforms reduce transaction costs by streamlining the actual transaction; for example, buyers and sellers use a standardized transaction method that simplifies interactions with buyers and reduces the risk that the buyer will not pay.

For example, before the rise of e-commerce, secondhand products could be sold at garage sales or in classified newspaper advertisements. E-commerce created a process for allowing buyers and sellers to trade goods digitally, reducing transaction costs and creating a global marketplace for used, but too often counterfeit, products.

Another way platforms generate value is by aggregating information and reducing search costs. A buyer may search for a product, either by keyword or product category, at lower search cost than visiting brick-and-mortar stores. Because of this, sellers on digital platforms have consumer visibility well beyond the seller’s natural geographical sales area.

In addition, consumers who have made a purchase may use tools provided by the marketplace to rate the product and the seller involved. These ratings create an important mechanism to facilitate future consumer trust in an otherwise unknown seller.

In principle, such a rating system provides a key to overcoming a common economic problem that might otherwise preclude sales: without a low-cost trust building feature that also communicates quality, and in a market with significant numbers of low-quality products, buyers may refuse to purchase any product at all, or would demand a lower price to reflect the uncertainty. One frequent result is that low cost counterfeits drive out high quality, trusted brands from the online marketplace. In practice, even the ratings systems across platforms have been gamed, and the proliferation of fake reviews and counterfeit goods on third-party marketplaces now threatens the trust mechanism itself.

Lower Startup and Production Costs

The relative ease of setting up and maintaining e-commerce websites makes online marketplaces a prime locale for the retailing of counterfeit and pirated goods. E-commerce retailers enjoy low fixed costs of setting up and maintaining web businesses and lower costs for carrying out normal business operations such as managing merchant accounts. These ventures can be set up quickly without much sophistication or specialized skills.

Some online platforms allow retailers to use pre-made templates to create their stores while other platforms only require that a seller create an account. These businesses face much lower overhead costs than traditional brick-and-mortar sellers because there is no need to rent retail space or to hire in-person customer-facing staff. Not only can counterfeiters set up their virtual storefronts quickly and easily, but they can also set up new virtual storefronts when their existing storefronts are shut down by either law enforcement or through voluntary initiatives set up by other stakeholders such as market platforms, advertisers, or payment processors.

In the production stage, counterfeiters keep costs low by stealing product secrets or technological knowledge, exploiting new production technologies, and distributing operations across jurisdictions. One method involves employees who sell trade secrets to a third party who, in turn, develops and sells counterfeit products based on the stolen secrets. Another method relies on an intermediary to steal a firm's product or technology. The use of intermediaries reduces the traceability to the counterfeiter.

Counterfeiting and piracy operations also take advantage of new low-cost production technologies. For example, the technological advances in modeling, printing and scanning technologies such as 3D printing reduce the barriers for reverse engineering and the costs of manufacturing counterfeit products.

Lower production costs can also be achieved through distributed production operations. One method involves manufacturing the counterfeit good in a foreign market to lower the chances of detection and to minimize legal liability if prosecuted. This can be combined with importation of

the counterfeit labels separately from the items, with the labels being applied to the products after both items arrive in the U.S.

In addition, it is much cheaper to manufacture illicit goods because counterfeit and pirated goods are often produced in unsafe workplaces with substandard and unsafe materials by workers who are often paid little—and sometimes nothing in the case of forced labor. Moreover, in the case of goods governed by Federal health and safety regulations, it often costs much less to produce counterfeit versions that do not meet these health and safety standards.

Lower Marketing Costs

Businesses that use only an internet presence as their consumer-facing aspect typically enjoy lower costs of designing, editing, and distributing marketing materials. Counterfeiters also benefit from greater anonymity on digital platforms and web sites and greater ease to retarget or remarket to customers. For example, counterfeiters use legitimate images and descriptions on online platforms to confuse customers, and they open multiple seller accounts on the platform so that if one account is identified and removed, the counterfeiter can simply use another.

The popularity of social media also helps reduce the costs of advertising counterfeit products. The nature of social media platforms has aided in the proliferation of counterfeits across all e-commerce sites. Instagram users, for example, can take advantage of connectivity algorithms by using the names of luxury brands in hashtags. Followers can search by hashtag and unwittingly find counterfeit products, which are comingled and difficult to differentiate from legitimate products and sellers.

Lower Distribution Costs

Traditionally, many counterfeit goods were distributed through swap meets and individual sellers located on street corners. With the rise of online platforms for shopping, customers can have products delivered to them directly.

Foreign entities that traffic in counterfeits understand how to leverage newer distribution methods better suited to e-commerce than the traditional trade paradigm (i.e., imports arriving via large cargo containers with domestic distribution networks). Today, mail parcel shipments, including through express consignments, account for more than 500 million packages each year.¹⁶ Seizures in the small package environment made up 93 percent of all seizures in 2018, a 6 percent increase over 2017. From 2012 to 2016, the number of seizures from express consignment carriers increased by 105 percent, and the MSRP of those seizures had a 337 percent increase.¹⁷ In contrast, seizures from cargo decreased by 36 percent from FY17 to FY18.

¹⁶<https://www.cbp.gov/sites/default/files/assets/documents/2019-Apr/FY%202017%20Seizure%20Stats%20Booklet%20-%2020508%20Compliant.pdf> p. 14

¹⁷https://www.gao.gov/assets/690/689713.pdf?mod=article_inline p. 14

The International Chamber of Commerce found that counterfeiters use international air packages because the high volume of these packages makes enforcement more difficult.¹⁸ A recent report by the OECD points out that distributing counterfeits across a series of small packages spreads the risk of detection, and lowers the loss from having one or more shipments seized, suggesting that losses to the counterfeiter on an ongoing basis would be within a tolerable range.¹⁹

The OECD report also notes that it is harder for authorities to detect counterfeits in small parcels than in shipping containers because cargo containers making entry at a maritime port provide customs officials with more information, well in advance of arrival. Moreover, the effort required for CBP to seize a shipment does not vary by size of the shipment, meaning that a package of a few infringing goods requires the same resources to seize as a cargo container with hundreds of infringing goods.

Section 321 of the Tariff Act of 1930 has likewise encouraged counterfeiters to favor smaller parcel delivery. Under Section 321, a foreign good valued at or less than \$800 and imported by one person on one day is not subject to the same formal customs entry procedures and rigorous data requirements as higher-value packages entering the United States. This reduced level of scrutiny is an open invitation to exploit Section 321 rules to transport and distribute counterfeits.

Rules set by the Universal Postal Union (UPU) have historically contributed to the distortion in rates for delivery of international e-commerce purchases to the United States.²⁰ UPU reimbursement rates have underpriced domestic postage rates for small parcels. This market distortion made it cheaper for small package exports to the United States from certain countries than would otherwise be economically feasible and has encouraged the use of the international postal mode over other shipment channels. The United States recently scored a historic victory when the UPU overhauled its terminal dues system²¹, effectively eliminating this outdated policy.²²

Consumer Attitudes and Perceptions

The sale of counterfeits away from so-called “underground” or secondary markets (e.g. street corners, flea markets) to e-commerce platforms is reshaping consumer attitudes and perceptions. Where in the past, consumers could identify products by relying on “red flag” indicators—such as a suspicious location of the seller, poor quality packaging, or discount pricing—consumers are now regularly exposed to counterfeit products in settings and under conditions where the articles appear genuine.

While the risks of receiving a counterfeit may have been obvious to a consumer purchasing items on street corners, with the rise of online platforms, it is not so obvious anymore. For example, it is

¹⁸<https://cdn.iccwbo.org/content/uploads/sites/3/2015/03/ICC-BASCAP-Roles-and-Responsibilities-of-Intermediaries.pdf> p. 32

¹⁹OECD/EUIPO (2018), *Misuse of Small Parcels for Trade in Counterfeit Goods: Facts and Trends, Illicit Trade*, OECD Publishing, Paris. <https://doi.org/10.1787/9789264307858-en> p. 77

²⁰The UPU is a specialized agency of the United Nations that coordinates postal policies between 190 countries. Importantly, these treaties determine the cost of shipping between the various countries and offers low rates to mail originating from abroad, as compared to domestic postage rates.

²¹ Universal Postal Union (2019), *Decisions of the 2019 Geneva Extraordinary Congress*,

http://www.upu.int/uploads/tx_sbdownloader/actsActsOfTheExtraordinaryCongressGenevaEn.pdf

²² <https://www.nytimes.com/2019/09/25/business/universal-postal-union-withdraw.html>

unlikely that anyone would set out to purchase a counterfeit bicycle helmet given the potential safety risks; however, such items are readily available to unsuspecting consumers on e-commerce websites.

Reports indicate that some third-party marketplace listings falsely claim to have certifications with health and safety standards or offer items banned by federal regulators or even the platforms themselves. Coupled with the inability of buyers to accurately determine the manufacturer or the origin of the product, it is challenging for buyers to make informed decisions in the e-commerce environment.

In 2017, MarkMonitor found that 39 percent of all unwitting purchases of counterfeit goods were bought through online third-party marketplaces.²³ Sellers on large well-known platforms rely on the trust that those platforms hosting of the marketplace elicits. The results of this survey indicate that bad actors selling counterfeit goods on legitimate online platforms erodes trust in both the brands and the platforms themselves.

In 2018, Incopro conducted a survey focusing on United Kingdom (UK) consumers who had unwittingly purchased counterfeit goods and how their perceptions of online marketplaces were affected as a result.²⁴ The results of this survey show that 26 percent of respondents reported that they had unwittingly purchased counterfeits. Of these, 41 percent reported that they had never received a refund after reporting a seller to online marketplaces.

In addition, roughly one-third of respondents reported that they would be less likely to buy a widely counterfeited product from an online marketplace while 46 percent reported no longer using a particular online marketplace after receiving counterfeit goods. Respondents also reported that, when trying to differentiate between genuine and counterfeit products, they consider online reviews along with the reputation of online marketplaces.

These recent findings, against the larger backdrop of the e-commerce environment, demonstrate the immediacy of the problem as consumer confidence and brand integrity continue to suffer in the realm of online third-party marketplaces.

Top Products Prone to Counterfeiting and Piracy

Counterfeiters sell fake goods as authentic goods — for example, a copy of a Louis Vuitton bag or Rolex watch fraudulently sold as the “real thing.” Counterfeiters use identical copies of registered trademarks without the authorization of the rightful owner.

Piracy typically refers to the act of copying a protected work (such as a book, movie, or music) without the consent of the rights holder or person duly authorized by the rights holder.

²³MarkMonitor (2017). *MarkMonitor Online Barometer: Global online shopping survey 2017 – consumer goods*. Downloaded from https://www.markmonitor.com/download/report/MarkMonitor_Online_Shopping_Report-2017-UK.pdf. p. 6

²⁴INCOPRO, 2018. Counterfeit Products are Endemic – and it is damaging brand value: INCOPRO Market Research Report available at https://www.incoproip.com/cms/wp-content/uploads/2018/11/2018_Incopro_Market-Research-report.pdf.

were between 2 million and 2.6 million jobs in 2013, with job displacement expected to double by 2022.

Counterfeit goods also damage the value of legitimate brands. When brand owners lose the ability to collect a price premium for branded goods, it leads to diminished innovation as brand owners are less likely to invest in creating innovative products. Legitimate companies, and particularly small businesses, report devastating impacts due to the abundance of competing online counterfeits and pirated goods. Moreover, while e-commerce platforms can benefit legitimate businesses by helping them to reach customers with a new product, the same process and technology also makes it easier for unscrupulous firms to identify popular new products, produce infringing versions of them, and sell these illicit goods to the business's potential customers.

As previously noted, the speed at which counterfeiters can steal intellectual property through e-commerce can be very rapid. If a new product is a success, counterfeiters may attempt to immediately outcompete the original seller with lower-cost counterfeit versions — while avoiding research and development costs. The result: counterfeiters may have a significant competitive advantage in a very short period of time over those who sell trusted brands.

Such fast-track counterfeiting poses unique and serious problems for small businesses, which do not have the same financial resources as major brands to protect their intellectual property. Lacking the ability to invest in brand-protection activities, such as continually monitoring e-commerce platforms to identify illicit goods, perform test buys, and send takedown notices to the platforms, smaller businesses are more likely to experience revenue losses as customers purchase counterfeit versions of the branded products.

In many cases, American enterprises have little recourse aside from initiating legal action against a particular vendor. Such legal action can be extremely difficult. Many e-commerce sellers of infringing products are located outside the jurisdiction of the United States, often in China; existing laws and regulations largely shield foreign counterfeiters from any accountability.

Organized Crime and Terrorism

The impact of counterfeit and pirated goods is broader than just unfair competition. Law enforcement officials have uncovered intricate links between the sale of counterfeit goods and transnational organized crime. A study by the Better Business Bureau notes that the financial operations supporting counterfeit goods typically require central coordination, making these activities attractive for organized crime, with groups such as the Mafia and the Japanese Yakuza heavily involved.³³ Criminal organizations use coerced and child labor to manufacture and sell counterfeit goods. In some cases, the proceeds from counterfeit sales may be supporting terrorism and dictatorships throughout the world.³⁴

³³https://www.bbb.org/globalassets/local-bbbs/st-louis-mo-142/st_louis_mo_142/studies/counterfeit-goods/BBB-Study-of-Counterfeit-Goods-Sold-Online.pdf

³⁴United Nations Office of Drugs and Crime (UNODC), *Focus On: The Illicit Trafficking of Counterfeit Goods and Transnational Organized Crime*, available at: https://www.unodc.org/documents/counterfeit/FocusSheet/Counterfeit_focussheet_EN_HIRES.pdf

National Security

One of the greatest threats counterfeits pose to national security is their entry into the supply chain of America's defense industrial base. This defense industrial base includes both private sector contractors and government agencies, particularly the Department of Defense.

In FY 2018, 12 percent of DHS seizures included counterfeit versions of critical technological components, automotive and aerospace parts, batteries, and machinery. Each of these industrial sectors have been identified as critical to the defense industrial base, and thus critical to national security. One example drawn from a 2018 study by the Bureau of Industry and Security within the Department of Commerce featured the import of counterfeit semiconductors or "Trojan chips" for use in defense manufacturing and operations³⁵. Such Trojan chips can carry viruses or malware that infiltrate and weaken American national security. The problem of counterfeit chips has become so pervasive that the Department of Defense has referred to it as an "invasion." Companies from China are the primary producers of counterfeit electronics.³⁶

5. How E-Commerce Facilitates Counterfeit Trafficking

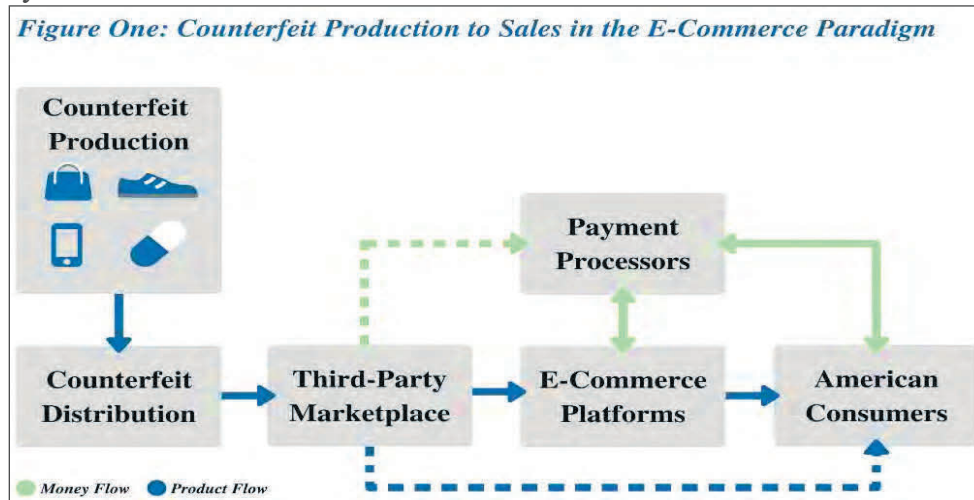
While e-commerce has supported the launch of thousands of legitimate businesses, e-commerce platforms, third-party marketplaces, and their supporting intermediaries have also served as powerful stimulants for the trafficking of counterfeit and pirated goods. The central economic driver of such trafficking is this basic reality: Selling counterfeit and pirated goods through e-commerce platforms and related online third-party marketplaces is a highly profitable venture.

For counterfeiters, production costs are low, millions of potential customers are available online, transactions are convenient, and listing goods on well-known platforms provides an air of legitimacy. When sellers of illicit goods are in another country, they are also exposed to relatively little risk of criminal prosecution or civil liability under current law enforcement and regulatory practices. It is critical that immediate action be taken to protect American consumers and other stakeholders against the harm and losses inflicted by counterfeiters.

³⁵<https://www.bis.doc.gov/index.php/documents/technology-evaluation/37-defense-industrial-base-assessment-of-counterfeit-electronics-2010/file>

³⁶Saunders, Gregory and Tim Koczanski, "Counterfeits," *Defense Standardization Program Journal*, October/December 2013. <https://www.dsp.dla.mil/Portals/26/Documents/Publications/Journal/131001-DSPJ.pdf>

Figure One provides a simplified overview of how counterfeit products move from production by counterfeiters to sales to American consumers:



Counterfeit Production and Distribution

The counterfeit sales process begins with some type of production capability for the counterfeit good. In this stage, counterfeiters enjoy enormous production cost advantages relative to legitimate businesses. Counterfeits are often produced in unsafe workplaces, with substandard and unsafe materials, by workers who are often paid little or sometimes nothing in the case of forced labor.

In the case of goods subject to federal health and safety regulations, it costs much less to produce counterfeit versions that do not meet these health and safety requirements that make the legitimate products so safe.

Counterfeiters likewise minimize the need for incurring significant research and development expenditures by stealing intellectual property, technologies, and trade secrets. They also shave production costs using inferior ingredients or components.

For example, a common way for counterfeiters to produce *fake* prescription opioids like Oxycontin, or a prescription drug like Viagra, is to start with the *real* pills as a basic ingredient. These real pills are then ground up into a powder, diluted with some type of (sometimes toxic) powder filler, and then “spiked” with an illegal and deadly narcotic like fentanyl, in the case of fake opioids, or illegal and deadly amphetamines or strychnine, in the case of Viagra.

In the case of apparel, such as running shoes, employees from a legitimate branded company may leave the company and set up their own facility. These employees have the expertise to manufacture identical-looking shoes; but they will typically do so with cheaper, inferior components. The result: the shoes may fail during activity, injure the user with an inferior insole, or, at a minimum, wear out faster than the real product.³⁷

³⁷Department of Homeland Security, U.S. Customs and Border Protection, “CBP Seizes Over \$2.2 Million worth of Fake Nike Shoes at LA/Long Beach Seaport,” 9 October 2019. <https://www.cbp.gov/newsroom/local-media-release/cbp-seizes-over-22-million-worth-fake-nike-shoes-lalong-beach-seaport>

The technological advances in modeling, printing, and scanning technologies such as 3D printing, have also significantly reduced the barriers for reverse engineering and the costs of manufacturing counterfeit products. Again, one problem that may arise may be the use of inferior production inputs that lead to product failure.

These are just a few of the many ways counterfeits begin their long journey into American households. There is often no way for legitimate businesses to compete, on a production cost basis, with counterfeiters. There is also often no way for a consumer to tell the difference between a counterfeit and legitimate good.

Third-Party Marketplaces and Counterfeiter Websites

A counterfeiter seeking to distribute fake products will typically set up one or more accounts on third-party marketplaces, and these accounts can often be set up quickly and without much sophistication or many specialized skills. Under such circumstances, it is axiomatic that online retailers face much lower overhead costs than traditional brick-and-mortar sellers. There is no need to rent retail space or to hire in-person, customer-facing staff.

In a common scenario, third-party marketplace websites contain photos of the real product, fake reviews of the counterfeit product, and other such disinformation designed to mislead or fool the consumer into believing the legitimacy of the product. The proliferation of such disinformation is the hallmark of the successful online counterfeiter. Such deception not only provides counterfeiters with an enormous competitive advantage over their brick-and-mortar counterparts; legitimate sellers on the internet are harmed as well.

In some cases, counterfeiters hedge against the risk of being caught and their websites taken down from an e-commerce platform by preemptively establishing multiple virtual store-fronts. A key underlying problem here is that on at least some e-commerce platforms, little identifying information is necessary for a counterfeiter to begin selling. In the absence of full transparency, counterfeiters can quickly and easily move to a new virtual store if their original third-party marketplace is taken down.

The popularity of social media also helps proliferate counterfeits across various e-commerce platforms. Instagram users, for example, can take advantage of connectivity algorithms by using the names of luxury brands in hashtags. Followers can search by hashtag and unwittingly find counterfeit products, which are comingled and difficult to differentiate from legitimate products and sellers.

According to a 2019 report, *Instagram and Counterfeiting*, nearly 20 percent of the posts analyzed about fashion products on Instagram featured counterfeit or illicit products.³⁸ More than 50,000 Instagram accounts were identified as promoting and selling counterfeits, a 171 percent increase from a prior 2016 analysis. Instagram's Story feature, where content disappears in twenty-four hours, was singled out as particularly effective for counterfeit sellers.

³⁸Stroppa, Andrea, *et al.*, "Instagram and counterfeiting in 2019: new features, old problems," *Ghost Data*, 9 April 2019. Rome, New York. https://ghostdata.io/report/Instagram_Counterfeiting_GD.pdf

A more recent development on social media is the proliferation of “hidden listings” for the sale of counterfeits. Social media is used to provide direct hyperlinks in private groups or chats to listings for counterfeit goods that purport to be selling unrelated legitimate items. By accessing the link, buyers are brought to an e-commerce platform which advertises an unrelated legitimate item for the same price as the counterfeit item identified in the private group or chat. The buyer is directed to purchase the unrelated item in the listing but will receive the sought-after counterfeit item instead.

Order Fulfillment in E-Commerce

The foreign counterfeiter must first choose between sending a package either by express consignment carrier or through the international post. As a general proposition, express consignment shippers — such as DHL Express, Federal Express, and the United Parcel Service — were subject to data requirements before they were extended to the international posts.

In the next step along the delivery chain, a parcel will arrive at a port of entry under the authority of CBP. Millions of parcels arrive daily, and it is impossible to inspect more than a very small fraction.

Although ocean shipping is still a major mode of transport for counterfeits, the rapid growth of other modes, such as truck and air parcel delivery, threaten to upend established enforcement efforts, and as such, is increasingly used by international counterfeiters. This continued shift from bulk cargo delivery to other modes by counterfeiters is illustrated in the trends in seizure statistics.

It is clear from these observations that counterfeit traffickers have learned how to leverage newer air parcel distribution methods that vary from the traditional brick-and-mortar retail model (for example, imports arriving via large cargo containers with domestic distribution networks). This is an issue that must be directly addressed by firm actions from CBP.

Section 321 De Minimis Exemption and Counterfeit Trafficking

Under Section 321 of the Tariff Act of 1930, as amended by the Trade Facilitation and Trade Enforcement Act of 2015 (TFTEA), articles with a value of \$800 or less, imported by one person on one day, can be admitted free of duty and taxes. Under 19 CFR § 10.151 and 19 CFR part 143, Subpart C, those importations are often not subject to the same formal customs procedures and rigorous data requirements as higher-value packages entering the United States. Instead, the low-value shipments can be admitted into U.S. commerce with the presentation of a bill of lading or a manifest listing each bill of lading and a limited data set. The relatively limited nature of the data requirements complicates the identification of high-risk goods by CBP and other enforcement agencies. Under 19 CFR § 143.22, CBP has existing authority to require formal entry (and the complete data set for any shipment) for any merchandise, if deemed necessary for import admissibility enforcement purposes; revenue protection; or the efficient conduct of customs business.

9. Assess Contributory Trademark Infringement Liability for E-Commerce

Online platforms have avoided civil liability for contributory trademark infringement in several cases. Given the advance and expansion of e-commerce, DHS recommends that the Department of Commerce consider the following measures:

- Assess the state of liability for trademark infringement considering recent judicial opinions, and the impact of this report—including platforms’ implementation of the best practices directed herein.
- Seek input from the private sector and other stakeholders as to the application of the traditional doctrines of trademark infringement to the e-commerce setting, including whether to pursue changes in the application of the contributory and/or vicarious infringement standards to platforms.

10. Re-Examine the Legal Framework Surrounding Non-Resident Importers

Currently, non-resident importers can legally enter goods into the United States provided they have a “resident agent” as defined in regulation. In practice, it can be difficult to compel non-resident importers to pay civil penalties and respond to other enforcement actions available to the USG. With this in mind, DHS should reevaluate the legal framework for allowing non-resident importers in the Section 321 *de minimis* low-value shipment environment.

11. Establish a National Consumer Awareness Campaign

Given the critical role that consumers can play in the battle against online counterfeiting, DHS recommends the development of a national public-private awareness campaign. The national public awareness campaign recommended by DHS should involve platforms, rights holders, and the applicable government agencies to provide education for consumers regarding the risks of counterfeits as well as the various ways consumers can use to spot counterfeit products. At present, many consumers remain uninformed as to the risks of buying counterfeit and pirated products online. These risks are both direct to them (e.g., tainted baby food), as well as indirect (e.g., sales revenues can fund terrorism).

Many consumers are also unaware of the significant probabilities they face of being defrauded by counterfeiters when they shop on e-commerce platforms. As this report has documented, these probabilities are unacceptably high and appear to be rising. Even those consumers motivated to conduct research and stay informed might lack the specialized knowledge and efficient user tools to make diligent online buying decisions.

A strong and ongoing national campaign to increase public awareness about the risks of counterfeits in an e-commerce world should help alert consumers about the potential dangers of some online purchases. To the extent e-commerce platforms empower their consumers to participate in the monitoring and detection of counterfeits, e.g., by implementing several of the best practices recommended in this report, this will also help in the fight against the trafficking in counterfeit and pirated goods.

This effort could use technology as well as provide online education. For example, online marketplaces could prominently display messages on their home pages, as well as on high-risk item pages, warning customers about the dangers of counterfeits and urging respect for intellectual property rights. Additionally, the campaign could be paired with technologically-enabled assurances of authenticity. Such an approach would provide commercial advantages to the platforms that adopt it while also benefiting consumers and rights holders through reliable methods to identify and certify the authenticity of branded products across online platforms.

8. Private Sector Best Practices

The following table catalogs a set of high priority “best practices” that should be swiftly adopted by e-commerce platforms that operate third-party marketplaces, and other third-party intermediaries. Under the authority of the Secretary of the Department of Homeland Security, these best practices shall be recommended and communicated to all relevant private sector stakeholders by the ICE/HSI-led IPR Center.

It shall be a duty of the IPR Center to encourage, monitor, and report on the adoption of, and the progress and effectiveness of, these best practices, through all means necessary within the scope of the legal authority of DHS and the Federal Government.

<i>Best Practices for E-Commerce Platforms and Third-Party Marketplaces</i>
1. Comprehensive "Terms of Service" Agreements
2. Significantly Enhanced Vetting of Third-Party Sellers
3. Limitations on High Risk Products
4. Efficient Notice and Takedown Procedures
5. Enhanced Post-Discovery Actions
6. Indemnity Requirements for Foreign Sellers
7. Clear Transactions Through Banks that Comply with U.S. Enforcement Requests
8. Pre-Sale Identification of Third-Party Sellers
9. Establish Marketplace Seller IDs
10. Clearly Identifiable Country of Origin Disclosures

1. Comprehensive “Terms of Service” Agreements

It is critical that platforms require all third-party sellers to sign comprehensive and stringent terms of service agreements that maximize the authorities of the platforms to combat counterfeit

trafficking. Terms of service agreements will provide platforms with an important legal means to combat counterfeit trafficking

Most obviously, these terms of service should incorporate explicit prohibitions on selling counterfeit and pirated goods. Once the platform has affirmatively detected infringement on a seller profile, the actions listed below under the category of “post-discovery actions” should be allowed under the terms and taken swiftly.

The terms of service should also list the potential repercussions sellers face for violations. Generally, these repercussions should allow platforms to impose sanctions such as suspension, termination, and debarment without waiting for a determination by a court for sellers who violate the terms of the agreement. The terms should include escalating capabilities to suspend, terminate, and debar counterfeit traffickers and their affiliates.

Specifically, they should allow the platform to conduct, at a minimum, the following actions in response to violations or identified risk factors in the seller’s profile and product postings without waiting for a determination by a court:

- (1) terminate or suspend a seller account based on the use or reference to a username that is confusingly similar to a registered trademark;
- (2) take down or suspend and keep down individual product postings based on the misuse of photographs, logos, external links to infringing content, certain coded messages with actual intellectual property references removed, or imbedded offers to manufacture; and
- (3) allow for an escalating enforcement structure that results in (for major infractions and/or repeat minor infractions) permanent removal of the seller, and any known related seller profiles, from the marketplace feature of the platform and further results in forfeiture and destruction of all offending goods in warehouses or fulfillment centers operated by, or under the control of, the platform.

To maximize platform authorities, and as explained further below, such terms of service should also allow platforms to impose appropriate limitations on products listed, require clearly identifiable country of origin disclosures, impose U.S. banking and indemnity requirements, and significantly improve pre-sale identification of third-party sellers.

2. Significantly Enhanced Vetting of Third-Party Sellers

Significantly enhanced vetting of third-party sellers is one of the most effective forms of due diligence platforms can engage in to reduce the risk of counterfeits entering the e-commerce stream. Platforms should have a uniform and articulable vetting regime to determine if a seller will be allowed to list products for sale.

To facilitate enhanced vetting, platforms should, at a minimum, require the following:

- (1) sufficient identification of the seller, its accounts and listings, and its business locations prior to allowing the seller to list products on the platform;
- (2) certification from the seller as to whether it, or related persons, have been banned or removed from any major e-commerce platforms, or otherwise implicated in selling counterfeit or pirated products online; and
- (3) acknowledgment, where applicable, that the seller is offering trademarked products for which the seller does not own the rights (either because they are a reseller or seller of used products).

Information provided by potential sellers should also be vetted for accuracy, including through the following efforts:

- (1) use of technological tools, as well as analyses of historical and public data, to assess risk of sellers and products; and
- (2) establishment of an audit program for sellers, concentrating on repeat offenders and those sellers exhibiting higher risk characteristics.

Any failure to provide accurate and responsive information should result in a determination to decline the seller account and/or to hold the seller in violation of the platform's terms of service.

3. Limitations on High Risk Products

Platforms should have in place protocols and procedures to place limitations on the sale of products that have a higher risk of being counterfeited or pirated and/or pose a higher risk to the public health and safety. For example, some of the major platforms completely prohibit the sale of prescription medications by third-party sellers in their marketplaces. Many platforms also ban the sale of products that are known to be particularly vulnerable to counterfeiting and that pose a safety risk when sold online. Examples include car airbag components, infant formula, and new batteries for cellular phones.

Platforms can also place other types of restrictions on third-party sellers before certain high-risk categories of goods may be sold. For example, some platforms require prior approval for items such as automotive parts, jewelry, art, food, computers, sports collectibles, DVDs, and watches that are particularly prone to counterfeiting.

Platforms should prominently publish a list of items that may not be sold on third-party marketplaces under any circumstances (prohibited), as well as a list of items that can only be sold when accompanied by independent third-party certification (restricted). In constructing these lists, platforms should consider, among other things, whether a counterfeit version of the underlying product presents increased risks to the health and safety of U.S. residents or the national security of the United States. When a seller claims their merchandise has an independent third-party certification, and this certification is required in order for the product to be legally offered for sale

in the United States, platforms should make good-faith efforts to verify the authenticity of these certifications.

4. Efficient Notice and Takedown Procedures

Notice and takedown is the most common method of removing counterfeit listings from third-party marketplaces and e-commerce platforms. This noticing process can be particularly time-consuming and resource-intensive for rights holders who currently bear a highly disproportionate share of the burden of identifying the counterfeit listings for noticing.

These rights holders must invest significant resources to scour millions of listings across multiple platforms to identify potentially counterfeit listings and notify the third-party marketplace or e-commerce platform. This kind of comprehensive policing of e-commerce often is not possible for smaller enterprises.

As a further burden, some third-party marketplaces require rights holders to buy the suspected products from the sellers to verify that they are in fact counterfeit. There often is a delay of a day or longer between the time that notice is provided, and the time listing is removed. During this period, counterfeiters may continue to defraud American consumers.

To address these abuses — and assume a much greater share of responsibility for the policing of e-commerce — platforms should create and maintain clear, precise, and objective criteria that allow for quick and efficient notice and takedowns of infringing seller profiles and product listings. An effective regime should include, at a minimum, the following: (1) minimal registration requirements for an interested party to participate in the notice and takedown process; (2) reasonable rules that treat profile owners offering large quantities of goods on consumer-to-consumer platforms as businesses; and (3) transparency to the rights holders as to how complaints are resolved along with relevant information on other sales activity by the seller that has been implicated.

5. Enhanced Post-Discovery Actions

Upon discovery that counterfeit or pirated goods have been sold, platforms should conduct a series of “post-discovery” actions to remediate the fraud. These should include:

- (1) notification to any buyer(s) likely to have purchased the goods in question with the offer of a full refund;
- (2) notification to implicated rights holders, with details of the infringing goods, and information as to any remaining stock of the counterfeit and pirated goods held in warehouses;
- (3) implementation of practices that result in the removal of counterfeit and pirated goods within the platform’s effective control and in a manner that prevents such goods from re-entering the U.S. or being diverted to other markets; and

(4) immediate engagement with law enforcement to provide intelligence and to determine further courses of action.

6. Indemnification Requirements for Foreign Sellers

For a large portion of e-commerce, foreign sellers do not provide security or protection against a loss or other financial burden associated with the products they sell in the United States. Because these sellers are located outside the United States, they also may not be subject to the jurisdiction of U.S. courts in civil litigation or government enforcement actions. Further adding to this liability gap, there is this: while e-commerce platforms generally have a U.S. presence and are under U.S. jurisdiction, under the current interpretations of American laws and regulations, they are often found not to be liable for harm caused by the products they sell or distribute.

The result of this jurisdictional and liability gap is that consumers and rights holders do not have an efficient or predictable form of legal recourse when they are harmed by foreign products sold on third-party marketplaces. Accordingly, e-commerce platforms should require foreign sellers to provide some form of security in cases where a foreign product is sold to a U.S. consumer. Such form of security should be specifically designed to cover the potential types and scope of harm to consumers and rights holders from counterfeit or pirated products.

Note that there are several ways that platforms might flexibly achieve this goal. For example, requiring proof of insurance would provide a form of security for any reasonably foreseeable damages to consumers that might flow from the use of the product. Rights holders could also be compensated in cases of infringement.

7. Clear Transactions Through Banks that Comply with U.S. Enforcement Requests

Many foreign sellers on third-party marketplaces do not have a financial nexus to the United States, making it difficult to obtain financial information and to subject all parts of the transaction to U.S. law enforcement efforts.

Platforms should close this loophole by encouraging all sellers to clear transactions only with banks and payment providers that comply with U.S. law enforcement requests for information and laws related to (relevant to) the financing of counterfeit activity.

8. Pre-Sale Identification of Third-Party Sellers

Stakeholders have, at times, reported that buyers have been surprised to discover upon completion of an online sales transaction, that the order will be fulfilled by an unknown third-party seller and *not* the platform itself. Without addressing the separate legal question of whether this comprises deceptive action *per se*, at least some buyers may have made different purchasing decisions if they

had known, prior to purchase, the identity of the third-party “storefront” owner, and/or the party ultimately responsible for fulfilling the transaction.

To increase transparency on this issue, platforms should significantly improve their pre-sale identification of third-party sellers so that buyers can make informed decisions, potentially factoring in the likelihood of being sold a counterfeit or IPR infringing merchandise. Platforms should implement additional measures to inform consumers, prior to the completion of a transaction, of the identity of storefront owners and/or those responsible for fulfilling a transaction, as well as any allegations of counterfeits being sold by a particular seller. On the converse, if a particular seller is a licensed reseller of the product, this information should also be provided.

Even if this information may be currently available, firm steps should be taken to ensure that this information is featured prominently in product listings. This will prompt greater consumer awareness and lead to more informed decision-making.

9. Establish Marketplace Seller IDs

Platforms generally do not require a seller on a third-party marketplace to identify the underlying business entity, nor to link one seller profile to other profiles owned by that same business, or by related businesses and owners. In addition, the party that appears as the seller on the invoice and the business or profile that appears on the platform to be the seller, may not always be the same. This lack of transparency allows one business to have many different profiles that can appear unrelated. It also allows a business to create and dissolve profiles with greater ease, which can obfuscate the main mechanism that consumers use to judge seller credibility, namely reviews by other buyers.

Platforms should require sellers to provide the names of their underlying business or businesses (if applicable), as well as any other related seller profiles owned or controlled by that seller or that clear transactions through the same merchant account. Platforms can use this seller ID information in three helpful ways:

First, to communicate to the consumer a more holistic view of “who” is selling the goods, allowing the consumer to inspect, and consult reviews of, all related seller profiles to determine trustworthiness. Second, linking all related sellers together will assist rights holders in monitoring who is selling goods that they believe to be infringing. Third, the platform can use the connections to other seller profiles to better conduct its own internal risk assessment, and make risk mitigation decisions (e.g., requiring cash deposits or insurance) as appropriate based on the volume and sophistication of the seller.

10. Clearly Identifiable Country of Origin Disclosures

Brick-and-mortar retail stores are required to have labels on their products that clearly identify the country or countries of origin. No such requirement applies to online e-commerce.

Exhibit 3

Home / Business / Companies

Fighting China's counterfeits in the online era

Xinhua | Updated: 2017-09-19 14:20



BEIJING - A secret team in Chinese e-commerce giant Alibaba has the task of pretending to be online consumers who test-buy purchases from the billion-plus products on its platforms.

They spot check about 100,000 products and invest around 100 million yuan (\$15.15 million) a year on average. Around one in four online shops are checked annually.

"Spot checks are not random. They are guided by big data from our platforms," said team leader Qin Seng. Using product ratings, consumer disputes and other information, the team builds a model to identify suspected counterfeits and shops that sell counterfeits.

The whole process is videoed to retain evidence. The sample purchases are sent to rights holders or authoritative quality inspection agencies. If identified as fake, the products are removed from the platform. The vendors can face the closure of their online shops. If identified as genuine products, they are stored as Alibaba's assets.

Alibaba's Storehouse of Counterfeit Evidence is a 300-square-meter warehouse in Alibaba Group's Xixi Park, in Hangzhou, Zhejiang province. Counterfeits can be stored there for more than three years as legal evidence.

The spot checks are symptomatic of China's battle against counterfeits in the internet era.

Chai Haitao, deputy director of the Office of National Leading Group of the Fight against IPR Infringement and Counterfeiting, said that with the rapid development of China's internet economy, infringements and counterfeits are constantly renewed.

"We need to strengthen cross-sector, cross-regional, and cross-border cooperation to combat counterfeits. We also need to mobilize enterprises, industry organizations and the public," Chai said.

Alibaba's Anti-Counterfeiting Special Task Force, formed last year, actively works with local law enforcement agencies, said Qin Seng.

"After we clean up online shops selling counterfeits, the counterfeiters usually change their identities and places of dispatch, using more covert means to continue selling online," Qin said.

The team uses big data to identify counterfeits and the vendors, affiliated dealers and factories suspected of producing or selling counterfeit items. They pass evidence to the public security, administration of commerce and industry, quality inspection, food and drug supervision and other law enforcement agencies. At the same time, they investigate the evidence in the field.

The team faces many risks in their offline probes.

"Most counterfeiting dens are hidden and well-organized. For example, we encountered a village producing counterfeits. The villagers installed cameras everywhere and when they saw outsiders entering, they became vigilant and even threatened us," Qin said.

Alibaba's cooperation with local authorities to locate counterfeit sources has proved effective. They have partnerships with the public security bureaus of 13 provinces.

Most Viewed in 24 Hours

Top 10 most popular online shopping sites in China

Top 10 Chinese internet companies in 2017

Top 14 most powerful female billionaires in the world

Top 10 robotics companies in the world

Top 10 trading partners of the Chinese mainland

State Council News



State Council hears report on national inspection and third-party assessment



More efforts against money laundering

Top 10



World's top 10 financial centers

Editor's picks



Gree denies rumors of seeking stake in automaker FAW Xiali



Australian businesses confident about Chinese economy in next five years

Timeline of policy supports for the rental home market



Timeline of policy supports for the rental home market

Q&A With CEO

In 2016, Alibaba submitted 1,184 leads to law enforcement agencies; helped public security bureaus arrest 880 suspects; assisted in the closure of 1,419 counterfeit manufacturing locations; and helped seize merchandise worth more than 3 billion yuan (\$455 million).

In August, with evidence from Alibaba, police in Loudi, Hunan province, broke up a ring producing and selling counterfeit weight-loss drugs, with a sales network in more than 20 provinces. Total trade by the ring exceeded 100 million yuan (\$15.15 million).

In the eyes of Sun Jungong, vice president of Alibaba, spot checks and data-driven proactive monitoring protect a good shopping environment on the platform itself, while cooperation with law enforcement agencies shows effective collaborative governance.

"We hope to take advantage of Alibaba's big data and strong data-mining capabilities. By expanding offline cooperation, we aim to tackle this issue at its source," Sun said.

Professor Wang Xin, of Peking University Law School, said the rapid development of China's e-commerce platforms and the emergence of new online shopping models have provided more sales channels for fake goods.

Wang said China has made great efforts in recent years to stamp out intellectual property right (IPR) infringements, by improving laws and setting up specialist IPR courts.

However, the penalties for counterfeit producers and sellers are not enough of a deterrent, Wang conceded. Many counterfeit makers receive suspended sentences or fines.

He suggested recidivists should be banned from entering the market again forever.

Alibaba's analysis has also found some online consumers buy counterfeits knowingly.

Sun Jungong said raising awareness among consumers is essential to fight counterfeiting.

"Everyone can do their bit to stop counterfeit goods. If society reaches a consensus, as with drink-driving, we are more likely to tackle this problem," Sun said.



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Special



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China's Q1 economic data

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Related Stories

[Alibaba speeds up process to report counterfeit goods](#)

[China intensifies crackdown on smuggled, counterfeit cigarettes](#)

[Anti-counterfeit alliance cracking down on fake products](#)

[Alibaba wins more battles in anti-counterfeit war](#)

[Alibaba sets up alliance to track fake goods via big data](#)

Photo

Exhibit 4

Intellectual Property Rights Seizure Statistics



U.S. Customs and
Border Protection

Fiscal Year
2020

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Disclaimer: The information contained in this report does not constitute the official trade statistics of the United States. The statistics, and the projections based upon those statistics, are not intended to be used for economic analysis, and are provided for the purpose of establishing U.S. Department of Homeland Security workload.



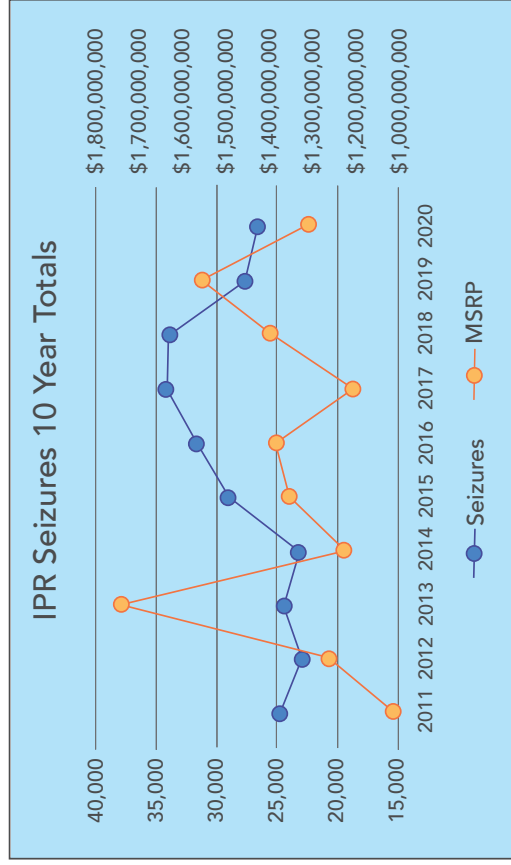
Executive Summary

U.S. Customs and Border Protection focuses its trade enforcement efforts on seven Priority Trade Issues (PTI). PTIs represent high-risk areas that can cause significant revenue loss, harm the U.S. economy, or threaten the health and safety of the American people. Current PTIs include **Intellectual Property Rights (IPR)**, which protect American Intellectual Property by interdicting violative goods and leveraging enhanced enforcement authorities.

Trade in illegitimate goods is associated with smuggling and other criminal activities, and often funds criminal enterprises. CBP protects the

intellectual property rights of American businesses, safeguarding them from unfair competition and use for malicious intent while upholding American innovation and ingenuity. CBP works with many partner government agencies and the trade community to mitigate the risks posed by imports of such illicit goods.

FY 2020 was another successful year for IPR enforcement. CBP made **26,503 seizures** with an estimated manufacturer's suggested retail price (MSRP) of over **\$1.3 billion**.



COVID-19 Spotlight

In FY 2020, CBP saw a shift in certain product category seizures, including counterfeit, unapproved, or otherwise substandard COVID-19 related products that threatened the health and safety of American consumers, including the following:

Product	# of incidents	# of items seized
Counterfeit face masks	352	12.7 million
Prohibited COVID-19 test kits	378	180,000
Prohibited Chloroquine tablets	221	38,000

Over half of these seizures occurred in the express consignment environment and 24 percent were intercepted in international mail. Roughly 51 percent originated in China. In order to curb the sale of counterfeit or substandard COVID-19 sanitation products or safety equipment online, CBP also published the E-Commerce Consumer Awareness for COVID-19 Safety Guide:

<http://www.cbp.gov/document/guides/e-commerce-consumer-awareness-covid-19>

In addition, CBP created the COVID-19 Cargo Resolution Team (CCRT), comprised of a network of subject matter experts from across the agency. The CCRT triaged incoming requests from importers and customers; coordinated with federal, state, and local government agencies; facilitated inbound shipments through ports of entry; expedited importation of critical medical supplies; and responded directly to inquiries about the importation of personal protective equipment, COVID-19 test kits, ventilators, and other medical supplies.

In FY 2020, the CCRT responded to 2,611 questions from the trade community and facilitated clearance of 480 Federal Emergency Management Agency-

arranged flights, filled with critical medical supplies from legitimate vendors and international donors.

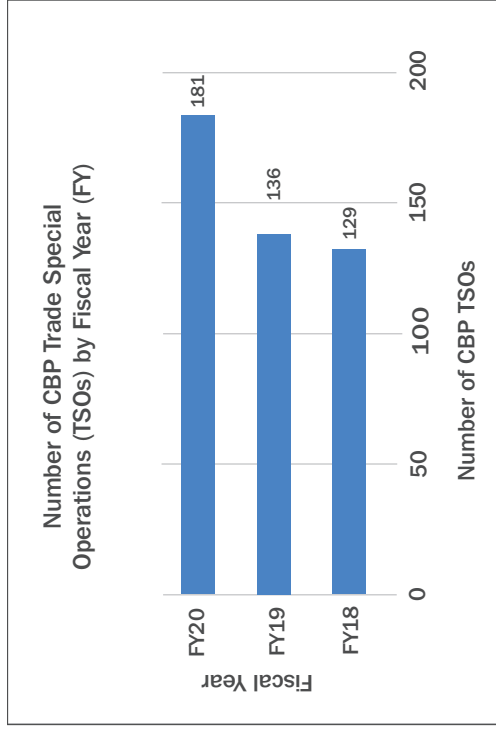
To read more about CBP's efforts during the pandemic, please visit

<https://www.cbp.gov/newsroom/coronavirus>.



Operational and Enforcement Highlights

In FY 2020, 70 national level IPR Trade Special Operations (TSOs) and 111 local IPR-TSOs were conducted, representing a total of 181 IPR-TSOs in FY 2020. These TSOs targeted high-risk shipments across the United States and resulted in 219 seizures of IPR-infringing goods which, if genuine, would have an estimated MSRP of \$1.7 million. This represents a 104% increase in MSRP from IPR-trade special operations from FY 2019.



CBP Partnerships

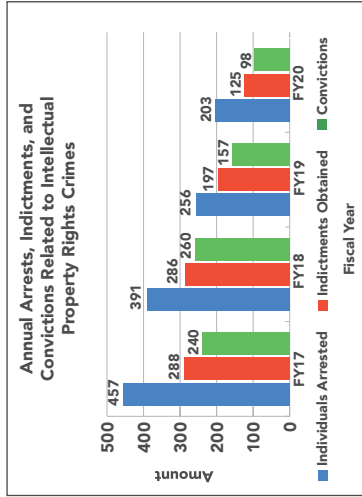
CBP works with partner government agencies to facilitate legitimate trade that supports economic growth and shields the American public and businesses from unsafe products, intellectual property theft, and unfair trade practices.

Immigration and Customs Enforcement (ICE) – Homeland Security Investigations (HSI)
 CBP and ICE-HSI identify cases in which third-party intermediaries have demonstrably directed, assisted financially, or aided and abetted the importation of counterfeit merchandise. In coordination with the DOJ, CBP and ICE-HSI seek all available statutory authorities to pursue civil fines and other penalties against these entities, including remedies under 19 U.S.C. § 1526(f), as appropriate.

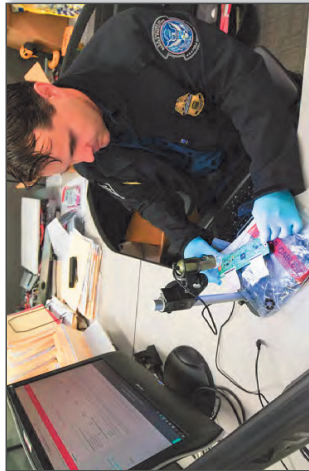
CBP and ICE-HSI mitigate the welfare and financial risks posed by imports of illicit products. In FY20, ICE-HSI arrested 203 individuals, obtained 125 indictments, and received 98 convictions related to intellectual property crimes.

Collaboration Spotlight: In partnership with CBP, HSI launched Operation Stolen Promise (OSP) in April 2020 to protect the Homeland from the increasing and evolving threat posed by COVID-19-related fraud and criminal activity. As part of OSP, CBP Officers and HSI special agents have opened investigations nationwide, seized millions of dollars in illicit proceeds; made multiple arrests; and shut down thousands of fraudulent websites.

HSI continues to work alongside CBP to seize shipments of mislabeled, fraudulent, unauthorized, or prohibited COVID-19 test kits, treatment kits, homeopathic remedies, and purported anti-viral products and personal protective equipment (PPE).



Operation Stolen Promise 2.0 has been launched to expand the focus of OSP to address the emerging public health threat of counterfeit versions of COVID-19 vaccines and treatments entering the marketplace.



The United States Postal Service (USPS) is responsible for presenting mail and providing electronic data (AED) to CBP for arriving international mail parcels. USPS and CBP have worked to target and identify 31 violations imported through international mail. Both agencies are implementing new strategies for leveraging the AED already available to identify offending merchandise.

Collaboration Spotlight: Operation Mega Flex is a CBP-led, interagency effort that was initiated in July 2019 to measure compliance and assess illicit networks in the international mail environment through periodic enhanced inspections. CBP conducts Mega Flex operations at international mail facilities and express consignment hubs nationwide in close coordination with ICE and the USPS.

Through Operation Mega Flex, CBP has found that more than 13 percent of targeted shipments contain counterfeit goods or contraband. Since July 2019, CBP has seized more than 4,800 shipments and nearly 2,600 agriculture violations through Mega Flex that posed health, safety, or economic threats to the United States and its people.

To read more about CBP's specific Operation Mega Flex efforts, visit <https://www.cbp.gov/newsroom/127-IPR-Violations-During-Operation-Mega-Flex-and-XVI-Operation-Mega-Flex-Stops-Hundreds-of-Illicit-Made-in-China-Shipment-at-LAX>. Shipments at LAX: [https://www.cbp.gov/newsroom/local-media-release/operation-mega-flex-stops-hundreds-of-illicit-made-china-shipments-lax](https://www.cbp.gov/newsroom/local-media-release/cbp-new-york-field-office-seizes-127-ipr-violations-during-operation-and-https://www.cbp.gov/newsroom/local-media-release/operation-mega-flex-stops-hundreds-of-illicit-made-china-shipments-lax)

The National Intellectual Property Rights Coordination Center (IPR Center)

The IPR Center, in collaboration with CBP, stands at the forefront of the United States government's

response to combatting global intellectual property (IP) theft and enforcement of its international trade laws.

Collaboration Spotlight: Operation Team Player is an ongoing annual operation that begins after every Super Bowl and continues through the next one, targeting international shipments of counterfeit sports merchandise into the United States. This operation is run by the IPR Center in collaboration with CBP, the NFL, and other major sports leagues to prevent the illegal importation and distribution of counterfeit sports merchandise.

Super Bowl LIV was played on February 2, 2020 at Hard Rock Stadium in Miami Gardens, Florida. U.S. CBP and ICE HSI announced the seizure of more than 176,000 counterfeit sports-related items, worth an estimated \$123 million manufacturer's suggested retail price (MSRP), through a collaborative enforcement operation targeting international shipments of counterfeit merchandise into the United States.



Commercial Customs Operations Advisory Committee (COAC)

The private sector plays an instrumental role in the global economy and has a unique opportunity to lend their considerable expertise to CBP. By partnering with industry leaders, CBP links our processes with modern business practices, which results in enhanced compliance with trade laws, improves our facilitation and enforcement efforts, and assists the U.S. economy. CBP's engagement with its federal advisory committee, the COAC, is a key component in evaluating and adapting CBP policies and getting feedback about significant proposed changes.

In September 2020, CBP developed a new Statement of Work (SOW) to re-engage the COAC Intellectual Property Rights Working Group (IPRWG). The SOW requested the IPRWG to further develop, expand upon, and align three previous recommendations pertaining to sharing of detention information, photographic standards guide, and data-driven CBP seizure process. We look forward to continued progress with the upcoming 16th term of COAC.

Public Awareness Campaign: "The Truth Behind Counterfeits"

In FY 2020, CBP continued "The Truth Behind Counterfeits" <https://www.cbp.gov/trade/fakegoodsreal dangers>, IPR public-awareness campaign to educate the public about the potential harm of counterfeit goods by making people aware that buying counterfeits is not a victimless crime and encouraging them to shop from well-known and reputable sources. The campaign ran at major U.S. airports including NYC, Charlotte, Minneapolis, Denver, Miami, Pittsburgh, and Baltimore during the busy 2019 holiday and travel season.

In addition to the large ads that were displayed at the airports, the campaign also included a digital component that targeted ads online in these same cities. The campaign and its messages about responsible consumer behavior were viewed an estimated 106 million times throughout the period from Thanksgiving through the New Year.

A PRESCRIPTION FOR DISASTER.

BEWARE OF COUNTERFEIT GOODS. THEY CAN BE HARMFUL TO YOUR HEALTH.



The risks of shopping online aren't always obvious. Be informed about the dangers of counterfeit goods. [Learn more at www.CBP.gov/fakegoodsreal dangers](http://www.CBP.gov/fakegoodsreal dangers).

www.CBP.gov/fakegoodsreal dangers

Real Dangers.



Help CBP Protect American Ingenuity

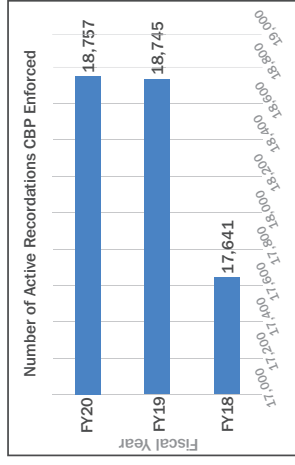


Donations Acceptance Program
 As part of TITEA, CBP prescribed regulations (19 CFR 133.61) for receiving donations from private sector parties of hardware, software, equipment, and technologies for the purpose of enforcing IPR. Administered through CBP's Donations Acceptance Program (DAP), this program has yielded several high-profile public-private partnerships that have already demonstrably enhanced CBP's ability to more quickly and accurately detect counterfeit merchandise entering the U.S. In FY 2020, Cisco donated additional barcode scanners raising the total number of tools being used to 16 in conjunction with their online package look-up tool which are now impacting six CBP Field Offices. Since the regulation went into effect in January 2018, the DAP has fully executed four formal IPR enforcement partnerships and is in process of completing one more with Nike, Inc. in FY 2021.

Intellectual Property Rights e-Recordation
 CBP concentrates its IPR border enforcement on federally registered trademarks and copyrights that have been recorded with CBP by their owners using the Intellectual Property Rights e-Recordation (IPRR) system, <https://iprr.cbp.gov/>. CBP administers these recordations using a secure proprietary database. Product ID manuals provided by rights holders are also linked to the database and used by CBP in making IPR border enforcement determinations.

Intellectual Property Rights Search
 CBP works closely with rights holders in making IPR enforcement determinations. A public database of both active and inactive recordations is available using a search engine called the Intellectual Property Rights Search (IPRS) at <http://iprs.cbp.gov/>. Information on potential IPR infringements can be submitted to CBP using the e-Allegations Online Trade Violation Reporting System at <https://eallegations.cbp.gov/Home/Index2>.

As of September 30, 2020, CBP was enforcing **18,757 active recorded copyrights and trademarks**. In FY 2020, CBP's Office of Trade (OT) received and responded to **455 inquiries** from the field concerning IPR enforcement. This represents a 20 percent increase from FY 2019. At the end of FY 2020, CBP was administering **127 active exclusion orders** issued by the U.S. International Trade Commission (USITC) following investigations of unfair import practices in the importation of articles into the U.S. in violation of 19 U.S.C. § 1337, the majority of which are based on allegations of patent infringement. CBP's enforcement of these orders resulted in **137 exclusion order administrative actions**.



IPR & E-Commerce

to accept shipment-level information directly from online marketplaces and match it with the information received from traditional carriers. As a result, CBP is empowered to better segment risk and to perform more effective and efficient targeted screening with respect to Section 321 shipments. The number of shipments qualifying for the Section 321 exemption has greatly increased, largely due to the enactment of TITEA, which raised the de minimis value cap from \$200 to \$800.

Entry Type 86

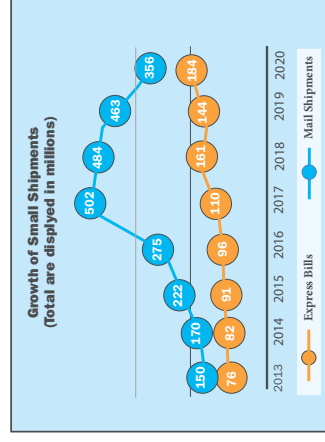
The Entry Type 86 Test provides filing capabilities through the Automated Broker Interface, accommodates entries that include PGA data and the 10-digit Harmonized Tariff Schedule, and expedites clearance of compliant de minimis shipments into the United States.

The pilots have shown significant operational and private sector benefits when seller, enhanced product description and other transactional details are provided. Combined, CBP has received enhanced targeting and admissibility data on over 300 million shipments to date.

CBP is also working to educate the public, including consumers and importers alike, of the risks associated with non-compliant products. In FY 2020, CBP published the *E-Commerce Counterfeit Awareness Guide for Consumers* and the *E-Commerce Counterfeit Awareness Guide for Importers* to create awareness for consumers and importers about their responsibilities to comply with customs regulations. Additionally, CBP issued an administrative ruling clarifying the duty-free status of certain low-value shipments. Visit <https://www.cbp.gov/trade/basic-import-export/e-commerce> to learn more about CBP's efforts in e-commerce.

E-Commerce sales have contributed to large volumes of low-value packages imported into the United States. In FY 2020, there were 184 million express shipments and 356 million international mail shipments. Many of these shipments contain counterfeit goods that pose the same health, safety, and economic security risks as containerized shipments. Over 90 percent of all intellectual property seizures occur in the international mail and express environments. The ongoing e-commerce revolution drove a 28 percent increase in low-value shipments and a 219 percent increase in air cargo in Fiscal Year 2020.

In response to the increase in e-commerce, CBP has created a modernized enforcement and facilitation framework for e-commerce through the administration of Section 321 Data Pilot and Entry Type 86 Test.



Section 321 Data Pilot

Initiated in 2019, the Section 321 Data Pilot is a voluntary collaboration with online marketplaces, carriers, technology firms, and logistics providers to secure e-commerce supply chains and protect American consumers. The pilot allows CBP



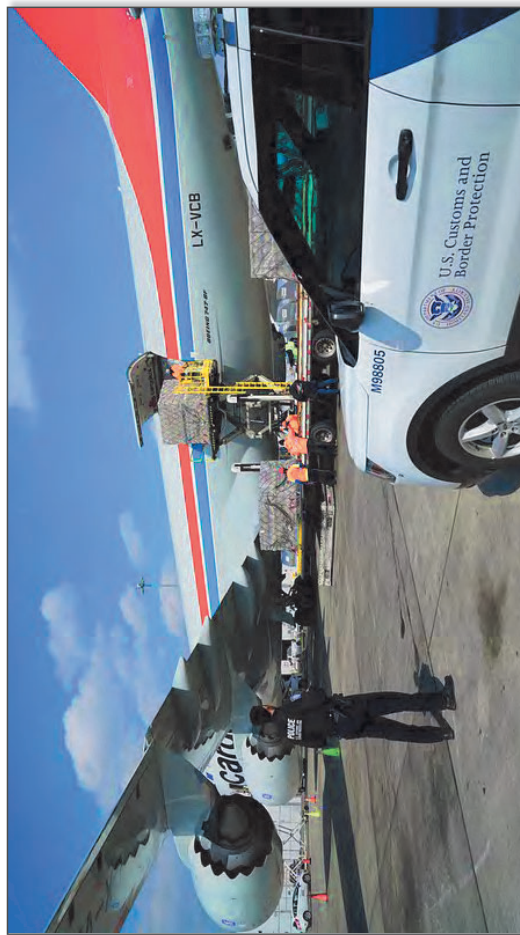
Exclusion Orders

CBP enforces exclusion orders issued by the International Trade Commission (ITC). Most ITC exclusion orders are patent-based. The ITC issues both limited and general exclusion orders. Limited exclusion orders apply only to infringing articles of named respondents. General exclusion orders bar the entry of infringing articles by all.

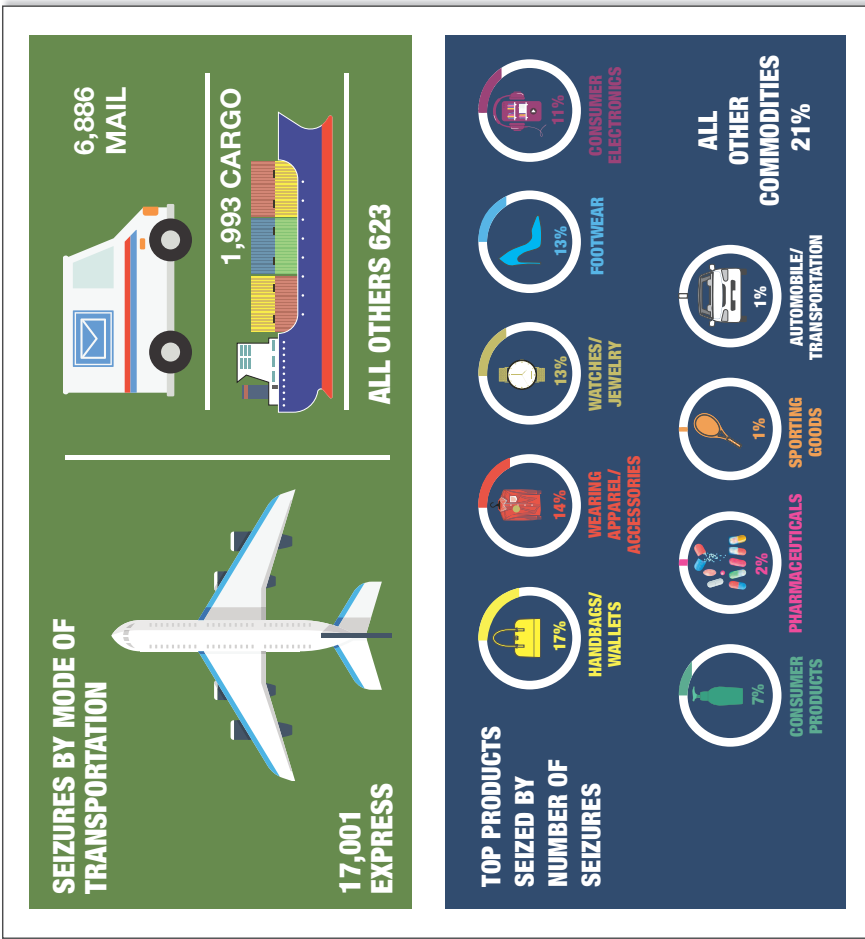
Exclusion orders prohibit the entry of all covered articles, even if they were not specifically accused and found to infringe by the ITC. Once excluded, subsequent importations of the same articles by the same importer are subject to seizure.

Fiscal Year 2020			
Shipments Seized	Seizure Est. MSRP	New Exclusion Orders Issued	Total Active Exclusion Orders
169	\$12,241,036	24	128*

Notes:
 For shipments seized under an active exclusion order, in FY20 a total of 169 seizures cited 19 USC 1337(i) with a total MSRP of \$12,241,036. During FY 2020, CBP enforced up to 128 active exclusion orders. The term "rulings" covers rulings and other interpretive decisions. *

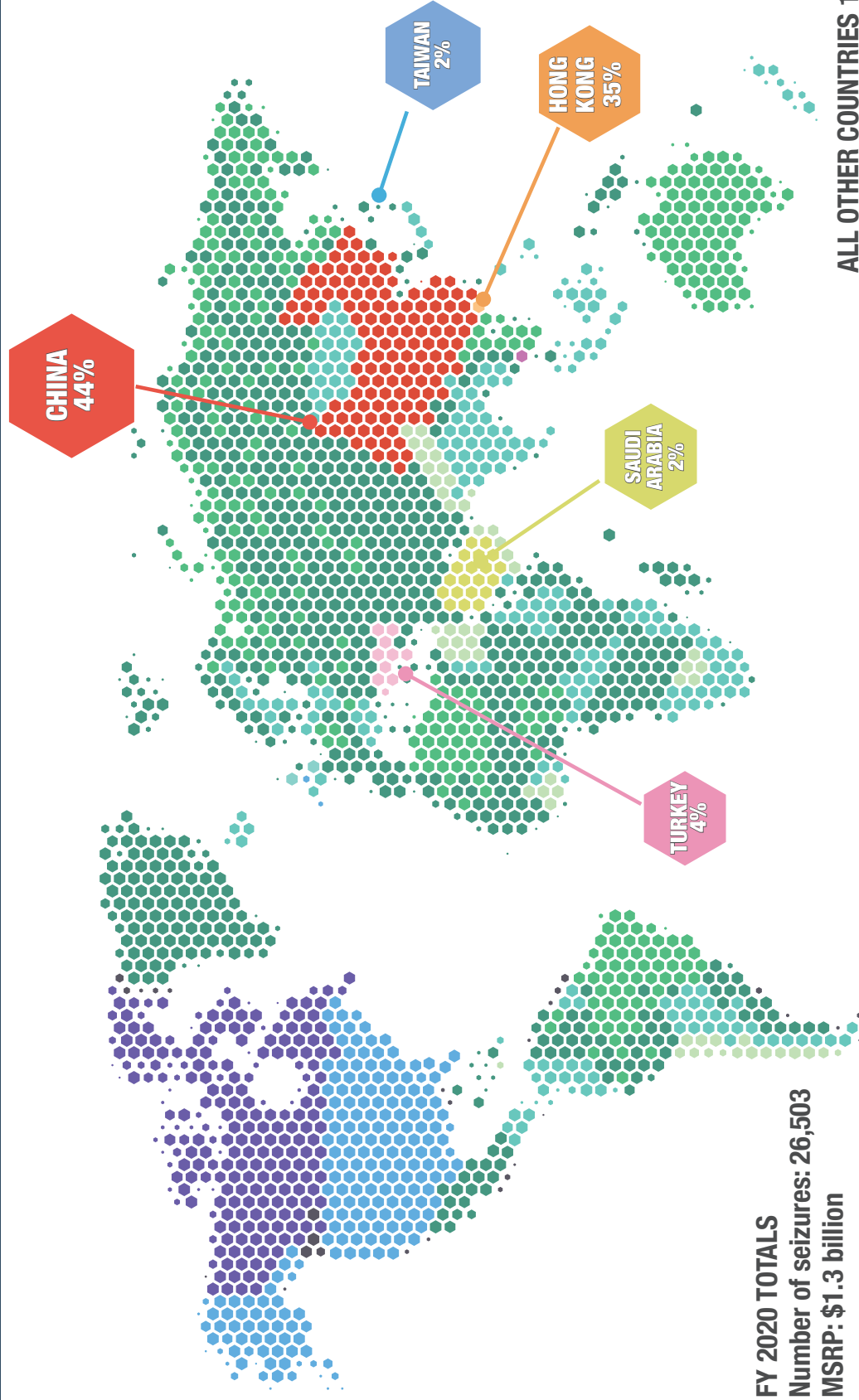


Modes of Transportation and Commodities



Fiscal Year 2020 IPR Seizures Statistics By Number Of Seizures

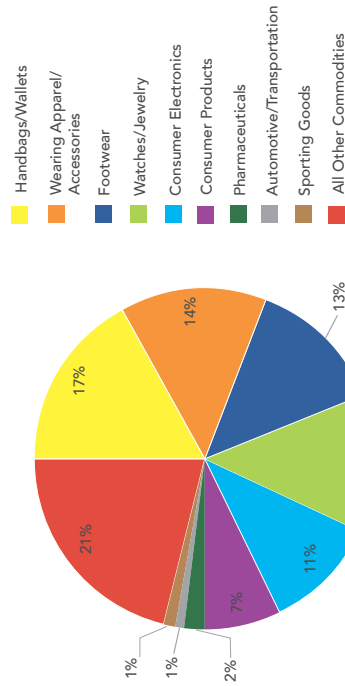
Seizure World Map



Number of Seizures

Number of Seizures

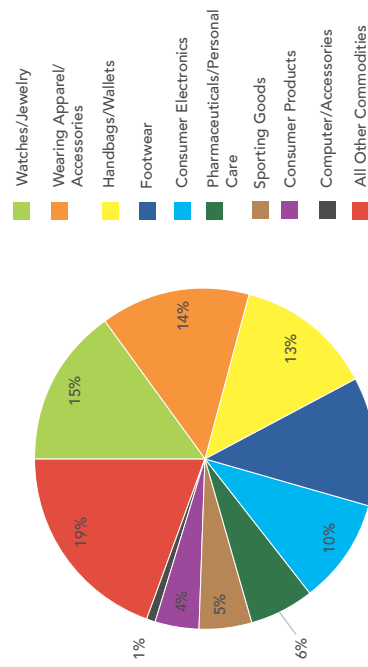
Fiscal Year 2020



2020		
Products	Seizures	% of Total*
Handbags/Wallets	4,597	17%
Wearing Apparel/Accessories	3,592	14%
Footwear	3,460	13%
Watches/Jewelry	3,460	13%
Consumer Electronics	3,024	11%
Consumer Products	1,932	7%
Pharmaceuticals	495	2%
Automotive/Transportation	299	1%
Sporting Goods	206	1%
All Other Commodities	5,438	21%
Number of Seizures	26,503	100%

Number of Seizures: 26,503

Fiscal Year 2019



2019		
Products	Seizures	% of Total*
Watches/Jewelry	4,242	15%
Wearing Apparel/Accessories	3,841	14%
Handbags/Wallets	3,653	13%
Footwear	3,249	12%
Consumer Electronics	2,681	10%
Pharmaceuticals/Personal Care	1,779	6%
Sporting Goods	1,510	5%
Consumer Products	1,219	4%
Computers/Accessories	318	1%
All Other Commodities	5,107	19%
Number of Seizures	27,599	100%

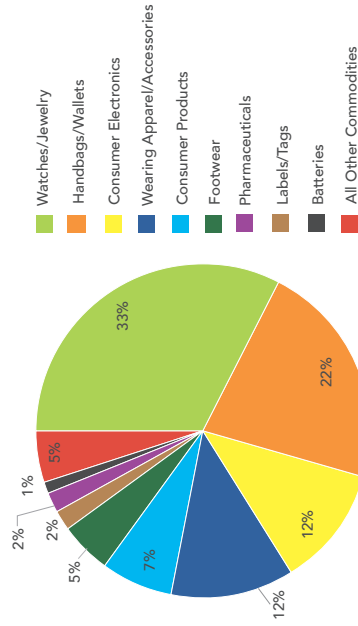
*Seizures involving multiple product categories are included in the "All Others" category. Because the individual percentage figures are rounded, in some cases, the sum of the rounded percentages for a given fiscal year is slightly higher or lower than 100 percent.

Number of Seizures: 27,599

Products Seized by MSRP

Products Seized by MSRP

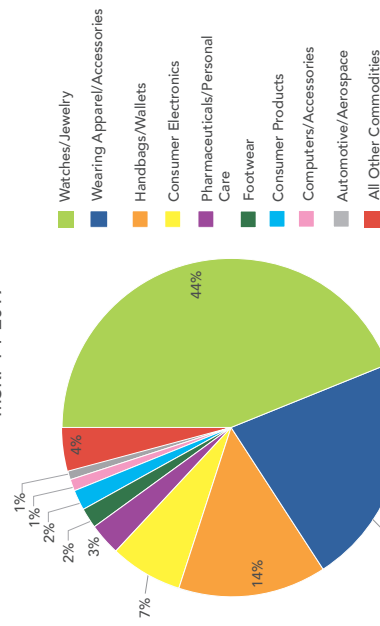
MSRP FY 2020



Products	MSRP	% of Total*
Watches/Jewelry	\$ 435,249,467	33%
Handbags/Wallets	\$ 282,702,448	22%
Consumer Electronics	\$ 162,234,924	12%
Wearing Apparel/Accessories	\$ 157,226,661	12%
Consumer Products	\$ 85,470,866	7%
Footwear	\$ 63,146,456	5%
Pharmaceuticals	\$ 20,414,897	2%
Labels/Tags	\$ 19,823,791	2%
Batteries	\$ 14,432,379	1%
All Other Commodities	\$ 68,454,621	5%
Total FY 2020 MSRP	\$ 1,309,156,510	100%
Number of Seizures	26,503	100%

Total FY 2020 MSRP \$1,309,156,510

MSRP FY 2019



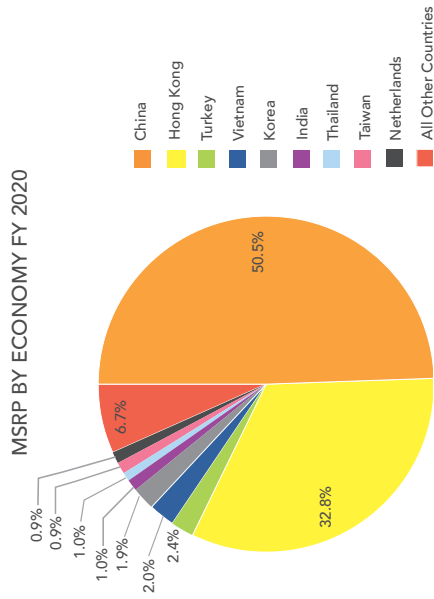
Products	MSRP	% of Total*
Watches/Jewelry	\$ 687,167,057	44%
Wearing Apparel/Accessories	\$ 343,732,063	22%
Handbags/Wallets	\$ 212,781,760	14%
Consumer Electronics	\$ 105,957,198	7%
Pharmaceuticals/Personal Care	\$ 48,771,870	3%
Footwear	\$ 37,994,046	2%
Consumer Products	\$ 27,907,721	2%
Computers/Accessories	\$ 13,216,628	1%
Automotive/Aerospace	\$ 12,142,621	1%
All Other Commodities	\$ 65,598,093	4%
Total FY 2019 MSRP	\$ 1,555,269,057	100%
Number of Seizures	27,599	100%

*Seizures involving multiple product categories are included in the "All Others" category. Because the individual percentage figures are rounded, in some cases, the sum of the rounded percentages for a given fiscal year is slightly higher or lower than 100 percent.

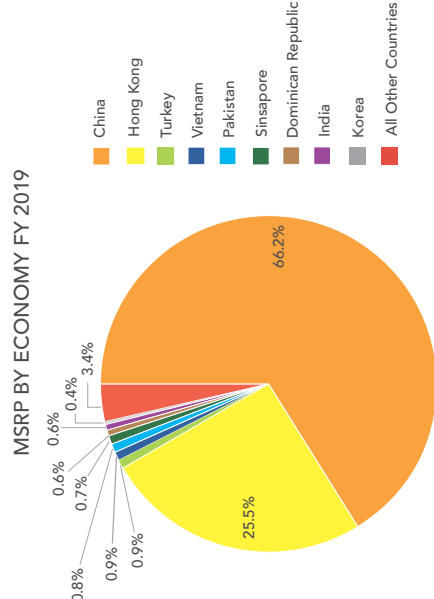
Total FY 2019 MSRP \$1,555,269,057

Total MSRP for Products Seizures by Economy

Total MSRP for Products Seizures by Economy



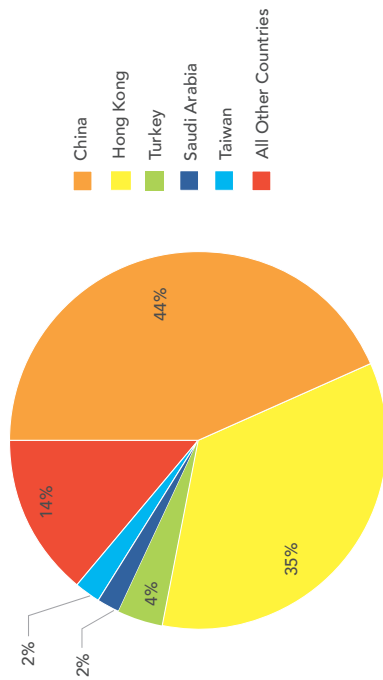
FY 2020			
Trading Partner	MSRP	% of Total*	
China	\$ 660,767,476	50.5%	
Hong Kong	\$ 428,961,694	32.8%	
Turkey	\$ 31,237,035	2.4%	
Vietnam	\$ 25,803,755	2.0%	
Korea	\$ 25,282,668	1.9%	
India	\$ 12,862,390	1.0%	
Thailand	\$ 12,601,807	1.0%	
Taiwan	\$ 12,143,980	0.9%	
Netherlands	\$ 11,796,923	0.9%	
All Other Countries	\$ 87,698,782	6.7%	
Total FY 2020 MSRP	\$ 1,309,156,510	100%	
Number of Seizures	26,503		



FY 2019			
Trading Partner	MSRP	% of Total*	
China	\$ 1,030,181,869	66.2%	
Hong Kong	\$ 397,276,566	25.5%	
Turkey	\$ 14,240,890	0.9%	
Vietnam	\$ 13,556,034	0.9%	
Pakistan	\$ 12,157,097	0.8%	
Singapore	\$ 10,452,581	0.7%	
Dominican Republic	\$ 9,542,456	0.6%	
India	\$ 9,539,580	0.6%	
Korea	\$ 5,633,115	0.4%	
All Other Countries	\$ 52,688,870	3.4%	
Total FY 2019 MSRP	\$ 1,555,269,057	100%	
Number of Seizures	27,599		

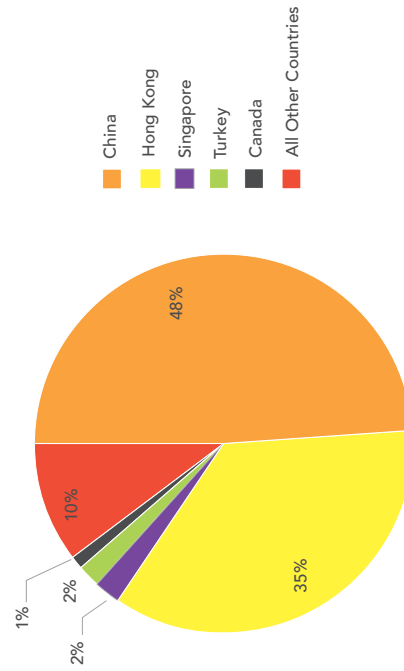
*The aggregate seizure data reflect the reported country of origin, not necessarily where the seized goods were produced. Because the individual percentage figures are rounded, in some cases, the sum of the rounded percentages for a given fiscal year is slightly higher or lower than 100 percent.

SEIZURES BY ECONOMY FY 2020



FY 2020		
Trading Partner	Seizures	% of Total*
China	11,710	44%
Hong Kong	9,199	35%
Turkey	1,096	4%
Saudi Arabia	492	2%
Taiwan	423	2%
All Other Countries	3,583	13%
Number of Seizures	26,503	100%

SEIZURES BY ECONOMY FY 2019



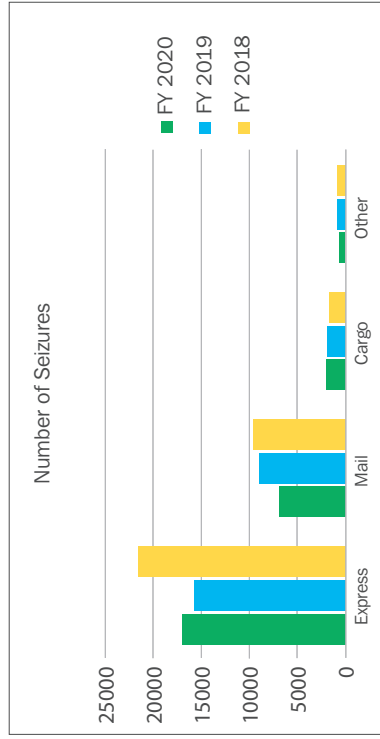
FY 2019		
Trading Partner	Seizures	% of Total*
China	13,293	48%
Hong Kong	9,778	35%
Singapore	649	2%
Turkey	614	2%
Canada	598	2%
All Other Countries	2,667	10%
Number of Seizures	27,599	100%

*The aggregate seizure data reflect the reported country of origin, not necessarily where the seized goods were produced. Because the individual percentage figures are rounded, in some cases, the sum of the rounded percentages for a given fiscal year is slightly higher or lower than 100 percent.

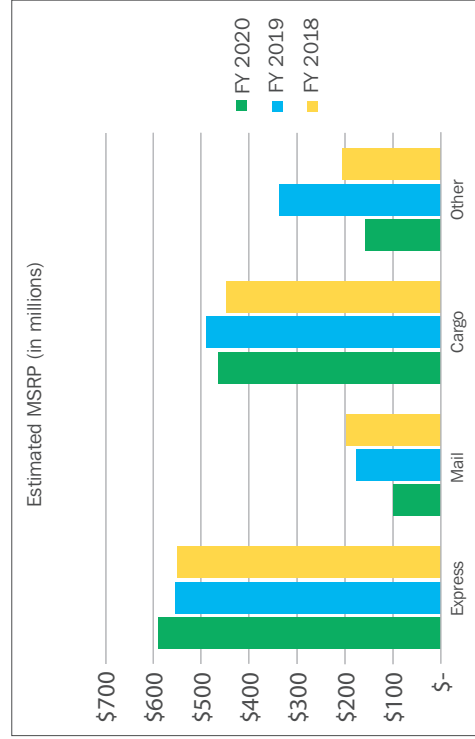
Seizures by Mode of Transportation

Case: 1:22-cv-04969 Document #: 1-5 Filed 03/11/22 Page 17 of 20 PageID #:82

Seizures by Mode of Transportation



Mode of Transport	Seizures			
	FY 2020	FY 2019	FY 2018	
Express	Seizures: 17,001 % of Total: 64%	Seizures: 15,811 % of Total: 57%	Seizures: 21,632 % of Total: 64%	
Mail	Seizures: 6,886 % of Total: 26%	Seizures: 8,982 % of Total: 33%	Seizures: 9,643 % of Total: 29%	
Cargo	Seizures: 1,993 % of Total: 8%	Seizures: 1,903 % of Total: 7%	Seizures: 1,673 % of Total: 5%	
Other	Seizures: 623 % of Total: 2%	Seizures: 903 % of Total: 3%	Seizures: 862 % of Total: 3%	
Total	26,503 100%	27,599 100%	33,810 100%	

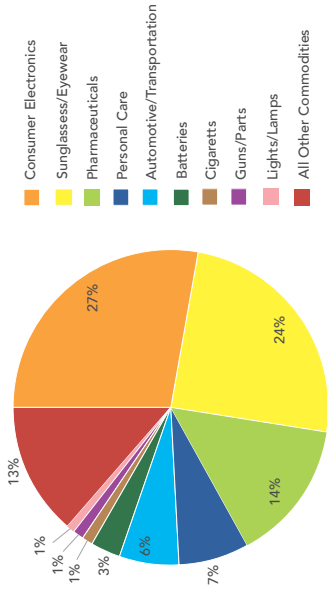


Mode of Transport	Estimated Manufacturer's Suggested Retail Price (in millions)			
	FY 2020	FY 2019	FY 2018	
Express	MSRP: \$589.1 % of Total: 45%	MSRP: \$553.3 % of Total: 36%	MSRP: \$549.2 % of Total: 39%	
Mail	MSRP: \$98.1 % of Total: 7%	MSRP: \$175.6 % of Total: 11%	MSRP: \$197.3 % of Total: 14%	
Cargo	MSRP: \$463.4 % of Total: 35%	MSRP: \$488.2 % of Total: 31%	MSRP: \$447.9 % of Total: 32%	
Other	MSRP: \$158.5 % of Total: 12%	MSRP: \$337.9 % of Total: 22%	MSRP: \$205.4 % of Total: 15%	
Total	\$1,309.1 100%	\$1,555.2 100%	\$1,399.8 100%	

Health, Safety, and Security

Health, Safety, and Security

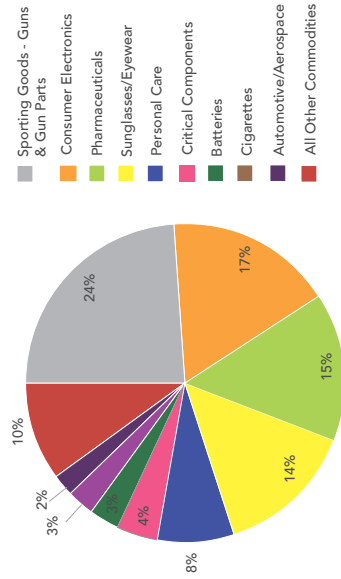
Health, Safety, and Security FY 2020



Number of Seizures: 3,487

FY 2020		
Health, Safety, and Security	Seizures	% of Total*
Consumer Electronics	944	27%
Sunglasses/Eyewear	844	24%
Pharmaceuticals	501	14%
Personal Care	236	7%
Automotive/Transportation	216	6%
Batteries	88	3%
Cigarettes	82	2%
Guns/Parts	71	2%
Lights/Lamps	58	2%
All Other Commodities	447	13%
Number of Seizures	3,487	100%

Health, Safety, and Security FY 2019



Number of Seizures: 5,859

FY 2019		
Health, Safety, and Security	Seizures	% of Total*
Sporting Goods - Guns & Gun Parts	1,428	24%
Consumer Electronics	989	17%
Pharmaceuticals	858	15%
Sunglasses/Eyewear	818	14%
Personal Care	490	8%
Critical Components	216	4%
Batteries	186	3%
Cigarettes	163	3%
Automotive/Aerospace	149	3%
All Other Commodities	562	10%
Number of Seizures	5,859	100%

*Shipments with multiple types of products are included in the "All others" category. Because the individual percentage figures are rounded, in some cases, the sum of the rounded percentages for a given fiscal year is slightly higher or lower than 100 percent

Seizures and Total MSRP by Centers of Excellence and Expertise

IPR Points of Contact

FY 2020		
Centers	Total MSRP	% of Total MSRP
Consumer Products & Mass Merchandising	\$ 841,588,271	64.3%
Apparel, Footwear & Textiles	\$ 231,915,396	17.7%
Electronics	\$ 170,643,420	13.0%
Machinery	\$ 22,860,881	1.7%
Pharmaceuticals, Health & Chemicals	\$ 21,024,365	1.6%
Automotive & Aerospace	\$ 10,857,996	0.8%
Base Metals	\$ 6,111,920	0.5%
Industrial & Manufacturing Materials	\$ 3,260,622	0.2%
Agriculture & Prepared Products	\$ 893,941	0.4%
Total FY 2020 MSRP	\$ 1,309,156,510	100%

FY 2019		
Centers	Total MSRP	% of Total MSRP
Consumer Products & Mass Merchandising	\$ 1,000,628,016	64.3%
Apparel, Footwear & Textiles	\$ 383,694,303	24.7%
Electronics	\$ 117,028,274	7.5%
Machinery	\$ 27,810,170	1.8%
Pharmaceuticals, Health & Chemicals	\$ 9,234,202	0.6%
Automotive & Aerospace	\$ 9,868,483	0.6%
Agriculture & Prepared Products	\$ 3,882,013	0.2%
Industrial & Manufacturing Materials	\$ 1,225,896	0.1%
Base Metals	\$ 1,897,700	0.1%
Petroleum, Natural Gas & Minerals	–	0.0%
Total FY 2019 MSRP	\$ 1,555,269,057	100%

Questions? Contact the IPR Help Desk For Assistance - CBP's IPR Help Desk is staffed Monday through Friday to answer questions on IPR enforcement. Contact the IPR Help Desk via email at IPRHELPDESK@cbp.dhs.gov

Regulations, Rulings, and Recordation – Inquiries about CBP's IPR regulations may be addressed to Regulations and Rulings (RR) at hqiprbranch@cbp.dhs.gov. Ruling requests regarding articles potentially subject to an ITC exclusion order may be submitted to IPRBranch.ITC337.Rulings@cbp.dhs.gov. To request information on CBP's recordation program, please contact RR at iprrquestions@cbp.dhs.gov

Guidance on CBP IPR Policy and Programs - The IPR and E-Commerce Division (IPR Division) coordinates with rights holders, members of the trade community, CBP staff, other Federal agencies, and foreign governments in developing and implementing the Agency's IPR strategy, policy and programs. To contact the IPR Division, email iprpolicyprograms@cbp.dhs.gov

e-Allegations - If you are aware of or suspect a company or individual is committing IPR crime, please report the trade violation using CBP's e-Allegations Online Trade Violation Reporting System at <https://eallegations.cbp.gov/Home/Index2>. Trade violations can also be reported by calling 1-800-BE-ALERT.

National Intellectual Property Rights Coordination Center - To Report Violations of Intellectual Property Rights, including counterfeiting and piracy, contact the National IPR Coordination Center at <https://www.iprcenter.gov/referral/> or telephone 1-866-IPR-2060.



U.S. Customs and Border Protection

Exhibit 5



What are you looking for?

All Category



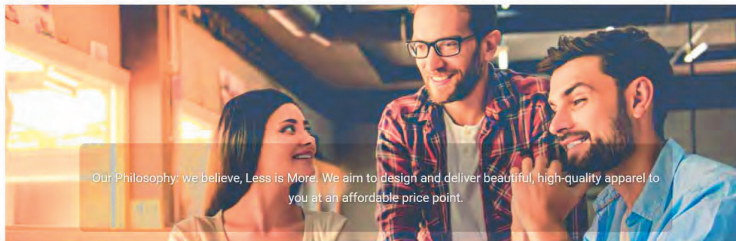
LOGIN

CART

SHOP WITH US SHOP THE HOLIDAY GIFT FOR DAD BLOG TRACK ORDER SIZE CHART

Behind the business

Design with love, crafted with care.



Our Philosophy: we believe, Less is More. We aim to design and deliver beautiful, high-quality apparel to you at an affordable price point.



About

iTeeglobal is a Unique T-Shirt Store

iTeeglobal Store is a unique and growing men's & women's fashion brand, making hot new trends affordable for everyone. All our clothing are lovingly designed and made in our factory, using our in-house designs coupled with great fabrics from around the world.

- We are selling Hobbies T-Shirts, Family Shirts, Gamer T-shirts, Sports Shirts, Funny T-shirts and almost everything.
- We ship our t-shirts, hoodies, tank top, mugs, hats, phone case and other products all over the world. From the USA all the way to the CA, UK, Australia and beyond.



The technology behind

The best technology for better results

At iTeeglobal, we use state-of-the-art technology to completely products. Our technology handles the process, so we are one of the best printed clothing company.

Our products are printed using latest printing technology include Screen Printing and DTG (direct-to-garment) Printing which yield very good quality.



Which value you can get

Perfect quality for amazing price

iTeeglobal will never send a low-quality items to customers. This business exists because we love to share our art works and passions to everyone.

iTeeglobal is home to many talent artists have their creative works printed on T-Shirts. They create, we produce and fulfill, and every purchase pays to artists. An international marketplace fueled by creativity and artist interaction.

The final words

Become a iTeeglobal member

Discover a huge amount of creative designed T-shirts Online
Super quick & security checkout
Receive exclusive deals and the best new designs everyday.

If you have any ideas or requests for shirt designs please contact us at: Email iteeglobal@gmail.com. We will design for you only yes, it's true, because we want to do our best for our customers.

Address :

11459 N Mockingbird Rd, Nashville, IL 62263
U.S. Warehouse Address:

444 Alaska Avenue

Suite #BDX731

Torrance, CA 90503

USA

SHOP BY TYPE

Book Lover
Gardening Lover
Science Humour
Unicorn Lover

CUSTOMER SERVICES

Contact Us
Terms Of Service
Privacy Policy
DCMA Notice

WHY BUY FROM US

About us
Shipping Information
Returns & Exchanges
Secure Shopping

GET IN TOUCH

PRINTED IN THE USA

Address : 11459 N Mockingbird Rd,
Nashville, IL 62263

Email : iteeglobal@gmail.com



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What are you looking for?

All Category



LOGIN

CART

SHOP WITH US SHOP THE HOLIDAY GIFT FOR DAD BLOG TRACK ORDER SIZE CHART

Behind the business

Design with love, crafted with care.



Our Philosophy: we believe, Less is More. We aim to design and deliver beautiful, high-quality apparel to you at an affordable price point.



About

PerfectTouchPrinted is a Unique T-Shirt Store

Rocktee Store is a unique and growing men's & women's fashion brand, making hot new trends affordable for everyone. All our clothing are lovingly designed and made in our factory, using our in-house designs coupled with great fabrics from around the world.

- We are selling Hobbies T-Shirts, Family Shirts, Gamer T-shirts, Sports Shirts, Funny T-shirts and almost everything.
- We ship our t-shirts, hoodies, tank top, mugs, hats, phone case and other products all over the world. From the USA all the way to the CA, UK, Australia and beyond.



The technology behind

The best technology for better results

At Rocktee, we use state-of-the-art technology to completely products. Our technology handles the process, so we are one of the best printed clothing company.

Our products are printed using latest printing technology include Screen Printing and DTG (direct-to-garment) Printing which yield very good quality.



Which value you can get

Perfect quality for amazing price

PerfectTouchPrinted will never send a low-quality items to customers. This business exists because we love to share our art works and passions to everyone.

PerfectTouchPrinted is home to many talent artists have their creative works printed on T-Shirts. They create, we produce and fulfill, and every purchase pays to artists. An international marketplace fueled by creativity and artist interaction.

The final words

Become a Itees Global member

Discover a huge amount of creative designed T-shirts Online
 Super quick & security checkout
 Receive exclusive deals and the best new designs everyday

If you have any ideas or requests for shirt designs please contact us at: Email. We will design for you only, yes, it's true, because we want to do our best for our customers.

Address :

11459 N Mockingbird Rd, Nashville, IL 62263

U.S. Warehouse Address:

444 Alaska Avenue

Suite #BDX731

Torrance, CA 90503

USA

SHOP BY TYPE

Book Lover
 Gardening Lover
 Science Humour
 Unicorn Lover

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WHY BUY FROM US

About us
 Shipping Information
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GET IN TOUCH

PRINTED IN THE USA

Address : 11459 N Mockingbird Rd,
 Nashville, IL 62263

Email : Perfecttouchprinted@gmail.com



VISA PayPal stripe

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What are you looking for?

All Category



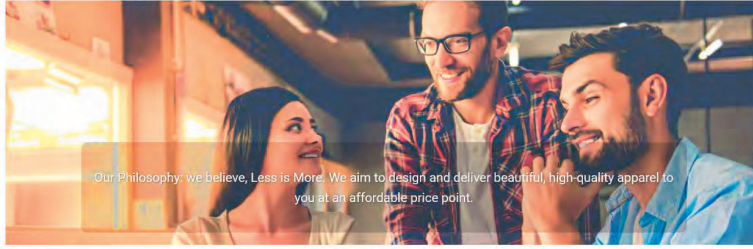
LOGIN

CART

SHOP WITH US SHOP THE HOLIDAY GIFT FOR DAD BLOG TRACK ORDER SIZE CHART

Behind the business

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About

RockTee is a Unique T-Shirt Store

RockTee Store is a unique and growing men's & women's fashion brand, making hot new trends affordable for everyone. All our clothing are lovingly designed and made in our factory, using our in-house designs coupled with great fabrics from around the world.

- We are selling Hobbies T-Shirts, Family Shirts, Gamer T-shirts, Sports Shirts, Funny T-shirts and almost everything.
- We ship our t-shirts, hoodies, tank top, mugs, hats, phone case and other products all over the world. From the USA all the way to the CA, UK, Australia and beyond.



The technology behind

The best technology for better results

At RockTee, we use state-of-the-art technology to completely products. Our technology handles the process, so we are one of the best printed clothing company.

Our products are printed using latest printing technology include Screen Printing and DTG (direct-to-garment) Printing which yield very good quality.



Which value you can get

Perfect quality for amazing price

RockTee will never send a low-quality items to customers. This business exists because we love to share our art works and passions to everyone.

RockTee is home to many talent artists have their creative works printed on T-Shirts. They create, we produce and fulfill, and every purchase pays to artists. An international marketplace fueled by creativity and artist interaction.

The final words

Become a Rock Tee member

Discover a huge amount of creative designed T-shirts Online
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Book Lover
Gardening Lover
Science Humour
Unicorn Lover

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Terms Of Service
Privacy Policy
DCMA Notice

WHY BUY FROM US

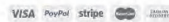
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Returns & Exchanges
Secure Shopping

GET IN TOUCH



Address : 11459 N Mockingbird Rd,
Nashville, IL 62263

Email : rocktee.net@gmail.com



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Building 24 | 11459 N Mockingbird Rd 216,000 SF of 4-Star Industrial Space Available in Nashville, IL

Industrial Space / Illinois / Nashville / 11459 N Mockingbird Rd, Nashville, IL 62263



HIGHLIGHTS

- Largest contiguous space in southern Illinois, customize to suit
- Ten employee parking spots with rooms to add
- 14 dock doors, 2 overhead drive in doors
- One mile from Interstate 64, 50 miles from downtown St. Louis, MO
- Brand new facility with pre-engineered steel construction
- 360' x 600' with 26' - 32' ceiling height, column spacing 50' x 60'

FEATURES

Clear Height	26'	Column Spacing	50' x 60'
Drive-In Bays	2	Exterior Dock Doors	14

ALL AVAILABLE SPACE(1)

Display Rent/Rate vs. \$/SF/Yr

SPACE	SIZE	TERM	RATE	SPACE USE	CONDITION	AVAILABLE
1st Floor	54,000-216,000 SF	1-10 Yrs	\$3.60 /SF/YR	Industrial	Shell Space	Now

PROPERTY OVERVIEW

Located just 1 mile from I-64 and 50 miles from St. Louis, MO lies this brand new and state-of-the-art industrial building totaling 216,000 square feet. The building is offered as an entire lot, however the owner is willing to subdivide the space. See flyer for full details.
 Property Highlights
 Total Available Area: 216,000 square feet - largest contiguous space in southern Illinois, will subdivide
 Ceiling Heights: 26' - 32'

Docks: 14 docks,
 Drive-In Doors: Two (2) 14' x 14' with concrete ramps
 Column Spacing: 50' x 60'
 Building Dimensions: 360' x 600'
 Fire Suppression: ESFR
 Employee Parking: Can accommodate all requirements needed
 Trailer Parking: Can accommodate all requirements needed

WAREHOUSE FACILITY FACTS

Building Size	216,000 SF	Lot Size	34.85 AC
Year Built	2021	Construction	Steel
Sprinkler System	ESFR	Water	City
Sewer	City	Heating	Gas
Gas	Natural		
Zoning	FTZ31 - Foreign Trade Zone Approved Site		

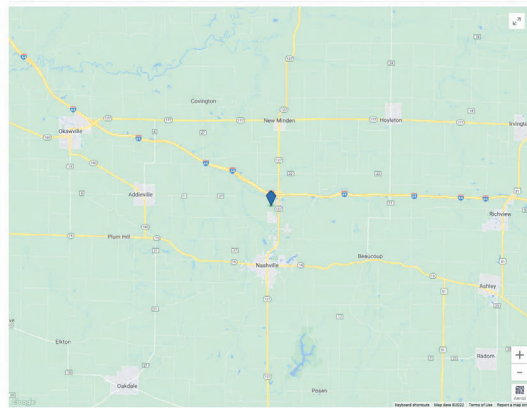
ATTACHMENTS

Building 24 Flyer 2022 Rly [↓](#)

LINKS

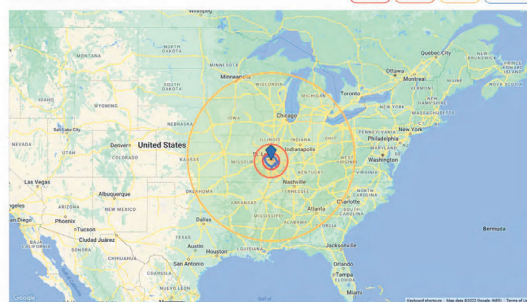
NOTS Logistics Building 24 [↗](#)

MAP



REGIONAL ACCESSIBILITY

50 Miles 100 Miles 200 Miles 1 Hour Drive



CITY	POPULATION	MILES	DRIVE TIME	ACCESS AND LABOR FORCE	10 MILES
Indianapolis	867,125	237	4 h 30 m	Total Population	8,654
Nashville	669,053	256	4 h 41 m	Total Labor Force	4,271
Memphis	650,418	294	5 h 26 m	Unemployment Rate	3.07%
Chicago	2,705,914	299	5 h 38 m	Median Household Income	\$63,738
Columbus	892,533	409	7 h 38 m	Warehouse Employees	875
Detroit	672,662	511	9 h 44 m	High School Education Or Higher	92.20%

TRANSPORTATION

FREIGHT PORT

Port Milwaukee 435 min drive 384.3 mi

RAILROAD

AGRIPRIDE FS, INC - NASHVILLE-IL 7 min drive 2.7 mi

Listing ID: 21456086 Date Created: 11/9/2020 Last Updated: 8/26/2022 Address: 11459 N Mockingbird Rd, Nashville, IL

NOTS LOGISTICS
 800-642-5436 Ext. 316
[Contact](#)

NOTS LOGISTICS
 800-642-5436 Ext. 316
[Contact](#)

NOTS LOGISTICS
 800-642-5436 Ext. 316
[Contact](#)

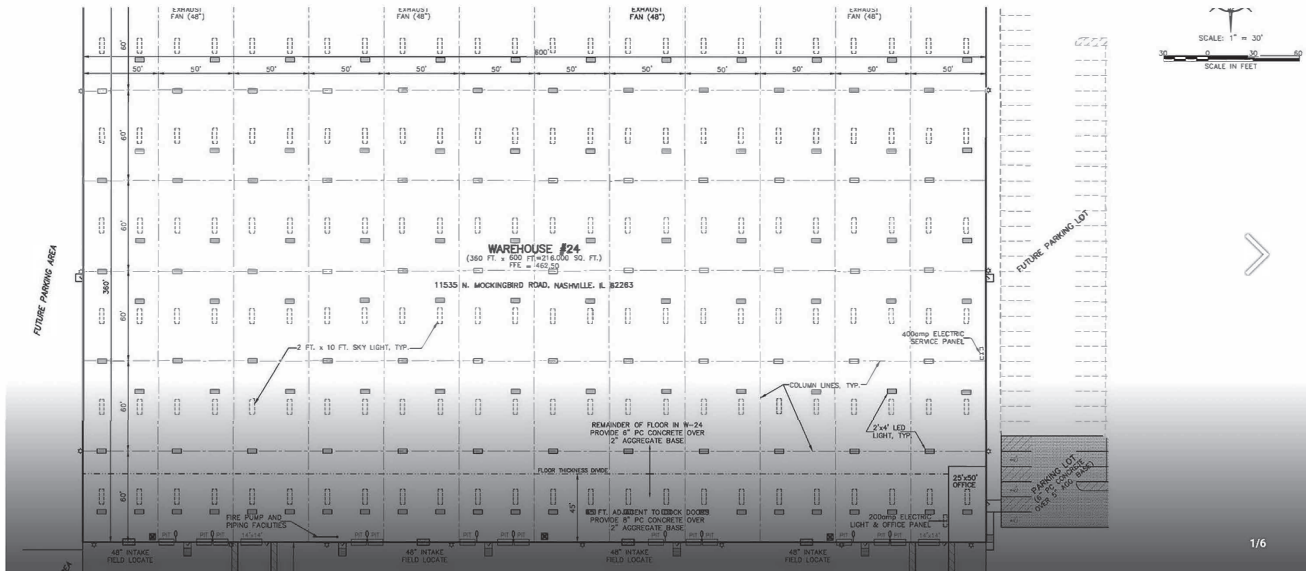
NOTS LOGISTICS
 800-642-5436 Ext. 316
[Contact](#)

NOTS LOGISTICS
 800-642-5436 Ext. 316
[Contact](#)

NOTS LOGISTICS
 800-642-5436 Ext. 316
[Contact](#)

11459 N MOCKINGBIRD RD - INDUSTRIAL FOR RENT

Nashville, IL 62263 | 54,000-216,000 SF



VIEW MAP GET DIRECTIONS

HIGHLIGHTS

- Largest contiguous space in southern Illinois, customize to suit
- One mile from Interstate 64, 50 miles from downtown St. Louis, MO
- Ten employee parking spots with room to add
- Brand new facility with pre-engineered steel construction

[VIEW MORE](#) ▾

OVERVIEW

Located just 1 mile from I-64 and 50 miles from St. Louis, MO lies this brand new and state-of-the-art industrial building totaling 216,000 square feet. The building is offered as an entire lot, however the owner is willing to subdivide the space. See flyer for full details. Property Highlights Total Available Area: 216,000 square feet - largest contiguous space in southern Illinois, will subdivide Ceiling Heights: 26' - 32'

[VIEW MORE](#) ▾

RENTAL DETAILS

SPACE AVAILABLE	54,000-216,000 SF	RENT RATE (YR)	\$3.60 USD /SF/yr
# OF SPACES	1	LEASE TYPE	TBD
RENT/MONTH	\$16,200+ USD /mo	LEASE LENGTH	1-10 Years
RENT RATE (MO)	\$0.30 USD /SF/mo	AVAILABLE	Now

BUILDING DETAILS

PROPERTY TYPE	Industrial	CLEAR CEILING HT	26 Ft
PROPERTY SUBTYPE	Warehouse	DOCKS	14
TOTAL BUILDING SIZE	216,000 SF	DRIVE INS	2
YEAR BUILT	2021	PARKING SPACES	-
UTILITIES	Lighting, Gas, Water, Sewer, Heating		

LAND DETAILS

LAND ACRES	34.85 AC	ZONING	FTZ31
LAND SF	1,518,066 SF		



Kevin Brink
 NOTS Logistics LLC
[More Info >](#)

800-642-5436

First Name

Last Name

E-mail

Phone Number

Message

Please send me more information about the Industrial Space For Rent at 11459 N Mockingbird Rd Nashville, IL

[REQUEST INFO](#)

By clicking the button, you agree to Showcase's Terms of Use and Privacy Policy.

Exhibit 6

Page 1
jiangip Mail - Fw: Confirming our earlier conversation - ITea Global Store and Rock Tee Letter - Notice
<https://mail.google.com/mail/u/1/?ui=2&ik=de9b6e2dd5&view=lg&permmsgid=msg-f:1743260417522733325>

From: Kevin Brink <kevinb@notslogistics.com>
Sent: Tuesday, September 6, 2022 4:54 PM
To: Attorney <attorney@rogjip.com>
Subject: RE: Confirming our earlier conversation - ITea Global Store and Rock Tee Letter - Notice

Cameron,

Re: ITea Global Store and Rock Tee Letter - Notice

Thanks for the follow up email regarding the above referenced company names. You are correct, NOTS Logistics does not have any connections with these companies and has not done any business with them.

Based on our telephone conversation and your email below, we will disregard the cease-and-desist letter – notice from Laura Cohen at The Law Office of Keith Vogt, Ltr dated July 28, 2022.

Sincerely,

Kevin J. Brink

Vice President of Business Development

NOTS Logistics, LLC

17848 Mockingbird Rd

Nashville, IL 62263

Office: 618-478-5354 x316

Mobile: 618-201-6434

kevinb@notslogistics.com

From: Attorney <attorney@rogjip.com>
Sent: Tuesday, September 6, 2022 4:14 PM
To: kevinb@notslogistics.com
Subject: Confirming our earlier conversation

Hi Kevin,

Based on our phone conversation where you stated that ITea Global and Rock Tee have not rented from the 11459 N Mockingbird Road, Nashville, Illinois address, you have no knowledge of those companies, and that NOTS Logistics does not have any connection to those companies, you can disregard the cease-and-desist letter.

Thank you.

Cameron

This communication, including attachments, is intended only for the exclusive use of addressee and may contain proprietary, confidential, or privileged information. Any use, review, duplication, disclosure, dissemination, or distribution is strictly prohibited. If you are not the intended recipient, you have received this communication in error. Please notify sender immediately by return e-mail, delete this communication, and destroy any copies.

Exhibit 7



1-408-899-8879

All Maps Shopping Images News More Tools

About 1,030,000 results (0.31 seconds)

<https://findlocalcityyou.com> » Caller info
408-899-8879 | 4088998879 • San Jose, California Got 2 ...
 This is a scam called Shopbase. A virtual network of Asian (Chinese) scammers, working out of a virtual address. See Stamsny on Facebook.

<https://www.whitepages.com> » phone » 1-408-899-8879 »
408-899-8879 | Phone Owner - Whitepages
 We have information on 408-899-8879, including the owner's name, address, and background checks with criminal records. Whitepages helps 19 people every second.

<https://www.hpaw.top> » pages » contact us »
Contact Us - HP AWESOMEE
 Contact us - Email: support@shops-support.com - Phone: 1-408-899-8879 - Address: 548 Market St #1148, San Francisco, CA 94104 USA.

<https://www.telguarder.com> » number »
4088998879 | Lookups: 124 - telGuarder
 +14088998879, 0014088998879, 4088998879, +1 408 899 8879, (408) 899 8879, tel+1-408-899-8879. Recently searched numbers.

<https://www.bbb.org> » profile » shopbase-1116-899961 »
Shopbase | Better Business Bureau® Profile
 Location of This Business: 548 Market St #1148, San Francisco, CA 94104, BBB File #1148, San Francisco, CA 94104 USA. Number of Employees: 1; Alternate Business Name: Callithera ...
 Opened: 3/22/2019

<https://www.shoggera.com> » pages » about us »
About Us - Shop Cera
 Email us: Support@shops-support.com - Phone: 1-408-899-8879 - Address: 548 Market St #1148, San Francisco, CA 94104 USA.

<https://www.luckyzmas.com> » pages » all-reviews »
All reviews - worship-forever
 Be the first to write a review. Write a review. CONTACT INFO: support@shops-support.com, +1 (408) 899-8879, 548 Market St #1148, San Francisco, ...

<https://www.olive-stores.com> » collections » mom »
Mom - Olive-Stores
 support@olive-stores.com, +1 (408) 899-8879, 548 Market St #1148, San Francisco, CA 94104 USA. Support-Contact us -FAQs -Sizing Policies:

Images for 1-408-899-8879

View all →

Feedback

<https://uodallo.com> »
uodallo's Portfolio
 Email: support@shops-support.com - Address: 539 W. Commerce St, Suite 2859 Dallas, TX 75208 - Phone: 1-408-899-8879 - Website: https://uodallo.com.



60660, Chicago, IL - From your IP address - Update location
 Help Send feedback Privacy Terms

Find who calls you!

- Home
- Number removal
- FAQ

Reverse phone lookup

Powered By BeenVerified

Enter Area Code: -

Received unwanted call from 408-899-8879 ?

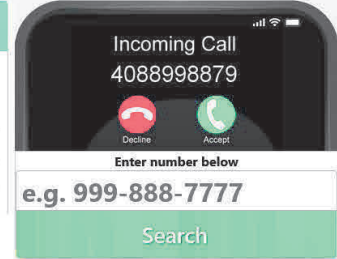
San Jose, California, United States
Operator: Comcast Phone Of California

This number has 2 reports and it was searched 221 times.

If you think this number 4088998879 is an unrecognized caller or simply interrupts you, [leave comment](#) to others!

Last time reported: 15 Oct 2021 | 01:00 AM

Other phone numbers with area code: [408 California](#)



- Number formats
- 4088998879
- +1 (408) 899-8879
- 408-899-8879
- Recent callers

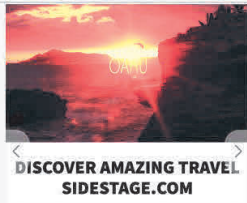
OPEN

Search Public Records

Number 4088998879 reports

Ustinov, Peter • Posted 15 Oct 2021
This is a scam called Shopbase. A virtual network of Asian (Chinese) scammers, working out of a virtual address. See Skamspy on Facebook.

Hitch Frenzy • Posted 04 Jun 2021
Scammers for stealing artwork for cloths that wont be delivered www.podclothes.com



Help others by sharing your unique experience with the number 408-899-8879 by writing a comment and you'll be helping others like you avoid and check unwanted calls in the future. Try to write a detailed comment and **avoid offensive** or **inaccurate** information. Thank you!

Leave comment

Report a phone call from 408-899-8879

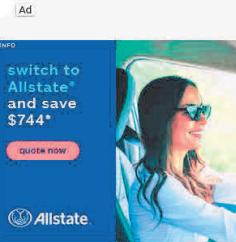
Put experience with the number here

Name:

Call type:

* Your masked IP address will be shown if you won't enter your name.

[Recent suspicious numbers](#)



Similar numbers

404-889-8975 (2)	403-488-7363 (9)
Same! Scammer looking for rental car...	rings then not disconnected...
405-295-0761 (2)	408-442-3596 (8)
Text message with a picture of a woman soliciting sex...	This just happened to me she called and asked my number ...
407-698-4416 (6)	408-977-3512 (4)
I received a call from an unknown number regarding a hom...	This is santa clara valley medical center...
404-201-2288 (7)	407-634-5181 (7)
FAKE SURVEY Robocalling Fraudster Scammering the elder!...	Calls multiple times a day. Never leaves a message...
405-766-7908 (2)	403-879-4155 (18)
Unwanted call from 405-766-7908 and left no message on 3...	he is a Big time Scam. dont let him swayed you and regret...
409-474-2888 (7)	402-942-6323 (7)
Left message with only background noise ...	Call from Jim Pillen who is running for Gov. of NE. Got...
404-806-4812 (8)	406-401-0639 (2)
I missed a call from them. I called back and a woman ans...	Believe a mortgage scammer 03. 14.22...

Find businesses, charities, category

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US ▾

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Business Profile

Shopbase

Online Shopping

Contact Information

548 Market St #14148
San Francisco, CA 94104

(408) 899-8879

Customer Reviews

★☆☆☆☆ 1.24/5

Average of 17 Customer Reviews

[Read Reviews](#)

[Start a Review](#)

Customer Complaints

65 complaints closed in last 3 years

19 complaints closed in last 12 months

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[File a Complaint](#)

BBB Rating & Accreditation



THIS BUSINESS IS NOT BBB ACCREDITED

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Businesses in this category](#)

Customer Reviews are not used in the
calculation of BBB Rating

[Reasons for BBB Rating](#)

Related Categories

[Online Shopping](#)

Business Details

Location of This Business

548 Market St #14148, San Francisco, CA 94104

BBB File Opened: 3/22/2019

Number of Employees: 1

Alternate Business Name

Calvinava
ShopBase
Bearsumo

Additional Contact Information

Phone Numbers

(415) 689-6098 Other Phone

Website Addresses

<https://www.coolprintusa8.com/>
<https://www.teetee.top/policies/privacy-policy>

Industry Tip

BBB Tip: Smart shopping online

[Read More](#)

Customer Complaints

65 Customer Complaints

Most Recent Customer Complaint

Complaint Type: Delivery Issues **Status:** Unanswered



08/15/2022

I placed an order on July 11th for sandals and since the very next day, my tracking says that it's in ***** awaiting a shipping label. I have repeatedly asked for an update and they reply saying we will check and get back to you. for the past week I have been asking for a refund and I get the same "we will check on your order" reply. No refund, no sandals. No phone number to call.

Customer Reviews

17 Customer Reviews

What do you think? Share your review.

[How BBB Processes Complaints and Reviews](#)

[Start a Review](#)

Most Recent Customer Review



BSKTLDY

★☆☆☆☆

08/19/2022

RE Lunata Commerce PTE The sneakers I ordered are no where near the quality advertised. And, they fit me like a couple of boats. Far too large. I used their QR code to request a return/refund and got no response. So I emailed them directly and got a canned...

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[Read 16 More Customer Reviews](#)

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BBB serving the San Francisco Bay Area and Northern Coastal California

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BBB Reports On

BBB reports on known marketplace practices.

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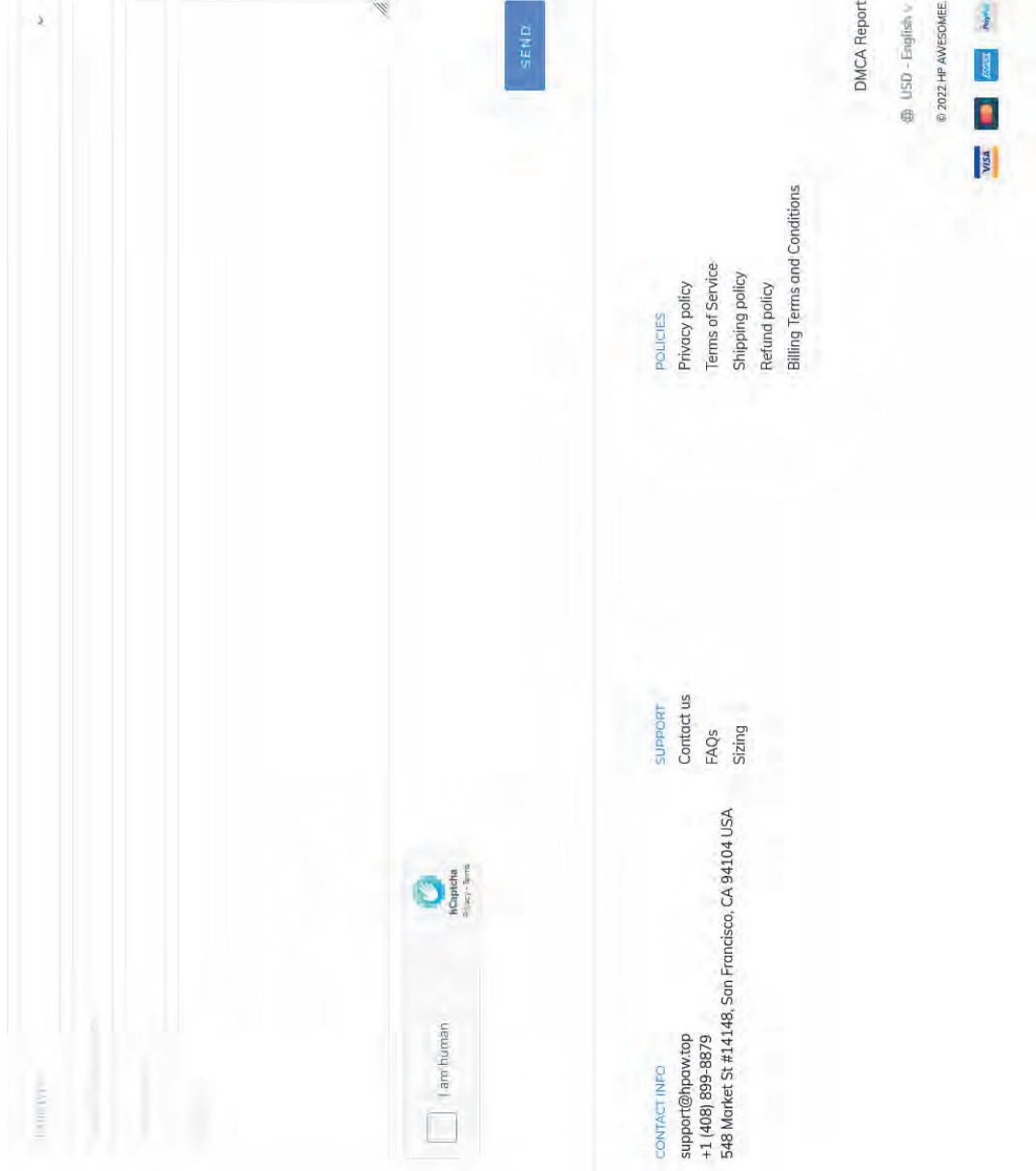
When considering complaint information, please take into account the company's size and volume of transactions, and understand that the nature of complaints and a firm's responses to them are often more important than the number of complaints.

BBB Business Profiles generally cover a three-year reporting period. BBB Business Profiles are subject to change at any time. If you choose to do business with this business, please let the business know that you contacted BBB for a BBB Business Profile.

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Exhibit 8



Recently viewed & featured products



Jesus - Hold my hand
Canvas
\$39.99 ~~\$48.99~~



Hummingbird - Smile
and start again Can...
\$39.99 ~~\$48.99~~



German shepherd - F
orever waiting at th...
\$39.99 ~~\$48.99~~



German shepherd - T
ogether we build ou...
\$39.99 ~~\$48.99~~



Jesus - The Lord's pra
yer Canvas
\$39.99 ~~\$48.99~~



Dachshund - Do wha
t I want Canvas
\$39.99 ~~\$48.99~~

CONTACT INFO

support@olive-stores.com
+1 (408) 899-8879
548 Market St #14148, San Francisco, CA 94104 USA

SUPPORT

Contact us
FAQs
Sizing

POLICIES

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Terms of Service
Shipping policy
Refund policy



DMCA Report

USD - English

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CONTACT INFO

2 Pearl St, West Bridgewater,
Massachusetts 02379 USA

Email us: Support@shops-support.com
Phone: 1-408-899-8879
Address: 548 Market St #14148, San
Francisco, CA 94104 USA

SHOP

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DMCA Report

United States - English

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Rosetta in Bronx, United States purch...
BURRELL M49EA-AF03-P055
22 hour(s) ago

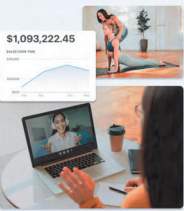
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Move your coaching to online platform, generate more income from customers around the world

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Be one of the first 100 sign-ups receiving the exclusive offer of 6-month subscription fee



What is ShopBase Creator?

E-commerce platform exclusive for coaching booking

We empower coaches to make more income by spreading their training programs into the world

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Get up an online coaching booking website to reach more customers around the world

How can we help you?

The best tools are in your control

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- No coding needed
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A-Z Support For Booking Site

- Easily create your booking or membership packages
- Big platform storage & high page speed ensuring the smoothest learning experience

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ShopBase creators have all the best features you need to optimize your conversion rate & order value

- 100+ apps, opportunities to reach more customers
- Funnel-based sales flow
- Order bumps and up-sell tools

1 Page checkout process

- Convert customers faster with our simple check-out process
- Available payment gateways, no need for setting-up

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Our numbers

Join our e-commerce ecosystem

Being in ShopBase E-commerce Ecosystem, thousands of users are able to find sales by selling digital products, membership, courses.

90,000 Stores have been established

\$500 Millions+ Of revenue has been generated

10+ Years of e-commerce experience

Our offer for early birds

6-month free subscription for beta users only

Start selling with ShopBase Creator Now!

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ShopBase

Address: 548 Market St, #4008, San Francisco, CA 94104 USA
Email: support@shopbase.com
Phone: +1 (424) 899-8879

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