

*Before the*  
**Office of the United States Trade Representative**  
Washington, D.C.

*In re* 2025 Review of Notorious Markets  
for Counterfeiting and Piracy: Comment  
Request

Docket No. USTR-2025-0018

**REPLY COMMENTS OF  
THE COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION (CCIA)**

Pursuant to the request for comments published by the Office of the United States Trade Representative (USTR) in the Federal Register at 90 Fed. Reg. 40,134 (Aug. 18, 2025), the Computer & Communications Industry Association (CCIA) submits the following Reply Comments for the 2025 Review of Notorious Markets for Counterfeiting and Piracy.<sup>1</sup>

U.S. internet services continue to devote significant resources to improving existing measures, as well as deploying new tools, to address counterfeits and piracy online. This includes technology to proactively detect and remove infringing content, investment in human capital to review reported content, and tools for rights holders to monitor and report infringement. These companies extensively collaborate and consult with rights holders, trade organizations, governments, creators, and other industry stakeholders, and have established programs that encourage information sharing between all stakeholders to strengthen enforcement.

While some comments made in the consultation suggest that USTR should list domestic online services, including marketplaces, in the 2025 Notorious Markets Report,<sup>2</sup> USTR should

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<sup>1</sup> CCIA is an international, not-for-profit trade association representing a broad cross section of communications and technology firms. For over fifty years, CCIA has promoted open markets, open systems, and open networks. CCIA members employ more than 1.6 million workers, invest more than \$100 billion in research and development, and contribute trillions of dollars in productivity to the global economy. For more, visit [www.ccianet.org](http://www.ccianet.org).

<sup>2</sup> See Comments of Footwear Distributors & Retailers of America, in Re 2025 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request, filed Sept. 30, 2025, <https://www.regulations.gov/comment/USTR-2025-0018-0019> (naming Amazon and Meta); Comment of Intellectual Property Owners Association, in Re 2025 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request, filed Oct. 1, 2025, <https://www.regulations.gov/comment/USTR-2025-0018-0031> (naming Amazon); Comments of Union des Fabricants (UNIFAB), In Re 2025 Review of Notorious Markets for Counterfeiting

disregard comments that (1) ask USTR to expand the scope of the Notorious Markets Report beyond the statutory purpose of the Special 301 process; and (2) ignore the practices used by a broad set of U.S. internet and e-commerce marketplaces to address intellectual property (IP) infringement online. In doing so, USTR can recognize the robust anti-counterfeit and anti-piracy practices used by U.S. internet companies, encourage greater collaboration between these companies and rights owners, and ensure that the Notorious Markets Report continues to focus on bad actors in foreign markets, as it did in the most recent Reviews.<sup>3</sup>

### **I. The Purpose of the Notorious Markets Report, Under the Auspices of the Special 301 Process, Is to Identify Bad Actors in Foreign Markets**

The Special 301 Process is a tool by which to identify foreign markets that fail to provide adequate intellectual property protection and market access for those actors relying on intellectual property. Section 182 of the Trade Act of 1974, as amended, codified at 19 U.S.C. § 2242, establishes the Special 301 process. The law directs USTR to identify “*foreign countries*” that “(a) deny adequate and effective protection of intellectual property rights, or (b) deny fair and equitable market access to United States persons that rely upon intellectual property protection [emphasis added].” Section 2242(d)(2) further states that a “*foreign country* denies adequate and effective protection of intellectual property rights if the *foreign* country denies adequate and effective means under the laws of the *foreign* country for persons who are not

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and Piracy: Comment Request, filed Sept. 29, 2025, <https://www.regulations.gov/comment/USTR-2025-0018-0031> (naming Meta, eBay, and Amazon); Comments of the Intellectual Property Committee of the Ecuadorian American Chamber of Commerce, In Re 2025 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request, filed Sept. 30, 2025, <https://www.regulations.gov/comment/USTR-2025-0018-0017> (naming Meta); Comment of the Transnational Alliance to Combat Illicit Trade, In Re 2025 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request, filed Oct. 1, 2025, <https://www.regulations.gov/comment/USTR-2025-0018-0027> (naming Meta, Amazon and eBay); Comment of the American Apparel & Footwear Association, In Re 2025 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request, filed Oct. 1, 2025, <https://www.regulations.gov/comment/USTR-2025-0018-0039> (naming Meta and Amazon).

<sup>3</sup> Office of the U.S. Trade Rep., *2023 Review of Notorious Markets for Counterfeiting and Piracy*, [https://ustr.gov/sites/default/files/2023\\_Review\\_of\\_Notorious\\_Markets\\_for\\_Counterfeiting\\_and\\_Piracy\\_Notorious\\_Markets\\_List\\_final.pdf](https://ustr.gov/sites/default/files/2023_Review_of_Notorious_Markets_for_Counterfeiting_and_Piracy_Notorious_Markets_List_final.pdf) (declining to include Meta, Amazon, or eBay); and Office of the U.S. Trade Rep., *2024 Review of Notorious Markets for Counterfeiting and Piracy*, [https://ustr.gov/sites/default/files/2024%20Review%20of%20Notorious%20Markets%20of%20Counterfeiting%20and%20Piracy%20\(final\).pdf](https://ustr.gov/sites/default/files/2024%20Review%20of%20Notorious%20Markets%20of%20Counterfeiting%20and%20Piracy%20(final).pdf) (declining to include Meta, Amazon, or eBay).

citizens or nationals of such *foreign* country to secure, exercise, and enforce rights relating to patents, process patents, registered trademarks, copyrights and mask works [emphasis added].” Further, the directives in § 2242(h) to USTR to compile the annual Report only contemplate foreign markets. The fact that digital services offered by U.S. internet companies are accessible on an international scale does not make those U.S. companies themselves foreign actors. Moreover, the requirement that the Special 301 process focus on “foreign countries” is not ambiguous, and the parameters for consideration were clearly defined under this trade tool.

The Notorious Markets for Counterfeiting and Piracy Review is now conducted as an Out-of-Cycle Review (OCR) under the Special 301 process pursuant to the 2010 Joint Strategic Plan on Intellectual Property Enforcement.<sup>4</sup> OCRs have been used to study countries to monitor their progress on intellectual property issues, which may result in status changes for the following year’s Special 301 report. Previously, sections on “Notorious Markets” were included in the Special 301 Report itself (starting in 2006), which, again, only included foreign virtual and physical markets.<sup>5</sup> The Notorious Markets were treated as separate OCRs since 2010, with the first report issued in February 2011. Per the 2010 Joint Strategic Plan on Intellectual Property Enforcement, the Notorious Markets list is to identify “foreign” marketplaces. The text states:

**Identify Foreign Pirate Websites as Part of the Special 301 Process:** Included in USTR’s annual Special 301 report is the Notorious Markets list, a compilation of examples of Internet and physical markets that have been the subject of enforcement action or that may merit further investigation for possible intellectual property infringements.

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<sup>4</sup> See Executive Office of the President of the United States, *2010 Joint Strategic Plan on Intellectual Property Enforcement* (June 2010), <https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/09/2010-Joint-Strategic-Plan-on-Intellectual-Property-Enforcement.pdf>.

<sup>5</sup> See Office of the U.S. Trade Rep., *2006 Special 301 Report* (2006), [https://ustr.gov/archive/assets/Document\\_Library/Reports\\_Publications/2006/2006\\_Special\\_301\\_Review/asset\\_upload\\_file473\\_9336.pdf](https://ustr.gov/archive/assets/Document_Library/Reports_Publications/2006/2006_Special_301_Review/asset_upload_file473_9336.pdf).

It is clear that this tool is designed to focus on bad actors operating in foreign markets, and commenters' recommendations to include U.S. companies are outside the scope of the Special 301 process. Calls from proponents to include U.S.-based and U.S.-owned online markets in the 2025 Notorious Markets Report should be rejected, as such proposals would undermine the effectiveness of USTR's use of the Report to engage with trading partners.

## **II. Commenters Do Not Satisfy Requirements for Nominating U.S. Services**

Even if the Special 301 statute could be interpreted to apply to U.S. companies, comments filed in nominating these U.S. services have not met the requirements for identification as a notorious market. Per the Federal Register notice, submissions that nominate a market for inclusion must provide sufficient details on the market at issue.<sup>6</sup>

For online markets that engage in or facilitate substantial counterfeiting, USTR directed commenters to include information such as:

- Estimate of the number of goods sold or otherwise made available on the market and any other indicia of the market's scale, reach, or relative significance in a given geographic area or with respect to a category of goods.
- Estimate of the number and types of goods sold or otherwise made available on the market that are counterfeit, either in aggregate or in relation to the total number and types of goods sold or otherwise made available on the market, a description of the methodology used to create the estimate and the timeframe the estimate was conducted, and information supporting the claims of counterfeiting.
- Estimate of economic harm to right holders resulting from the counterfeit goods and a description of the methodology used to calculate the harm.
- Whether the number and types of counterfeit goods or the economic harm have increased or decreased from previous years, and an approximate calculation of that increase or decrease for each year.
- Any actions taken by the market owners or operators to remove, limit, or discourage the availability of counterfeit goods, including policies to prevent or remove access to such goods, or to disable seller or user accounts, the effectiveness of market policies and

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<sup>6</sup> Federal Register, *2025 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request*, (Aug. 18, 2024), <https://www.federalregister.gov/d/2025-15675>.

guidelines in addressing counterfeiting, and the level of cooperation with right holders and law enforcement.

Without this level of detail—which few of the commenters who sought U.S. internet companies’ inclusion included in their comments—USTR’s task of reviewing such input and gaining a real sense for whether the claims really met the putative threshold for inclusion in the Notorious Markets Report (*i.e.* “practices that have significant adverse impact on the value of U.S. innovation”) is extremely difficult. As such, these comments should not be received as sufficient for including these companies in the Notorious Markets Report.

Further, claims made in commenter submissions overlook widespread practices being deployed by mentioned companies, often with input from rightsholders, to expand enforcement (including proactive enforcement).<sup>7</sup> As explained further below in Section III, U.S. internet and e-commerce firms invest significantly in proactive enforcement and remove millions of listings and pieces of content before they are ever reported. Moreover, e-commerce firms have made several improvements over the years, including the streamlining of policies, the incorporation of new AI technology, and new tooling functionalities.

### **III. U.S. Internet and E-Commerce Firms Devote Significant Resources and Partner with Brand Owners to Address Counterfeits**

The internet has revolutionized the retail industry. The share of e-commerce in retail sales continues to rise each year.<sup>8</sup> Retailers are increasingly digital and are able to utilize internet services to connect users and firms to new customers around the world. The internet also empowers small businesses to reach new markets and even individual users to sell or resell goods—these benefits help generate the \$541 billion and nearly six million jobs in the United

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<sup>7</sup> See Meta Newsroom, *How We’re Proactively Combating Counterfeits and Piracy* (May 19, 2021), <https://about.fb.com/news/2021/05/how-were-proactively-combating-counterfeits-and-piracy/>.

<sup>8</sup> See U.S. Census Bureau, *Quarterly Retail E-Commerce Sales* (Aug. 19, 2025), <https://www.census.gov/retail/ecommerce.html>.

States that come from small businesses' exports.<sup>9</sup> These interactions are not possible without user trust in online services. Internet companies across the spectrum devote significant resources to maintaining trust in online purchases. Combating counterfeit and pirated goods online is central to these efforts.

As CCIA has documented in related filings to the U.S. government,<sup>10</sup> internet firms take the challenge of addressing the sale of counterfeit and pirated goods online seriously and invest heavily in programs and enforce company policies against counterfeits and pirated goods. Digital services also extensively engage with rights holders, brand owners, and authorized third-party representatives, as well as trade associations and government agencies. They have established programs that encourage information sharing between stakeholders and enable services to identify and remove counterfeit and pirated goods. A collaborative approach that continues to bring together brand owners, online services, and policymakers will make these efforts most effective, as recognized by the 2019 Memorandum on Combating Trafficking in Counterfeit and Pirated Goods.<sup>11</sup>

Existing measures taken by companies include the following:<sup>12</sup>

- **Brand registration programs.** E-commerce-focused firms allow trademark or brand owners to voluntarily enroll in brand registration programs, which allow the service to better utilize automated tools to identify and remove confirmed counterfeit products.<sup>13</sup> Through enrollment, the owners provide relevant information to the service about their

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<sup>9</sup> U.S. Chamber of Commerce, *Growing Small Business Exports: How Technology Strengthens American Trade*, [https://www.uschamber.com/assets/documents/ctec\\_googlereport\\_v7-digital-opt.pdf](https://www.uschamber.com/assets/documents/ctec_googlereport_v7-digital-opt.pdf).

<sup>10</sup> See CCIA Comments to USPTO on OECD Draft Voluntary Guidelines, filed June 30, 2025, <https://ccianet.org/library/ccia-comments-to-uspto-on-oecd-draft-voluntary-guidelines/>; Comments to Patent & Trademark Off., Future Strategies in Anticounterfeiting and Antipiracy, filed Aug. 24, 2023, <https://www.regulations.gov/comment/PTO-C-2023-0006-0053>; Comments to Dep't of Commerce, In Re Comment Request: Report on the State of Counterfeit and Pirated Goods Trafficking and Recommendations, filed July 29, 2020, <https://www.ccianet.org/wp-content/uploads/2019/07/DOC-2019-0003-0001-CCIA-Comments-Counterfeiting-Pirated-Goods-Trafficking-Report.pdf>.

<sup>11</sup> Memorandum on Combating Trafficking in Counterfeit and Pirated Goods (Apr. 3, 2019), <https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-combating-trafficking-counterfeit-pirated-goods/>, Section 1(e).

<sup>12</sup> This is an illustrative list and does not purport to identify all tools and programs utilized by online and e-commerce services.

<sup>13</sup> See, e.g., Amazon Brand Registry, <https://brandservices.amazon.com/>; eBay Verified Rights Owners Program (VeRO), <https://pages.ebay.com/seller-center/listing-and-marketing/verified-rights-owner-program.html>; Meta's Brand Rights Protection, <https://www.facebook.com/business/help/828925381043253?id=4533021280101097>.

products that better enables the service to proactively address counterfeits around the world.<sup>14</sup>

- **Simplified notice and removal procedures.** Online services have worked to make their reporting processes as efficient and easy as possible to facilitate the swift removal of content that violates company policy.<sup>15</sup> Companies comply with requisite obligations under current law regarding trademarks and content protected by U.S. copyright law,<sup>16</sup> and many online services exceed these obligations with online tools providing verified rights holders priority access to tools for expeditiously flagging and removing potentially infringing products.<sup>17</sup> Many online services have invested heavily in ensuring reports submitted by rightsholders are processed expeditiously, employing teams of global professionals that review content and provide around-the-clock coverage in multiple languages.
- **Collaboration with brand owners.** Online services regularly work with brand owners and rights holders to gain insights that help improve their IP protection measures. In fact, many of the most effective enforcement measures were developed by learning from these partnerships.<sup>18</sup> Online services also work with brand owners and rights holders through expanded programs that build upon tools like brand registration. For example, some programs grant more control to trusted and verified brand owners regarding the identification and removal of counterfeit goods.<sup>19</sup> Tools like “product serialization” have also recently been introduced, which allow manufacturers to attribute a unique code to each product, which is then verified by the online marketplace intermediary to confirm authenticity.<sup>20</sup> Additionally, some online services engage regularly with rights owners and brands to share insights that can improve enforcement and to pilot new technologies.<sup>21</sup> Online services also host educational training sessions to ensure rights holders are aware of the latest enforcement tools and features.
- **Transparency reports and information sharing.** Some services release reports regularly that detail removals on counterfeits, in addition to takedowns related to copyright and trademark claims and takedowns undertaken proactively.<sup>22</sup>

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<sup>14</sup> See, e.g., Amazon, Brand Protection Report, <https://brandservices.amazon.com/progressreport>.

<sup>15</sup> Examples include YouTube’s Content ID and Copyright Match Tool, Google’s Trusted Copyright Removal Program, Meta’s Rights Manager and Brand Rights Protection, and Pinterest’s Content Claiming Portal.

<sup>16</sup> See generally Facebook Help Center, What is a Counterfeit?, <https://www.facebook.com/help/962020680598166>; Google Ads, Counterfeit Policy, <https://support.google.com/adspolicy/answer/176017>; Google Shopping, Counterfeit Policy, <https://support.google.com/merchants/answer/6149993>.

<sup>17</sup> See, e.g., Meta’s Brand Rights Protection, <https://www.facebook.com/business/help/828925381043253?id=4533021280101097>.

<sup>18</sup> See Meta, *Meta makes it easier for businesses to protect their brands with new IP reporting center and updates to protection tools* (Jan. 24, 2024), <https://www.facebook.com/business/news/meta-launches-new-ip-reporting-center-and-updates-to-protection-tools-for-businesses>.

<sup>19</sup> See Amazon, Project Zero, <https://brandservices.amazon.com/projectzero>; Chaim Gartenberg, *Amazon’s Project Zero Will Let Brands Remove Counterfeit Listings of Their Products*, The Verge (Feb. 28, 2019), <https://www.theverge.com/2019/2/28/18244603/amazon-projectzero-counterfeit-listing-remove-products>; Meta, Brand Rights Protection, <https://www.facebook.com/business/news/ip-reporting-api-brand-rights-protection-new-features>.

<sup>20</sup> See, e.g., Dharmesh M. Mehta, *Amazon Project Zero* (Feb. 28, 2019), <https://blog.aboutamazon.com/company-news/amazon-project-zero>; Amazon, Transparency, Frequently Asked Questions, <https://brandservices.amazon.com/transparency/faq>.

<sup>21</sup> See Amazon, Brand Protection Report, <https://brandservices.amazon.com/progressreport>.

<sup>22</sup> See, e.g., Amazon’s latest Brand Protection Report: How we’re cracking down on counterfeit products, <https://www.aboutamazon.com/news/policy-news-views/amazon-brand-protection-report-2023-counterfeit-products>; Meta’s IP



- **Trust and certification programs.** Some services utilize certification and other indicator schemes that indicate to a user whether a seller has a history of customer satisfaction and complying with online services' policies.<sup>23</sup> Consumer reviews are also widely used, and services invest in ensuring reviews are authentic and trustworthy.<sup>24</sup>
- **Proactive measures.** In enforcing their strict prohibitions against counterfeiting and piracy, many online services have robust proactive enforcement programs to detect and remove infringing content rather than merely removing content that is specifically reported to them.<sup>25</sup> Many online services have invested in a range of tools, including machine learning and artificial intelligence, to improve detection and proactively remove suspected counterfeit content. These methods not only remove infringing listings and posts, but also disable entire accounts, prevent known counterfeiters from making new accounts, and support the implementation of repeat infringer policies and other measures aimed at tackling recidivism.<sup>26</sup>
- **User education.** Online services provide information to users regarding counterfeits and intellectual property to help them avoid posting or sharing content that violates terms of service.<sup>27</sup> Online services also encourage law enforcement agencies, rights owners, and consumer protection organizations to directly educate users by creating participant profile pages and public service campaigns.<sup>28</sup>
- **Coordination with law enforcement.** Many online services closely coordinate with domestic and international law enforcement agencies to better identify bad actors and to prevent illegal or infringing practices.<sup>29</sup>
- **Pursuing legal action against bad actors.** Online services have partnered with rights holders to go after bad actors offline as well, by filing multiple lawsuits against counterfeiters in U.S. federal court.<sup>30</sup>

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Transparency Report, <https://transparency.fb.com/reports/intellectual-property>; Google, How Google Fights Piracy (2018), [https://storage.googleapis.com/gweb-uniblog-publish-prod/documents/How\\_Google\\_Fights\\_Piracy\\_2018.pdf](https://storage.googleapis.com/gweb-uniblog-publish-prod/documents/How_Google_Fights_Piracy_2018.pdf).

<sup>23</sup> See eBay Top Rated Seller Program, <https://www.ebay.com/sellercenter/protections/top-rated-program>.

<sup>24</sup> See Amazon Newsroom, *Amazon and the Better Business Bureau file a joint lawsuit to fight fake reviews* (July 18, 2024), <https://www.aboutamazon.com/news/policy-news-views/amazon-better-business-bureau-file-lawsuit-on-fake-reviews>

<sup>25</sup> See, e.g., Meta Newsroom, *How We're Proactively Combating Counterfeits and Piracy* (May 19, 2021), <https://about.fb.com/news/2021/05/how-were-proactively-combating-counterfeits-and-piracy/>.

<sup>26</sup> See, e.g., Meta, *How Meta Helps Protect Against Counterfeits*, <https://www.facebook.com/business/tools/anti-counterfeiting/guide>; Melissa Daniels, *Amazon says its stopped 700K counterfeiters from making accounts last year*, ModernRetail (Mar. 26, 2024), <https://www.modernretail.co/technology/amazon-says-its-stopped-700k-counterfeiters-from-making-accounts-last-year/>; Amazon Newsroom, *How Amazon uses AI innovations to stop fraud and counterfeits* (March 26, 2025) <https://www.aboutamazon.com/news/policy-news-views/amazon-brand-protection-report-2024-counterfeit-products>; eBay Main Street, *Developing New Tools and Innovations*, <https://www.ebaymainstreet.com/smallbiz/issues/innovation-investments>.

<sup>27</sup> See, e.g., Facebook IP Help Center, <https://www.facebook.com/help/399224883474207/>.

<sup>28</sup> See, e.g., Meta, *UNIFAB, ALPA and Meta Launch a Public Awareness Campaign on the Internet Against Counterfeiting and Piracy*, <https://about.fb.com/fr/news/2023/03/unifab-lalpa-et-meta-lancent-sur-internet-une-campagne-de-sensibilisation-du-grand-public-a-la-contrefaçon-et-au-piratage/>.

<sup>29</sup> See, e.g., Amazon, *A Blueprint for Private and Public Sector Partnership to Stop Counterfeiters* (Oct. 18, 2021), <https://www.aboutamazon.com/news/policy-news-views/a-blueprint-for-private-and-public-sector-partnership-to-stop-counterfeiters>; The latest from Amazon's Counterfeit Crimes Unit: A new lawsuit targets invalid trademarks and fake complaints (Sept. 16, 2024), <https://www.aboutamazon.com/news/policy-news-views/amazon-counterfeit-crimes-unit-latest-updates-2024>.

<sup>30</sup> See, e.g., Meta's Newsroom, *Facebook and Gucci File Joint Lawsuit Against International Counterfeiter*, <https://about.fb.com/news/2021/04/facebook-and-gucci-file-joint-lawsuit-against-international-counterfeiter/>; Meta's Newsroom,



The tools listed above are often accompanied by processes to address abuse, as well as appeals procedures for sellers and users to register complaints and contest removals. Not all tools will be effective or relevant for all online services; there should be flexibility to develop appropriate measures targeted to the issues or problems observed, as business models and technologies of online services vary greatly.

#### **IV. Conclusion**

Based on these assessments, it would be inappropriate to conflate responsible U.S. companies, many of which employ robust anticounterfeiting and antipiracy programs, with foreign actors that intentionally facilitate or ignore intellectual property violations. Industry remains fully committed to protecting intellectual property rights and stands ready to work with the U.S. government and other relevant stakeholders to address persistent challenges in global marketplaces.

Respectfully submitted,

Caroline Palmer  
Trade Policy Manager  
Computer & Communications Industry Association  
25 Massachusetts Avenue NW, Suite 300C  
Washington, D.C. 20001

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