



USPTO Guidance for Online Fakes

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The numbers of online fakes have exploded in recent years, creating increasing issues for a broad array of consumer goods manufacturers and retailers, from luxury clothing and leather goods to car parts or smoking accessories. Global trade has increasingly moved toward complex supply chains that make it more difficult to find all counterfeit or pirated goods, with online platforms and more small shipments becoming useful tools to evade enforcement agencies efforts to track and prevent fakes.

The United States Patent and Trademark Office issued a public notice in the *Federal Register* on May 19, 2025, seeking observations and experiences from relevant stakeholders by June 27, 2025 to inform guidelines for countering online fakes. The USPTO will hold an in-person and virtual roundtable to discuss the topic on June 5, 2025 at 9 a.m. Eastern. Interested parties can register [here](#). If you are interested in providing oral remarks, the USPTO requests that you email enforcement@uspto.gov by May 28, 2025.

The USPTO seeks information on 11 specific topics relevant to the guidelines:

1. Strategies to combat sales of counterfeit goods on online marketplaces
2. Repeat infringers
3. Enforcement and sanctions
4. Information exchange, transparency, and public awareness
5. Market surveillance
6. Notifications and counternotifications
7. Takedown of listings for counterfeit goods
8. Accountability and liability
9. Listings
10. Third-party sellers
11. International cooperation

Part of the impetus for these guidelines comes from a recent report issued by the Organisation for Economic Co-operation and Development (OECD) on May 7, 2025 that highlighted trends and challenges in global trade in counterfeit and pirated goods based on the latest data on customs seizure from 2021. See [Mapping Global Trade in Fakes 2025](#). In the report, OECD found that counterfeit and pirated goods comprised \$467 billion in global trade in 2021, with counterfeits including goods that

infringe trademarks or design or utility patents and pirated goods including those that infringe copyrights. This report is part of a comprehensive effort by OECD to create guides for best practices in combating counterfeiters' and pirates' use of online marketplaces to traffic in infringing goods.

Interested parties should provide information about their experiences in combating piracy and counterfeits for the USPTO to consider when formulating the guidelines.

Venable will continue to monitor the development of the guidelines.