

Research Article / Научная статья

УДК 347.77

DOI: 10.14258/SSI(2025)3–08

## E-Commerce and Counterfeit Circulation: Risks to Public Safety and Ways of Legal Protection

Anna V. Pokrovskaya

RUDN University, Moscow, Russia.

**Abstract.** In the context of the rapid growth of e-commerce, the circulation of counterfeit products on digital trading platforms is becoming one of the most acute threats to public safety and the stability of the legal market. The relevance of this study is due to new challenges arising at the intersection of innovative trading technologies and illegal practices of distributing goods in violation of intellectual property rights. The problem is aggravated by the high level of anonymity and mobility of sellers, difficulties in identifying participants and the peculiarities of cross-border transactions, which threatens the economic interests of the state, legal businesses and consumer safety. The purpose of the work is a comprehensive analysis of the factors contributing to the spread of counterfeit goods in e-commerce, identifying the main risks for various interest groups and determining effective mechanisms of legal protection. The study is based on an interdisciplinary approach, including an analysis of current legislation, judicial and administrative practice, as well as modern digital and organizational countermeasures. The methods of comparative legal analysis, case studies, and elements of an expert survey were used to assess the scale and specifics of the problem. The main results are related to identifying the key reasons for the inefficiency of existing legal and technical mechanisms for monitoring the circulation of counterfeit products on marketplaces. The most effective measures proposed include modernizing seller identification procedures, increasing platform liability, introducing Trace & Track technologies and mandatory digital labeling of goods, as well as developing self-regulation systems and information exchange between the state, business, and copyright holders. The scientific novelty of the work lies in the comprehensive characteristics of the digital environment as a special object of legal regulation, in integrating foreign and Russian experience, and in proposing systemic measures to balance the interests of market participants without excessive government intervention. The practical significance is manifested in the possibility of applying the findings and recommendations in the development of regulations, improving the corporate policies of Internet platforms, and forming educational programs for consumers.

**Keywords:** e-commerce, counterfeit goods, public safety, legal protection, marketplaces, intellectual property, seller identification

**Financial Support:** The research was supported by Russian Science Foundation grant No. 24–28–00567.

**For citation:** Pokrovskaya, A. V. (2025). E-Commerce and Counterfeit Circulation: Risks to Public Safety and Ways of Legal Protection. *Society and Security Insights*, 8(3), 149–161. (In Russ.). doi: 10.14258/ssi(2025)3–08.

# Электронная коммерция и обращение контрафактной продукции: риски для общественной безопасности и способы правовой защиты

**Покровская Анна Владимировна**

Российский университет дружбы народов, Москва, Россия, pokrovskaya-anvl@rudn.ru, <https://orcid.org/0009-0002-6473-2027>

**Аннотация.** В условиях стремительного роста электронной коммерции распространение контрафактной продукции на цифровых торговых площадках становится одной из наиболее острых угроз общественной безопасности и стабильности легального рынка. Актуальность данного исследования обусловлена новыми вызовами, возникающими на стыке инновационных торговых технологий и незаконных практик распространения товаров с нарушением прав интеллектуальной собственности. Проблема усугубляется высокой степенью анонимности и мобильности продавцов, сложностью идентификации участников и особенностями трансграничных сделок, что угрожает экономическим интересам государства, легального бизнеса и безопасности потребителей. Целью работы является комплексный анализ факторов, способствующих распространению контрафактной продукции в электронной коммерции, выявление основных рисков для различных групп интересов и определение эффективных механизмов правовой защиты. Исследование основано на междисциплинарном подходе, включающем анализ действующего законодательства, судебной и административной практики, а также современных цифровых и организационных мер противодействия. Для оценки масштаба и специфики проблемы использованы методы сравнительно-правового анализа, кейс-стади и элементы экспертного опроса. Основные результаты связаны с выявлением ключевых причин неэффективности существующих правовых и технических механизмов контроля за оборотом контрафактной продукции на торговых площадках. В качестве наиболее эффективных предлагаемых мер рассматривается модернизация процедур идентификации продавцов, повышение ответственности площадок, внедрение технологий Trace&Track и обязательной цифровой маркировки товаров, а также развитие систем саморегулирования и информационного обмена между государством, бизнесом и правообладателями. Научная новизна работы заключается в комплексной характеристике цифровой среды как особого объекта правового регулирования, интеграции зарубежного и российского опыта и предложении системных мер по обеспечению баланса интересов участников рынка без чрезмерного вмешательства государства. Практическая значимость проявляется в возможности применения полученных результатов и рекомендаций при разработке нормативных актов, совершенствовании корпоративной политики интернет-платформ и формировании образовательных программ для потребителей.

**Ключевые слова:** электронная коммерция, контрафактные товары, общественная безопасность, правовая защита, торговые площадки, интеллектуальная собственность, идентификация продавца

**Финансирование:** исследование выполнено за счет гранта Российского научного фонда № 24-28-00567.

**Для цитирования:** Покровская А. В. Электронная коммерция и обращение контрафактной продукции: риски для общественной безопасности и способы правовой защиты. Society and Security Insights. 2025. Т. 8, № 3. С. 149–161. doi: 10.14258/ssi(2025)3–08.

## 1. Introduction

In recent years, e-commerce has demonstrated rapid growth, becoming an integral part of the global and national economy (Purohit & Purohit, 2005). Online stores and marketplaces provide consumers with wide access to a variety of goods, which simplifies the purchasing process and promotes the development of entrepreneurship. According to analytical agencies, the volume of e-commerce in Russia is increasing by tens of percent annually, and its share in retail trade continues to grow (Karlovskaya & Chelombitko, 2024).

However, along with positive trends, the development of e-commerce is accompanied by new challenges, the most serious of which is the increase in the distribution of counterfeit products. The use of digital platforms makes it easier for attackers to access a wide audience, and insufficient control and anonymity of sellers contribute to the distribution of counterfeit goods (Farrand, 2018). Counterfeiting affects all industries — from consumer goods to medicines and spare parts, which poses a threat not only to the economy and legal business, but also to the health and lives of citizens, and therefore poses a real threat to public safety.

The problem of counterfeit product circulation in the electronic environment is becoming increasingly acute in the context of the dynamic development of digital markets and the integration of technology into all areas of trade (Mackey & Nayyar, 2017). The spread of e-commerce, the widespread use of marketplaces, social networks and various digital platforms have created fertile ground not only for legal business, but also for illegal activities related to the distribution of counterfeit (fake) goods. One of the key problems is the anonymity and high mobility of e-commerce entities (Lee & Yeon, 2021). Internet resources allow distributors of counterfeit products to quickly create and close trading pages, bypass blocking, change details and massively contact a wide audience of consumers. At the same time, users are often unable to independently distinguish a counterfeit product from the original by photographs and descriptions (Mavlanova, & Benbunan-Fich, 2010), and the presence of numerous intermediaries between the seller and the buyer makes it difficult to bring to justice. Of particular importance for the problem is the difficulty of identifying copyright holders, as well as the intersection of jurisdictions in cross-border transactions: the seller, the buyer and the market itself may be located in different countries, which complicates the application of national legal protection mechanisms (Feng & Sik, 2024). In addition, the level of digital literacy of the population is still low, which increases the vulnerability of end buyers and stimulates the demand for cheap, but counterfeit products. The spread of counterfeit goods in the electronic environment causes significant damage not only to the owners of intellectual property rights, but also to the state, expressed in the loss of tax revenues, as well as to society, since such goods often do not meet quality standards and can be dangerous to the life and health of citizens. Taken together, these circumstances indicate the need for a comprehensive study of this problem, finding a balance between the development of

e-commerce and effective legal regulation, as well as developing new mechanisms for preventing and suppressing the circulation of counterfeit products in digital trade.

The relevance of the study is due to the urgent need to develop coordinated measures between the state, business and society to effectively counter the threats arising at the intersection of innovative trade technologies and criminal practices in the field of goods turnover

### **Methodology**

This study is based on a comprehensive analysis of Russian and international legislation regulating the fight against counterfeit goods in e-commerce. The work used formal legal and comparative legal methods to identify the features and trends in the development of relevant legal regulation. As an empirical basis, statistical data on the dynamics of identified violations in the field of e-commerce were analyzed, and the opinions of specialized experts were summarized. Using individual examples, a case study of practical situations was conducted to identify and suppress the circulation of counterfeit goods on electronic trading platforms, which made it possible to assess the effectiveness of existing legal mechanisms. The comprehensive use of these methods ensured the reliability and comprehensiveness of conclusions on the issue under consideration.

## **2. E-commerce: current trends and development features**

In recent years, e-commerce has demonstrated rapid growth, becoming one of the key sectors of the modern economy. Globally, e-commerce has reached volumes exceeding trillions of US dollars (according to Statista, the global e-commerce market turnover in 2023 exceeded \$ 5 trillion)<sup>35</sup>, and this figure is expected to continue to grow due to the digitalization of the economy, further development of logistics services, and the introduction of various electronic payment methods. Among the key features of the development of e-commerce, the openness and accessibility of digital platforms stand out (Huang & Benyoucef, 2013): almost anyone can register on a marketplace or create their own online store, often with a minimum set of documents or even anonymously. The cross-border nature of e-commerce significantly facilitates entry into foreign markets and expands the range of goods for end consumers. This contributes to the formation of a competitive environment, stimulates the development of courier and postal services, as well as the transition of sellers to legal business schemes. However, such a high degree of openness also creates certain challenges. Ease of entry into the market and simplified identification of participants complicate control over the quality of goods and contribute to the emergence of counterfeit or prohibited products (Staake, et al., 2009). Cross-border transactions significantly complicate issues of customs control and legal protection of consumer rights, especially when purchasing goods outside their own jurisdiction. In addition, digital platforms are faced with the need to protect users' personal data, prevent fraud and copyright infringement (Xue, 2024). Thus, modern e-commerce continues to develop at a rapid pace, actively integrating new technological solutions and formats of interaction with customers. It provides access to the global market and creates new opportunities for consumers and businesses, but at the same

<sup>35</sup> Statista. "Retail e-commerce sales worldwide from 2014 to 2026 (in billion U. S. dollars) ". 2023. <https://www.statista.com/statistics/379046/worldwide-retail-e-commerce-sales/>

time requires more careful and flexible regulation to ensure fair competition, the safety of participants and the protection of their interests.

### 3. Counterfeit products in e-commerce

Counterfeit products are goods that illegally reproduce intellectual property objects — trademarks, patents, copyrights, industrial designs — and are one of the most pressing problems of modern e-commerce (Xue, 2024). The following types of counterfeit goods are most often found on the Internet: clothing, footwear and accessories with fake logos of famous brands (for example, Nike, Adidas, Louis Vuitton), electronics and components passed off as products of Apple, Samsung and other leading manufacturers, cosmetics and perfumes of inadequate quality that pose a threat to consumer health, as well as pirated software, films and music without the appropriate license from the copyright holder (Chen, 2014). In addition, the illegal sale of medicines and medical equipment via the Internet poses a great danger, especially in circumvention of state and international safety standards.

The growth of e-commerce has led to a significant transformation in the methods of distributing counterfeit goods. The main channels are the largest marketplaces — such as Ozon, Wildberries, AliExpress, Avito, as well as social networks and instant messengers (Instagram, Telegram) (Guo, et al., 2021). Sellers place ads on such platforms for the sale of counterfeit products under the guise of the original, create fake online stores that copy the style and even addresses of official websites, and actively use fake reviews and ratings to form false trust in buyers. Increasingly, sales are organized through closed groups and chats, where there is virtually no control from the sites. There is also a tendency to sell counterfeit goods in small batches, which significantly complicates their detection and systematic counteraction. No less common are cases of relabeling, in which a counterfeit is presented as an original product or “gray” products imported into the country by roundabout ways without the consent of the copyright holder<sup>36</sup>. The dynamic development of online trading explains the demand for electronic platforms for violators (Chua, 2007). The anonymity of market participants and territorial remoteness make it difficult to identify real sellers, and the ability to quickly create new accounts or web resources allows them to return to illegal activities soon after blocking<sup>37</sup>. Massive customer trust in reputable platforms and payment services linked to them makes it even easier for criminals to find new victims, reducing buyers’ vigilance<sup>38</sup>. Traffic volumes and audience breadth do not leave the technical and administrative means of controlling the platforms with sufficient resources to constantly and effectively filter offers<sup>39</sup>. The situation is complicated by jurisdictional issues: in a cross-border environment, it is extremely difficult to track the movement of counterfeit products and apply liability measures due to the lack of uniform international standards and loopholes in legal regulation between countries. Thus, e-commerce has created a whole range of new conditions and tools that facilitate the mass distribution

<sup>36</sup> Luxottica Group S. p. A. v. Airport Mini Mall, LLC, 932 F. 3d 1303 (11th Cir. 2019).

<sup>37</sup> Christian Louboutin SAS v. Amazon, C-148/21.

<sup>38</sup> FTC v. PayPal, Inc., No. 1:15-cv-01426 (D. D. C. 2016).

<sup>39</sup> Delfi AS v. Estonia (European Court of Human Rights, App No. 64569/09, 16 June 2015).

of counterfeit products. Overcoming this problem requires a comprehensive approach: improving internal and international control mechanisms, developing automatic trade monitoring systems, close interaction between online platforms and government agencies for the protection of intellectual property, as well as large-scale work to inform and educate consumers to distinguish original products and identify signs of counterfeiting. Only with the joint efforts of all market participants is it possible to create a safe and civilized e-commerce environment.

#### **4. Risks to public safety**

The spread of counterfeit products creates many serious risks to public safety, covering both the economic sphere and public health, social stability and law and order (Mackey & Liang, 2011). Firstly, the economic consequences are manifested in significant losses for copyright holders, who suffer losses due to a drop in profits, loss of reputation and a decrease in brand value. In addition, the mass presence of counterfeits on the market leads to job losses, since legal manufacturers cannot compete with cheap illegal goods. As a result of the spread of counterfeit products, the state also faces a decrease in tax revenues, an increase in the costs of identifying and eliminating illegal schemes, as well as an increase in corruption in the agencies called upon to combat this problem (Fink et al., 2016). According to experts, in Russia alone, the shadow market for counterfeit products causes billions of rubles in damage to the economy every year.

In turn, this contributes to the growth of the shadow economy, aggravates the level of corruption, reduces citizens' trust in state institutions and the judiciary. The involvement of the population in illegal product circulation often becomes an entry point for other types of criminal activity. The mass distribution of counterfeit goods also destroys the principles of fair market competition, hinders the development of legal business, creates a "gray" economic zone and significantly complicates the fight against other illegal manifestations in the economy (Staake et al., 2009). Thus, the damage from the circulation of counterfeit products goes far beyond purely economic losses, being a serious threat to public safety, the health of citizens and the sustainable development of the country as a whole.

#### **5. Legal and organizational barriers to combating counterfeiting in e-commerce**

Even in cases where certain verification is provided, regulatory authorities often do not have effective mechanisms to confirm the authenticity of the information provided. Another serious challenge is the cross-border nature of transactions in e-commerce: websites, platforms, and sellers themselves are most often located outside of Russian jurisdiction (Bieron & Ahmed, 2012). This significantly complicates the application of national legal norms, limits the ability to monitor and take measures to prevent violations, and significantly complicates the procedure for bringing perpetrators to justice. Identification of individuals directly distributing counterfeit products via e-commerce is also a significant problem<sup>40</sup>. Violators actively use dummy accounts, anonymous payment systems, VPN services and other tools to hide their identity, actual location and financial traces<sup>41</sup>. All this makes traditional investigation methods

<sup>40</sup> Tiffany (NJ) Inc. v. eBay Inc., 576 F. Supp. 2d 463, 475 (S.D. N. Y. 2008), aff'd, 600 F. 3d 93 (2d Cir. 2010).

<sup>41</sup> True Religion Apparel, Inc. v. Xiaokang Lee, No. CV 11-8239 PSG.

ineffective, and in cases where it is possible to establish the fact of the offense, bringing the perpetrators to justice turns out to be extremely difficult or even impossible, especially if they constantly change their account data, contact information or operate from the territory of other countries<sup>42,43</sup>. Organizational difficulties are aggravated by insufficient interaction between government agencies, copyright holders and the administration of Internet platforms. Each of these entities often pursues its own interests and uses different approaches to identifying, monitoring and blocking counterfeit products (Spink et al., 2013). There is no single clear algorithm for processing complaints and responding to reports of violations. Disagreements on the issues of storage, transfer and protection of personal data, as well as insufficient technical equipment and sometimes lack of interest of individual Internet platforms in active participation in combating the spread of counterfeit goods further reduce the overall effectiveness of the measures taken (Li et al., 2010). As a result, the current system requires not only the improvement of legislation that takes into account the specifics and challenges of the development of electronic commerce, but also the introduction of a comprehensive approach to solving the problem. It is necessary to develop mechanisms of interdepartmental and international cooperation, use modern technologies to identify market participants, and strengthen the institutions of collective responsibility between the state, business and copyright holders, which will increase the effectiveness of protecting the rights of consumers and copyright holders in the context of the digital economy.

## 6. Ways of legal protection and risk minimization

To effectively combat the distribution of counterfeit products on marketplaces, as well as to minimize other violations in the field of e-commerce, a comprehensive and systematic approach is needed that combines the improvement of legislation, active and consistent law enforcement practice, the introduction of modern technological solutions, as well as close interaction with copyright holders and society (Otim & Grover, 2010). First of all, the most important area is the improvement of legislation in the field of e-commerce. Modern realities require the development and implementation of prompt and effective tools for blocking Internet resources and individual pages that distribute counterfeit products (Li, 2013). This can be implemented both in court and out of court (administrative) proceedings, which will allow us to respond to violations as quickly as possible. A number of countries have already implemented mechanisms for blocking violating sites at the request of the copyright holder<sup>44</sup>, and Russia is also moving in this direction. In addition, it is important to legally establish increased, even joint, liability of marketplaces for the circulation of counterfeit products, especially in cases where the Internet platform does not take sufficient measures to identify and prevent violations. Such measures include the obligation to carefully identify sellers, as well as verify the authenticity of the goods sold and documents confirming their origin<sup>45</sup>.

<sup>42</sup> United States v. Ivanov, 175 F. Supp. 2d 367 (D. Conn. 2001).

<sup>43</sup> United States v. Budovsky, No. 13-cr-368 (DLC), 2015 WL 5602853 (S.D. N. Y. 2015).

<sup>44</sup> Cartier International AG v. British Sky Broadcasting Ltd., [2016] EWCA Civ 658.

<sup>45</sup> Louis Vuitton Malletier v eBay (TGI Paris, 30 June 2008 & CA Paris, 4 February 2010).

It is also necessary to adopt special regulations that take into account the specifics of the functioning of digital platforms. These may be rules establishing a mandatory procedure for internal content filtering, responding to requests and complaints, criteria for classifying platforms by risk level, as well as special procedures for removing content that violates rights.

The second key element is the development and practice of law enforcement. Russian courts have already developed certain standards in cases against unscrupulous sellers on platforms such as Wildberries, Ozon and other marketplaces for claims for the protection of trademark rights, recovery of compensation and blocking of pages with counterfeit products. Examples of such cases are lawsuits by international brands, in particular, New Balance against an offending seller on Ozon (Moscow City Court, 2022)<sup>46</sup> or the lawsuit of Gucci LLC against Wildberries (Moscow Arbitration Court, 2023)<sup>47</sup>. In addition to judicial mechanisms, administrative procedures are of particular importance: the involvement of Rospotrebnadzor and Rospatent in the complaint review process, the active use of digital services to respond quickly to violation signals, and test purchases and investigations. The third component is the introduction of modern technological solutions to track the movement of goods and prevent counterfeit products from appearing on the market (Pokrovskaya, 2024). Marking systems and trace&track technologies play a special role in this, allowing you to track a product at every stage of its life cycle — from production to final sale. In addition, marketplaces are introducing platform self-organization tools (Radonjic-Simic & Pfisterer, 2019): rating systems allow you to take into account the opinions of buyers and reduce the visibility of sellers who have reasonable claims regarding counterfeits. At the same time, artificial intelligence and machine learning technologies are actively used (Rane et al., 2024). — algorithms analyze product cards and identify offers that are most typical of counterfeit goods (for example, a suspiciously low price, lack of supporting documents, photographs that do not match trademarks, etc.).

Interaction with copyright holders and the general public also plays an important role in preventing the spread of counterfeit goods (Fink et al., 2016). It is important to regularly conduct information, educational and awareness campaigns for buyers, explain the risks of purchasing counterfeit goods, and teach methods for distinguishing original products from counterfeits. At the level of the platforms themselves, it is recommended to introduce systems of special labels “original”, “official seller”, integration with the state labeling system (“Honest Sign”) (Dmitriev, 2019), which contributes to additional transparency and protects the end consumer. To quickly respond to violations, it is recommended to create hotlines, implement mechanisms for promptly processing requests, and conclude agreements between marketplaces and copyright holders on joint monitoring and suppression of illegal actions. In conclusion, it should be emphasized that only a combination of modern legal instruments, effective law enforcement practices, technological innovations and close cooperation between all stakeholders can effectively counter the threat of counterfeit

---

<sup>46</sup> New Balance Inc. v. OOO “Internet Resheniya” (Ozon), Moscow City Court, Case No. 3-425/2022, Decision of 20 July 2022.

<sup>47</sup> Gucci LLC v. OOO “Wildberries,” Moscow Arbitration Court, Case No. A40-121041/2023-126-1079, Decision of 9 June 2023.

products and other violations on marketplaces. An integrated approach in this area helps reduce risks for buyers, creates a civilized e-commerce market and guarantees the protection of property and non-property interests of copyright holders.

## 7. Results

As a result of the study, it was possible to identify and systematize the key factors contributing to the spread of counterfeit products in e-commerce, as well as to determine the main risks and shortcomings of existing models of legal protection in this area. It was found that the main vulnerabilities of the existing control mechanisms on marketplaces are insufficient identification of sellers, anonymity of transaction participants, lack of proper responsibility of platforms, as well as fragmentation and inconsistency of monitoring by government and commercial structures. Practice shows that many electronic platforms limit themselves to formal verification of sellers and do not exercise full control over the origin of the products sold.

Analysis of industry and statistical indicators shows that for certain categories of goods, the share of counterfeit products in the structure of online trade reaches 15–20% of all transactions, which is confirmed by the results of expert surveys and studies of specialized associations. A particularly high share of counterfeits is found in the segments of clothing, accessories, household appliances, perfumes, cosmetics and medicines. The greatest risks of counterfeit goods turnover are typical for cross-border transactions, primarily on marketplaces involving non-resident sellers or on platforms located outside national jurisdiction, which significantly complicates law enforcement, blocking resources and holding the perpetrators accountable.

The analysis showed the ineffectiveness of disparate measures to combat counterfeiting: judicial and administrative decisions are, as a rule, local and targeted and do not ensure a sustainable reduction in the turnover of counterfeit goods; in some cases, violators return to platforms under different credentials after being blocked. In addition, significant structural deficiencies were identified in the interaction between the main market participants, including insufficient coordination between government agencies, platforms, copyright holders and consumers in monitoring, considering complaints and preventing illegal actions. Promising areas for improving legal protection include expanding requirements for identifying and verifying sellers on marketplaces, increasing platform liability for admitting counterfeit products, introducing mandatory digital product labeling, using modern trace&track systems, developing self-regulation tools and platform filtering, and creating programs to educate and improve the digital literacy of end users. Based on the data obtained, the need for an integrated approach to solving the problem was substantiated, combining legal, technological and information measures, as well as international cooperation, which is a key condition for effectively suppressing the cross-border circulation of counterfeit products. The results of the study can be used to improve legislation, develop self-regulation standards at the business community level, as well as create educational programs and increase consumer awareness of counterfeit protection. The implementation of the proposed recommendations can increase the sustainability of e-commerce, minimize risks to public safety and ensure fair competition on digital trading platforms.

## 8. Discussion

The issue of counterfeit goods turnover on marketplaces and in e-commerce in general, which is addressed in the paper, finds a wide response in both the scientific, legal and professional communities. Despite the legislative initiatives of recent years and individual successes in the fight against counterfeiting, experts are unanimous in their opinion that the pace of development of digital markets significantly outpaces existing legal and organizational mechanisms for control and protection. In the context of the constant expansion of online trading opportunities, countries are faced with the need to find a balance between the freedom to do business online and the need to ensure the safety of goods turnover.

On the one hand, the development of electronic platforms helps to strengthen the competitive environment and provides consumers with unique opportunities to choose and save money and time. However, it is these advantages that create conditions for abuse and easy distribution of counterfeit goods, since traditional control methods (customs inspection, licensing, certificate verification) often do not work in a hybrid online environment. In practice, internal marketplace monitoring systems are imperfect: large platforms focus mainly on user experience and service development, while monitoring the integrity of sellers becomes a secondary task, often performed only formally. Consequently, the problem of distributing responsibility between the platform, the seller, and the copyright holder comes to the fore.

The literature contains various assessments of the effectiveness of existing legislative instruments and self-regulation mechanisms in e-commerce. Some researchers point to the progressive nature of recent changes (for example, the liability of platforms for unscrupulous sellers and simplified procedures for pre-trial dispute resolution), while others insist on the need for a radical revision of the regulatory framework, taking into account the specifics of the digital economy, as well as the adaptation of best international practices, such as mandatory due diligence programs, the introduction of global labeling systems, and the expansion of extra-judicial blocking based on complaints from copyright holders.

A separate point of discussion is the issue of the permissible limits of state intervention in regulating e-commerce. On the one hand, effective control is impossible without the participation of supervisory and law enforcement agencies, on the other hand, excessive administration and tightening of requirements can lead to limited access to the market, increased transaction costs and a decrease in the investment attractiveness of Russian e-commerce. A certain agreement on the optimal balance between liberalization and protective barriers has not yet been developed, as evidenced by the heterogeneity of foreign regulatory models (a comparison of the EU, USA, China and Russia shows different approaches to blocking, marketplace liability, verification obligations, etc.). Another controversial aspect is the role and responsibility of the consumer: on the one hand, increasing digital and legal literacy can become an effective tool for reducing the demand for counterfeits; on the other hand, in the conditions of an abundance of goods and a lack of information about real sellers and product quality, the responsibility of the buyer cannot be absolute. Here, it is important to develop mechanisms for education, product labeling and transparency of the entire supply chain, which is not always possible to implement solely by the market. The prospects for the introduction of modern digital tools

to combat counterfeiting are also perceived ambiguously. On the one hand, mandatory labeling (the Honest Sign system), trace&track technologies, artificial intelligence and automated filters significantly expand the range of control tools. However, skeptics point to high implementation costs, uneven coverage of various product segments, as well as the possibility of bypassing technical systems by intruders. In addition, the issue of integrating national solutions with international platforms arises, which requires the development of uniform standards and agreements at the interstate level. Thus, the findings of the study confirm that the fight against counterfeit goods in e-commerce is impossible within the framework of only one area — neither the improvement of legislation, nor technological innovations, nor consumer education can solve the problem in full. Integration of approaches, a balance of interests of market participants, consistent legislative development and international cooperation are required. Further practice will show how successfully the legal protection mechanisms being introduced today will be implemented in the context of rapidly changing forms and technologies of e-commerce.

## 9. Conclusion

Currently, the spread of intellectual property rights violations on marketplaces is becoming one of the most pressing problems of e-commerce. These violations pose a serious threat to all market participants: copyright holders lose part of their legitimate income and risk losing their business reputation, bona fide sellers face unfair competition, the platforms themselves may be involved in legal and administrative proceedings, and consumers are at risk of purchasing low-quality, dangerous or illegal products.

Joint development and application of automated tools for monitoring posted content, as well as the coordination of transparent procedures for filing and reviewing complaints, significantly increase the effectiveness of the fight against counterfeit products. Increasing the transparency of procedures for reviewing violations, establishing clear response times, and increasing liability for sellers who systematically post counterfeit goods are becoming necessary conditions for stabilizing the situation. Particular attention should be paid to the development of “copyright holder accounts” on marketplaces, which will allow promptly monitoring and responding to violations. Practical recommendations for market participants include ongoing and active interaction with copyright holders, organizing channels for regular exchange of information about products and detected violations, introducing modern digital and analytical tools for automatic detection of suspicious sellers and products, as well as developing self-regulation mechanisms — creating corporate standards and ethical codes of conduct. It is also important to inform and train sellers regarding the requirements for the circulation of intellectual property, their liability and the consequences of violations. The state needs to continue to improve the regulatory framework taking into account the dynamically changing realities of e-commerce, support the introduction of digital tools to control commodity flows and organize programs to raise public awareness of the risks of purchasing counterfeit goods. In addition, it is necessary to expand interaction between government agencies, platforms and intellectual property owners, ensuring the exchange of up-to-date information on identified violations.

Only coordinated and active actions by the state, electronic platforms, copyright holders and consumers can lead to the formation of an effective, modern and sustainable system for protecting intellectual property on marketplaces, reducing the level of illegal competition and restoring trust in online trading.

## REFERENCES

Bieron, B., Ahmed, U. (2012). Regulating e-commerce through international policy: understanding the international trade law issues of e-commerce. *Journal of World Trade*, 46(3).

Chen, S. C. Y. (2014). Pirate production, intellectual property and informal sectors in developing economies. *International Economic Development*, 93–106.

Chua, C. E. H., Wareham, J., Robey, D. (2007). The role of online trading communities in managing internet auction fraud. *MIS Quarterly*, 759–781.

Dmitriev, A. V. (2019). Digital technologies of transportation and logistics systems visibility. *Strategic Decisions and Risk Management*, 10(1), 20–26.

Farrand, B. (2018). Combatting physical threats posed via digital means: the European Commission's developing approach to the sale of counterfeit goods on the Internet. *European Politics and Society*, 19(3), 338–354.

Feng, S., Sik, C. P. (2024). Multifaceted challenges of jurisdictional divergence in cross-border intellectual property violations. *International Journal of Criminal Justice Sciences*, 19(1), 20–40.

Fink, C., Maskus, K. E., Qian, Y. (2016). The economic effects of counterfeiting and piracy: a review and implications for developing countries. *The World Bank Research Observer*, 31(1), 1–28.

Guo, F., Ma, D., Hu, J., Zhang, L. (2021). Optimized combination of e-commerce platform sales model and blockchain anti-counterfeit traceability service strategy. *IEEE Access*, 9, 138082–138105.

Huang, Z., Benyoucef, M. (2013). From e-commerce to social commerce: a close look at design features. *Electronic Commerce Research and Applications*, 12(4), 246–259.

Karlovskaya, S., Chelombitko, A. (2024). Prospects for the development of cross-border e-commerce between Russia and China. *BRICS Journal of Economics*, 5(2), 45–63.

Lee, H., Yeon, C. (2021). Blockchain-based traceability for anti-counterfeit in cross-border e-commerce transactions. *Sustainability*, 13(19), 11057.

Li, L. (2013). Technology designed to combat fakes in the global supply chain. *Business Horizons*, 56(2), 167–177.

Li, M., Lou, W., Ren, K. (2010). Data security and privacy in wireless body area networks. *IEEE Wireless Communications*, 17(1), 51–58.

Mackey, T. K., Liang, B. A. (2011). The global counterfeit drug trade: patient safety and public health risks. *Journal of Pharmaceutical Sciences*, 100(11), 4571–4579.

Mackey, T. K., Nayyar, G. (2017). A review of existing and emerging digital technologies to combat the global trade in fake medicines. *Expert Opinion on Drug Safety*, 16(5), 587–602.

Mavlanova, T., Benbunan-Fich, R. (2010). Counterfeit products on the internet: the role of seller-level and product-level information. *International Journal of Electronic Commerce*, 15(2), 79–104.

Otim, S., Grover, V. (2010). E-commerce: a brand name's curse. *Electronic Markets*, 20(2), 147–160.

Pokrovskaya, A. (2024). Issues of artificial intelligence technologies application: protection of intellectual property rights on marketplaces. *Russian Law Journal*, 12(2), 37–50.

Purohit, M. C., Purohit, V. K. (2005). E-commerce and economic development. *Foundation for Public Economics and Policy Research*, 1–122.

Radonjic-Simic, M., Pfisterer, D. (2019). Beyond platform economy: a comprehensive model for decentralized and self-organizing markets on internet-scale. *Computers*, 8(4), 90.

Rane, N., Choudhary, S., Rane, J. (2024). *Artificial intelligence and machine learning in business intelligence, finance, and e-commerce: a review*.

Spink, J., Moyer, D. C., Park, H., Heinonen, J. A. (2013). Defining the types of counterfeiters, counterfeiting, and offender organizations. *Crime Science*, 2(1), 8.

Staake, T., Thiesse, F., Fleisch, E. (2009). The emergence of counterfeit trade: a literature review. *European Journal of Marketing*, 43(3/4), 320–349.

Xue, N. (2024). Research on issues and strategies of international trade law under the background of the rapid development of cross-border e-commerce. *Science of Law Journal*, 3(8), 32–41.

## INFORMATION ABOUT THE AUTHOR / СВЕДЕНИЯ ОБ АВТОРЕ

Anna V. Pokrovskaya — Assistant, Research Intern, Postgraduate student of the Department of Civil Law and Procedure and Private RUDN University, Moscow, Russia. Expert of patent practice national phases, Intellectual Property Center «Skolkovo», Moscow, Russia,

Анна Владимировна Покровская — ассистент, стажер-исследователь, аспирант кафедры гражданского права и процесса и международного частного права Российского университета дружбы народов, г. Москва, Россия. Эксперт патентной практики по национальным fazam РФ, ЦИС «Сколково», г. Москва, Россия.

Статья поступила в редакцию 26.06.2025;  
одобрена после рецензирования 11.09.2025;  
принята к публикации 15.09.2025.

The article was submitted 26.06.2025;  
approved after reviewing 11.09.2025;  
accepted for publication 15.09.2025.