



Nigeria - IP Case Study – Combating counterfeiting in e-commerce platforms

Background

Strong Muscles Company is a French manufacturer of electric tools. Its products are popular all over the world, including Nigeria, where the company has been present for decades.

Strong Muscles Company discovered that numerous counterfeit products were being sold on an online platform in Nigeria. No contact details for the sellers were available on the platform. The only way to contact them was through the platform. There were numerous listings, with each seller offering only a few references for sale.

Action undertaken

Due to the lack of information available on the platform about the sellers and the large number of sellers with limited listings, it was decided that attempting to locate and prosecute each seller would be too time consuming and costly. Instead, Strong Muscles Company decided to petition the online platform to delist the counterfeit products.

The platform agreed, in principle, to delist the counterfeit products. However, the platform requested more information on how to identify the infringing products.

It was then decided to sign a memorandum of understanding (MoU) between Strong Muscles Company and the platform. The Strong Muscles Company provided the platform with the necessary information to identify counterfeit products, allowing the platform to delist counterfeit products.

The MoU proved very effective and the platform removed many counterfeit listings.

Lessons learned

- Do not hesitate to contact online platforms. Selling counterfeits affects their reputation and they are often willing to cooperate in removing counterfeits.
- Although it is possible to contact platforms through the 'Contact Page', a petition sent by a legal practitioner can also serve as a pre-action notice in Nigeria.
- Provide the platform with the relevant information to enable them to differentiate between genuine and counterfeit products. This will avoid a lengthy back-and-forth between the rights holder and the platform
- A common issue on online platforms is the use of photos of genuine products by a seller of counterfeits. In some countries, these photos would be protected by copyright. However, laws vary from country to country, and in some countries, photos of products are not considered to be 'artistic works' and are not protected by copyright.

Contacts us:

africaiphelpdesk.eu

E-mail: africa.iphelpdesk@euipo.europa.eu

Phone Number: Europe (Spain): +34 96 513 9810

Opening hours: Monday to Friday
8:30 to 18:30 (CET/CEST)

Follow us:

facebook.com/AfricalPR

[@AfricaIPR](https://linkedin.com/company/africaipr)

