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**Re: 2022 Review of Notorious Markets for Counterfeiting and Piracy: Docket No.
USTR-2022-0010; Rebuttal Comments of TikTok**

These rebuttal comments are submitted by TikTok in response to comments posted on October 7, 2022, by UNIFAB (Union des Fabricants), The Transnational Alliance to Combat Illicit Trade (TRACIT); and The Authors Guild, in the 2022 Review of Notorious Markets for Counterfeiting and Piracy.

In its comments, UNIFAB acknowledges that the TikTok team enforcing intellectual property rights is doing a good job. UNIFAB also suggests several areas for improvement including easing the process of notifications, improving tracking and take downs of easy-to-find counterfeits, and increasing the effectiveness of proactive measures (UNIFAB submission, p.25-26). As discussed below, protecting intellectual property rights is a priority for TikTok, and we have robust mechanisms in place to do just that. As the actions of bad actors on our platform continue to evolve, we continue to respond and improve our processes and response mechanisms, and we welcome input and suggestions from UNIFAB and other stakeholders regarding specific improvements or areas of concern.



In its comments, TRACIT lists 11 platforms where “fraudulent adverts are spreading,” including TikTok, but does not provide any comments specific to TikTok (TRACIT submission, p.3).

In its comments, The Authors Guild maintains that Z-library is a “notorious pirate site”, particularly for downloading illegal eBooks. The Authors Guild states the hashtag *#zlibrary* has millions of views on TikTok, but it does not identify or allege any failure on the part of TikTok regarding specific infringing activity. On the contrary, The Authors Guild is focused on access to Z-library in general, stating that “[a]ccessing active domains is as simple as typing the site name in a search engine” (The Authors Guild submission pp.4, 6, and fn.12). Nevertheless, we have blocked search results for *#zlibrary* while our Trust and Safety team assesses content on TikTok associated with that hashtag.

USTR should not include TikTok in the 2022 Notorious Markets for Counterfeiting and Piracy List (“2022 List”). As discussed below, TikTok has clear Community Guidelines¹, as well as effective proactive and reactive measures in place to respond to counterfeit activity on the platform. In addition, our trained and experienced Intellectual Property Operations team (IPI Ops) has processes and mechanisms in place to expeditiously address rightsholders’ complaints. Furthermore, TikTok has engaged and is engaged with external stakeholders to continuously strengthen our approach to enforcing intellectual property rights on our platform.

Our Company

TikTok is the leading destination for short-form mobile video. TikTok helps people find community through shared interests, giving users a canvas to express their creativity and discover the world around them. Our mission is to inspire creativity and bring joy. We are passionate about earning the trust of our community (including users and stakeholders) and strive to build responsibly, equitably, and openly. TikTok has over a dozen global

¹ See <https://www.tiktok.com/community-guidelines?lang=en>



offices including Los Angeles, Silicon Valley, New York, Dublin, London, Paris, Berlin, Dubai, Mumbai, Singapore, Jakarta, Seoul, and Tokyo.

TikTok Shop is an innovative new shopping feature where entertainment meets commerce. TikTok Shop enables merchants, brands and creators to showcase and sell products directly on TikTok through in-feed videos, LIVEs, and product showcase tab. Tiktok Shop is currently available in Singapore, Indonesia, Vietnam, Philippines, Thailand, Malaysia and the United Kingdom, and will be launching in the United States in the upcoming months. We are committed to building a safe and positive shopping environment on TikTok Shop and protecting the customers and the intellectual property rights of rightsholders and brands.

Our Commitment to Protecting Intellectual Property Rights

TikTok is a platform that brings joy to millions of people in the United States, and we are committed to promoting a safe and positive environment for our users and rightsholders. TikTok's [Terms of Service](#)² and [Community Guidelines](#) (collectively, "Terms") do not allow posting, sharing, or sending any content that violates or infringes someone else's copyrights, trademarks or other intellectual property rights. Our Community Guidelines apply to everyone and to everything on TikTok. Consistent with our Community Guidelines, we will remove any content—including video, audio, livestream, images, comments, links, or other text—that is in violation the Guidelines. In addition, we will suspend or ban accounts involved in severe or repeated offenses.

Our Process to Protect Intellectual Property Rights

Protecting Intellectual Property rights is a priority for TikTok. As discussed below, we employ a number of innovative processes to detect and remove infringing content and accounts that violate our Terms.

² See <https://www.tiktok.com/legal/terms-of-service-us?lang=en>



1. Proactive Strategy

Because TikTok is such a unique app (we are a video platform built around a powerful discovery tool/recommendation engine through the For You feed), we have to take a proactive stance to identifying and removing harmful content. TikTok uses a combination of technology and human moderation teams to detect and remove content and accounts that violate our Community Guidelines. Uploaded content goes through safety checks, during which technology and our human moderators scan and review the content—including text, audio, and visuals—for violations of our Terms. Moderation is complex, and TikTok is a unique platform; therefore, we take a comprehensive approach to identifying and removing violative content.

TikTok creates special precautions for product features that are commonly used on other platforms to sell counterfeit goods. For example, TikTok prohibits users from direct messaging hyperlinks³ to other users. We also maintain a list of websites (including those that lead to the sale or promotion of counterfeit goods) that we take measures to limit their appearance on our platform.

2. Reducing Discoverability

Reducing user discoverability of content that violates our Community Guidelines is of paramount importance. Accordingly, TikTok proactively blocks search results for terms that violate our Community Guidelines, including terms that relate to counterfeit goods such as *#designerdupe* and *#designerreplicas*. We also recently blocked search results for *#zlibrary* while our team assesses content associated with that hashtag. Since bad actors are constantly adapting their methods and inventing new keyword variations to avoid detection, we listen and respond to feedback from intellectual property owners, which allows us to constantly update our list of known keywords, trends and/or other codes used by counterfeiters. We welcome any specific input from the rightsowner community in this effort.

³ <https://en.wikipedia.org/wiki/Hyperlink>



3. Infringement Reporting

We honor valid take-down requests based on violations of copyright law and trademark law. If infringing content inadvertently makes its way onto the platform, the IPI Ops team dedicates itself to the expeditious review and removal of offending items. Comprised of trained intellectual property specialists within our Trust and Safety team, IPI Ops enforces our policies designed to protect intellectual property rights across the globe, with locations in Dublin, Los Angeles, San Francisco and Singapore.

Rightsholders can use one of two dedicated webforms for Copyright⁴ and Trademark/Counterfeit⁵ to submit infringement reports. TikTok is committed to holding bad actors accountable. We will suspend or ban accounts involved in severe or repeated violations that infringe on the intellectual property rights of others. For further information on how we evaluate intellectual property infringement allegations, please reference our [Intellectual Property Policy](#)⁶.

Moreover, the IPI Ops team is constantly working to identify and implement process improvements to allow the team and TikTok to better serve rightsholders. We invite rightsholders to share best practices with us in order to improve TikTok's efficiency and effectiveness in handling rightsholder requests.

With the upcoming launch of TikTok Shop, as part of our efforts to prevent counterfeiting and build a trusted online platform for our customers, we expanded upon our existing notice-and-takedown process through the creation of our Intellectual Property Protection Centre (IPPC), an efficient reporting tool that empowers rightsholders to manage their intellectual property protection on our marketplace. This enables rightsholders to create accounts, upload and save their intellectual property documentation, search product listings, and file complaints from any location and in every TikTok Shop market. The IPPC

⁴ See <https://www.tiktok.com/legal/report/Copyright?lang=en>

⁵ See <https://www.tiktok.com/legal/report/Trademark?lang=en>

⁶ See <https://www.tiktok.com/legal/copyright-policy?lang=en>



is currently rolled out on an invitation-only basis to greater than 25 multinational rightsholders and will be fully, publicly launched on or around November 2022.

4. Collaborating with Rightsholders

TikTok continuously operates to provide a safe app experience. We recognize that the fight against counterfeit and pirated goods is ever-evolving and that we need to be prepared to address unexpected trends and challenges as they arise. Accordingly, TikTok works with a variety of partners on these efforts. TikTok maintains regular contacts with a variety of industry rightsholders and trade organizations around the world to share insights and receive feedback.

TikTok recognizes the risks posed by counterfeit-related content on our service, and we take our responsibility to rightsholders/brands and our users seriously. We have made significant investments to root out violative content, including establishing a cross-functional task force with dedicated points of contact for brands who are empowered to take swift action when suspected violations are reported.

TikTok Shop has a dedicated team which manages external outreach and collaboration with rightsholders and relevant government agencies ensuring that intellectual property needs and concerns are addressed in a timely manner. TikTok has proactively put in place a direct communication channel with important external stakeholders in this regard.

Additionally, TikTok Shop is pursuing a number of Memorandum of Understandings (“MOUs”) with governmental Intellectual Property offices and industry associations in multiple jurisdictions within Southeast Asia as part of our dedication and commitment to the prevention of online counterfeiting on our marketplaces. One such MOU has been signed with the Amsterdam-headquartered industry giant, REACT group, who service companies in markets across Asia and Europe.

Failure to Clearly Identify That TikTok Should Be Included in the 2022 List



USTR develops its annual Notorious Markets List primarily based upon public comments. USTR requires that comments “clearly identify” why a specific market should be included in the Notorious Markets List and asks that information be “as detailed as possible,” and should include an “estimate of the number of infringing goods offered, sold, or traded.”

In their comments, UNIFAB, TRACIT, and The Authors Guild do not clearly identify why TikTok should be included on the 2022 List. Moreover, as discussed above, TikTok has robust and proactive processes to address reported infringement, identify and remove violative content, block search results for terms that relate to counterfeit goods, and suspend or remove accounts with activity that infringes on the intellectual property rights of others. UNIFAB, TRACIT, and The Authors Guild have not argued otherwise, nor have they provided any estimate of the number of infringing goods offered, sold, or traded on TikTok or provided any reasonable basis for which TikTok should merit inclusion on the 2022 List.

Conclusion

We work diligently to earn and maintain our community's trust. In a very short four years, and due to the great work of our teams and our collaboration with rightsholders, law enforcement, and other public and private organizations, we have continued to make steady progress to protect the safety of our community and integrity of and trust in our platform. Our work does not stop here. We are committed to constantly innovate in order to disrupt the activity of malicious actors attempting to leverage TikTok to offer, distribute, or sell counterfeit and pirated goods.

TikTok does not belong on the 2022 List of Notorious Markets for Counterfeiting and Piracy. The 2022 List is reserved for marketplaces that “engage in and facilitate substantial copyright piracy and trademark counterfeiting.” As explained clearly and in detail above, this description does not apply to TikTok; therefore, USTR should not include TikTok in its 2022 List.



Thank you for this opportunity to present our rebuttal comments. If you have any questions regarding our submission or TikTok's process to protect intellectual property rights, please contact Stephanie Mendoza at stephanie.mendoza@tiktok.com.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Beckerman", with a long horizontal flourish extending to the right.

Michael Beckerman

Vice President and Head of Public Policy, Americas, TikTok