

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

In re:

2023 Review of Notorious Markets for
Counterfeiting and Piracy: Comment
Request

Docket No. USTR-2023-0009

88 Fed. Reg. 58055

COMMENTS OF META PLATFORMS, INC.

Pursuant to the request for comments of the Office of the United States Trade Representative (“USTR”), Meta Platforms, Inc. (together with its family of apps and services, “Meta”) appreciates the opportunity to provide reply comments for the 2023 Review of Notorious Markets for Counterfeiting and Piracy (“Notorious Markets List”).

Introduction

Meta’s mission is to give people the power to build community and bring the world closer together. As part of this mission, Meta supports millions of U.S. businesses – most of them small businesses – that choose to use our platforms every day to share their products and services with customers and grow.¹ These businesses depend on our products to offer a safe experience for the sharing of lawful content.

To ensure this trusted environment, Meta remains deeply committed to protecting intellectual property rights, and we continue to make meaningful progress in working with rights holders to protect against counterfeits – indeed, as acknowledged in this

¹ See, e.g., State of Small Business, available at <https://dataforgood.facebook.com/dfg/docs/2022-global-state-of-small-business>.

year's nominations. We firmly agree with industry stakeholders that, in addition to hurting consumers, counterfeits harm the U.S. economy and undermine the intellectual property rights of rights holders. Meta itself is an intellectual property owner² and appreciates firsthand the serious risks that counterfeits pose, in addition to the challenges of enforcement online. For all of these reasons, we believe that a collaborative, multi-pronged approach to anti-counterfeiting enforcement is critical for all stakeholders.

Meta also fully supports the overall goals of the Notorious Markets List – an important tool to combat piracy and counterfeiting on the global stage and to induce foreign governments to take action to stop abuse of intellectual property rights. But if the Notorious Markets List is to continue to advance U.S. trade interests internationally, it needs to remain focused on the underlying purpose of the Special 301 program: the identification of *foreign* countries and *foreign* markets that engage in or facilitate piracy and counterfeiting. USTR should not allow parties to misuse the report to target U.S. companies – particularly those that have developed leading practices to protect intellectual property, driven American innovation forward and provided thousands of jobs globally. In that regard, Meta strongly objects to the assertions that Meta, including any of its family of apps and services, should be placed on the Notorious Markets List.

The Notorious Markets List Is Limited to Foreign Countries and Foreign Platforms

Section 182 of the Trade Act of 1974 – also known as “Special 301” – is a provision of U.S. trade law that requires USTR to identify “foreign countries” that deny adequate and effective protection of intellectual property rights.³ As the legislative history of the provision explains, Congress created the Special 301 process to address “the related problems of inadequate and ineffective intellectual property protection in foreign markets and access to those markets for U.S. intellectual property.”⁴ Notably, like the statutory text itself, the legislative history to Special 301 is devoid of any indication that Congress intended USTR to use the Special 301 process to target U.S.-based

² See, e.g., *Oculus Terms of Service, Section 11: Ownership and Intellectual Property*, available at <https://www.meta.com/legal/guest/terms-for-oculus-account-users/>.

³ Under the Special 301 program, USTR must identify “those foreign countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to United States persons that rely upon intellectual property protection.” 19 U.S.C. § 2242(a)(1). The statute 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 citizens or nationals of such *foreign country* to secure, exercise, and enforce rights relating to patents, process patents, registered trademarks, copyrights, trade secrets, and mask works.” *Id.*, § 2242(d) (emphasis added). This provision plainly concerns inadequate protection by *foreign countries*, applying their own laws, of the intellectual property rights of those who are not citizens or nationals of those countries.

⁴ See S. Rep. 100-71 at 75 (1987).

companies.⁵ Simply put, the nomination of Meta, a U.S. company, for inclusion on the Notorious Markets List lacks any legal basis.

Further, submissions nominating Meta are contrary to the purpose of the Notorious Markets List itself. USTR developed the Notorious Markets List in consultation with Congress over a decade ago to address a specific problem: the trafficking of counterfeit and pirated goods in foreign markets where the U.S. government lacked jurisdiction and the ability to impose effective remedies.⁶ In its call for submissions, USTR “encourages foreign government authorities to intensify their efforts to investigate reports of piracy and counterfeiting in [listed markets], and to pursue appropriate enforcement actions.”⁷ This concern does not exist with respect to U.S. platforms, because the U.S. government has jurisdiction and the ability to impose effective remedies on U.S. platforms, including their foreign domains.

Importantly, Meta’s products could only have been conceived of and built under the strong and balanced U.S. policy and legal framework. The fact that Meta’s services reach beyond the United States does not transform Meta Platforms, Inc. – a U.S.-headquartered company – into a foreign actor. The proper context in which to address U.S. services’ measures to tackle online infringement is instead through ongoing U.S. government efforts in which U.S.-based companies – including Meta – are engaging and collaborating with stakeholders from all aspects of the ecosystem on an ongoing basis. And notably in this regard, feedback received from the U.S. government and rights holders has been essential to the development of Meta’s intellectual property-related products, policies, enforcement measures, and beyond. Meta stands ready to continue collaborating with the U.S. government and other important stakeholders as we work to further combat intellectual property infringement.

⁵ See, e.g., *id.* at 76 (“Section 302 adds a new section 182 to the Trade Act of 1974. It requires the USTR . . . to identify and publish in the Federal Register a list of priority *foreign countries* that deny adequate and effective protection of intellectual property rights. . . .”) (emphasis added).

⁶ See, e.g., *2010 Joint Strategic Plan On Intellectual Property Enforcement* at 14 (2010) (stating that “[t]he use of foreign-based and foreign-controlled websites and web services to infringe American intellectual property rights is a growing problem Despite the scope and increasing prevalence of such sites, enforcement is complicated because of the limits of the U.S. Government’s jurisdiction and resources in foreign countries.”); *id.* at 9 (discussing the NML).

⁷ *2023 Review of Notorious Markets for Counterfeiting and Piracy: Comment Request*, USTR-2023-0009-0001, available at <https://downloads.regulations.gov/USTR-2023-0009-0001/content.pdf>.

Meta's Collaboration-Based Approach to Intellectual Property Protection

Meta's IP protection measures begin with our terms and policies,⁸ which strictly prohibit counterfeiting, piracy and other forms of IP infringement on Facebook, Instagram and our other services. To enforce our terms and policies, we employ a wide variety of tools and measures aimed at removing bad actors from our platforms, including in the first instance a robust notice-and-takedown system operated by a global team of trained professionals who provide around-the-clock coverage in multiple languages – every day of the year. Beyond this, and of ever-growing importance, we continue to invest heavily in new technologies and proactive measures aimed at removing infringing content before that content even gets posted, as well as industry-leading reporting tools such as Brand Rights Protection and the IP Reporting Application Programming Interface (“API”), consumer education and more.

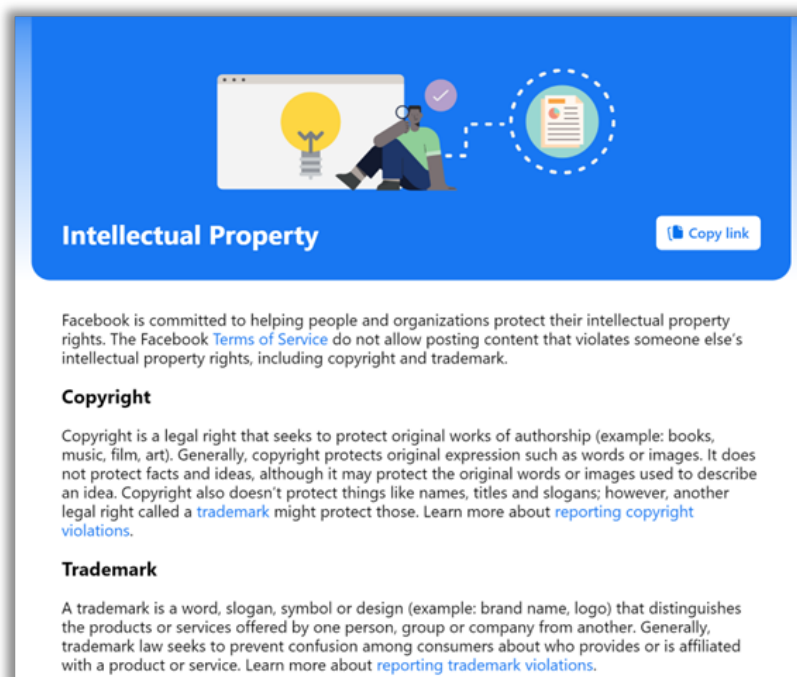


Image 1: Facebook Intellectual Property Help Center

⁸ See, e.g., Meta's Terms of Service, available at <https://www.facebook.com/legal/terms>; Instagram's Terms of Use, available at <https://help.instagram.com/581066165581870>; Facebook's Community Standards, available at <https://www.facebook.com/communitystandards>; Instagram's Community Guidelines, available at <https://www.facebook.com/help/instagram/477434105621119>; Meta's Commerce Policy, available at <https://www.facebook.com/policies/commerce>; Meta's Seller Agreement, available at https://www.facebook.com/legal/commerce_product_merchant_agreement; Meta's Advertising Standards, available at <https://transparency.fb.com/policies/ad-standards>; WhatsApp's Terms of Service, available at <https://www.whatsapp.com/legal/updates/terms-of-service>; Oculus Terms of Service, available at <https://www.meta.com/legal/quest/terms-for-oculus-account-users>.

The foundation of all of Meta’s enforcement measures is the invaluable feedback we receive through close, cross-industry collaboration with rights holders, trade organizations, government entities, creators, users and others, which we continue to value and prioritize. Indeed, collaboration is at the heart of Meta’s strategy in the fight against online counterfeiting. We engage with both private and public organizations – in the U.S. and around the world, and across a range of industries, including luxury fashion, retail, beauty, sports, pharmaceutical, consumer goods, wine/spirits, tobacco, media, electronics and entertainment – to gain insights into the latest trends, behaviors, and issues that help us enhance our IP protection measures and develop new, innovative strategies to tackle infringement. Further, we welcome the opportunity to engage with rights holders with whom we may not yet be connected. Indeed, many of the measures we have in place today, such as our advanced IP reporting tools and proactive systems, were built based on learnings from our collaborations with rights holders, trade organizations and others.

We also participate in structured engagements, such as the European Commission's Memorandum of Understanding on the Sale of Counterfeit Goods Via the Internet (“MOU”). As part of the MOU exercise, we engage in regular bilateral meetings with rights holder signatories and measure the impact of our collaboration. Many of the solutions we have implemented over the years – including our proactive enforcement – benefited greatly from these collaborative discussions.

Beyond on-platform enforcement, we also partner with rights holders to go after bad actors in the real world. For instance, in April 2021, Meta and Gucci US jointly filed a lawsuit against an international counterfeiting business in U.S. federal court, the first litigation of its kind for both companies. This lawsuit is a clear signal to those who engage in counterfeiting that such behavior will not be tolerated, on or off our platforms. Cross-industry collaboration with rights holders, like Gucci, is an important piece of our strategy, and we look forward to doing more of this in the future.

As we discuss in more detail below, we launched Brand Rights Protection, a specialized tool that empowers rights holders to identify and report IP infringement at scale, based on direct feedback from rights holders. We have continued to build out a suite of enhanced functionality, and just last year we launched further enhancements including improved search, automated takedowns, and a new insights dashboard. We are excited about giving rights holders more functionality and transparency than ever before, and we look forward to continuing to work together to make Brand Rights Protection even more effective.

We are committed to continuing to develop what the Unifab submission identified as the “good relationship [between stakeholders and] the team responsible for IP infringements

and brand protection” at Meta, and we remain optimistic that open dialogue and further collaboration is the best way to address the feedback raised in these submissions.

Submissions Nominating Meta Are Misleading

In keeping with our partnership-based approach to addressing counterfeits, we welcome input on ways that Meta can continue to enhance its intellectual property protection and anti-counterfeiting program. While Meta appreciates the concerns raised in stakeholders’ submissions around volumes of reports of infringement, those must also be seen in the overall context of the significant work Meta is doing, including over the past year. Meta’s commitment to anti-counterfeiting is ongoing, and new developments rolled out in the last twelve months include: improved text- and image-based search, plus new transparency features, in Brand Rights Protection; developing a new intellectual property reporting application programming interface (API) designed to make rights holders’ reporting experience more seamless; automated takedowns in response to reports of infringement from eligible rights holders; new AI and machine-learning technology to proactively remove accounts engaged in counterfeiting activity; and multiple education campaigns on Facebook and Instagram to discourage users from purchasing counterfeits. The remainder of this submission goes into more detail about these updates, as well as the other measures we take to protect intellectual property.

Proactive Anti-Counterfeiting Measures

Contrary to certain submissions’ unsupported claims that Meta places the burden of tackling intellectual property infringements on the brands, our anti-counterfeiting efforts increasingly focus on proactive measures. We have invested heavily in measures such as machine learning, artificial intelligence, automation and other technologies to block or limit the distribution of potentially infringing content independently and prior to any rights holder report – and frequently before the content even gets posted. This includes measures to detect potentially infringing content on Facebook and Instagram ads, commerce listings, and non-commerce (so-called “social commerce” or “organic”) surfaces such as Facebook Pages and Instagram posts and accounts.⁹

Our systems are able to identify and block potentially counterfeit content – often automatically – by taking into account various combinations of signals, such as brand names, logos, keywords, prices, discounts and other indicators. We are constantly working with rights holders to fine-tune and enhance these measures, and we are pleased that – because of these investments – more than 95% of content we take action on as potentially counterfeit is done proactively, as demonstrated by our

⁹ For more information, see Meta’s Intellectual Property Transparency Report, available at <https://transparency.fb.com/reports/intellectual-property/>.

published data.¹⁰ In fact, we block many millions of ads and commerce listings for violating our policies before they ever go live. We use these technologies to not only proactively disable potentially infringing posts on Facebook and Instagram, but also to disable entire problematic Instagram accounts, Facebook Pages, and groups.

We also take steps to proactively reduce the discoverability of potential IP violations on Facebook and Instagram. For example, we proactively restrict certain searches on Facebook and Instagram based on data indicating connections to counterfeit products in an effort to curb this kind of online behavior. We also block certain hashtags on Instagram for the same reason, and in some cases automatically disable accounts that repeatedly post content containing blocked hashtags. More recently, we launched new measures that focus on making counterfeits harder for users to find. Now, when users enter certain counterfeit- and piracy-related terms (e.g., “luxury replica” and “IPTV”) into the search bar on Facebook or Instagram, they are directed to a pop-up that explains Meta’s policy against IP infringement and offered a link to Meta’s IP Help Center to learn more. Only after users see this pop-up can they click through to see the results of their search. By adding this layer of friction, we are able to reduce users’ engagement with potential counterfeit and pirated content – all while providing further education and transparency.

Below are two examples of these educational pop-ups as they appear on Facebook and Instagram:

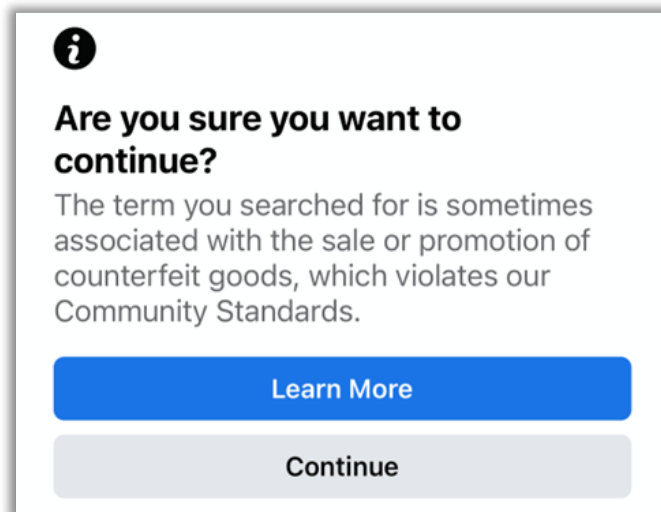


Image 2: User Pop-Up on Facebook

¹⁰ Meta’s IP Transparency Report: Proactive Enforcement, available at <https://transparency.fb.com/data/intellectual-property/proactive-enforcement/facebook>

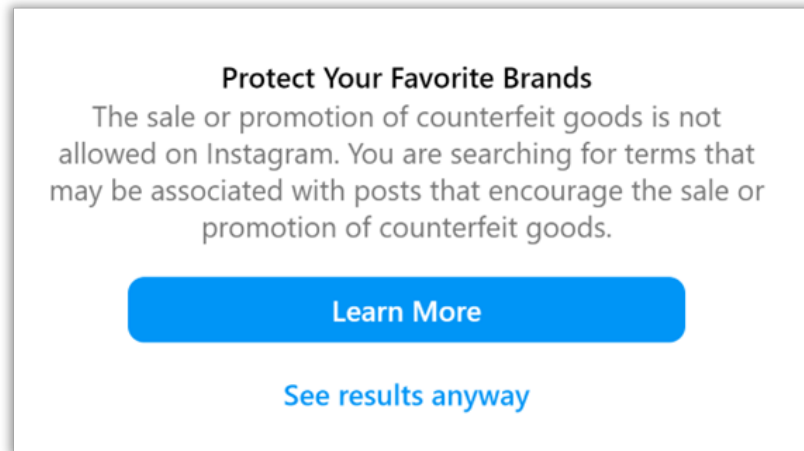


Image 3: User Pop-up on Instagram

Allegations that Meta does not vet sellers are overstated. Meta continues to invest in promoting authentic connections by reducing fraudulent activity and making it easier for people to identify trustworthy activities across our technologies. Meta uses a number of checks to vet users, including requiring that users provide accurate information when they register for a profile (which is required in order to post an item on Marketplace) and know-your-customer (KYC) checks and/or seller verification for certain high-volume sellers, sellers who have enabled checkout on Facebook and Instagram in the U.S., and sellers with limited history on our technologies or who exhibit other signs of suspicious account activity.

Reporting Intellectual Property Infringements

While proactive measures are highly effective, they are not perfect for many reasons, including the ongoing gamesmanship of bad actors, technological limitations, and other practical realities. For this reason, notice-and-takedown continues to play a role in our intellectual property program, and we have built effective procedures and tools to empower rights holders to notify us of intellectual property infringement. Reports submitted by a rights holder are processed by our IP Operations team, a team of trained professionals that span across major global markets who provide around-the-clock coverage in multiple languages, every day of the year. If a report is complete and valid, the team promptly removes the reported content – typically within a day or less, and in many cases within a matter of hours – and confirms that action with the rights holder that reported it. These reports are processed at remarkable scale: From July 2022 through the end of December 2022 (the most recent period for which data has been published), Facebook and Instagram removed more than 1.7 million pieces of content in response to more than 180,000 counterfeit reports.¹¹

¹¹ Meta Newsroom: Transparency Report, Second Half 2022, available at

And, like Facebook and Instagram, WhatsApp maintains a dedicated channel through which rights holders may submit reports of intellectual property infringement, such as counterfeits and trademark infringement via email (ip@whatsapp.com). For content that WhatsApp hosts, such as profile and group photos, based on a complete and valid intellectual property report WhatsApp will remove the reported content. Content shared by users in private chats is not hosted on WhatsApp servers, and all communications are end-to-end encrypted. Nevertheless, rights holders can provide information, including screenshots, about why content or accounts may be infringing, and those reports will be reviewed against WhatsApp policies and action will be taken as appropriate. Notably, WhatsApp's Terms of Service provide that an account may be disabled or suspended if users "seriously or repeatedly infringe the intellectual property rights of others." Whenever possible, the infringing content should also be reported on-platform in addition to submitting the relevant information as described above.¹²

Going Beyond Notice-and-Takedown

In addition to the robust proactive enforcement measures described above, we have developed new tools to simplify the reporting process and assist rights holders even further. Over the past year, we launched and significantly expanded access to our Intellectual Property Reporting API (API), which allows rights holders and their agents to programmatically report content that violates their IP rights.¹³ They can use this API to automate and streamline the reporting of infringing content by filling in the same fields as Meta's IP reporting forms in a secure and trusted way, resulting in speedier processing time of reports.

And once a report of infringement is resolved, in many cases, in addition to removing individual pieces of reported content, we will also take a closer look at the account responsible for content removed for infringement. For example, if a rights holder submits a counterfeit report against a single post, we may review the whole Page, profile or account that made the post and remove it in its entirety if we discover evidence of widespread infringement. Additionally, we also take further-reaching actions against ad accounts and other connected content upon receipt of a counterfeit ad report.

Contrary to the submissions' suggestion that Meta does not seem to employ effective measures against repeat infringers, in fact we implement a comprehensive repeat

<https://about.fb.com/news/2023/05/transparency-report-second-half-2022/>; Meta's Intellectual Property Transparency Report, available at <https://transparency.fb.com/reports/intellectual-property/>.

¹² Instructions on how to report on-platform in WhatsApp, available at <https://faq.whatsapp.com/iphone/security-and-privacy/how-to-block-and-unblock-contacts>.

¹³ About The Intellectual Property Reporting API, available at <https://www.facebook.com/business/help/1785616748438429>

infringer policy that applies to remove Facebook profiles, Pages, groups, Instagram accounts, and ad accounts that repeatedly violate someone else's intellectual property rights. Meta's policies apply punitive actions, including removal, to Facebook Pages that repeatedly post ads infringing the intellectual property of others, above and beyond any action we take on the ad accounts. In practice, users with repeat or blatant violations may face other punitive actions, in addition to our repeat infringer policy, such as being barred from Marketplace, having their ad accounts disabled or by imposing product restrictions and feature limitations, such as prohibiting someone's ability to post content or create new Pages or groups for a set period of time. On top of those repeat infringer policies and the actions we take upon receipt of counterfeit reports, we also have technological measures in place aimed at preventing disabled profiles and accounts from returning to or remaining on our platform. To be sure, given the intent of bad actors to game platforms' enforcement systems, repeat infringement is a hard problem to solve. But we are continually working to further enhance our comprehensive enforcement, and any allegation that Meta does not implement such measures is wholly unsupported.

2. Account suspension or termination

We want Facebook to be a place where people feel welcome and safe to express themselves and share their thoughts and ideas.

If we determine, in our discretion, that you have clearly, seriously or repeatedly breached our Terms or Policies, including in particular the Community Standards, we may suspend or permanently disable your access to Meta Company Products, and we may permanently disable or delete your account. We may also disable or delete your account if you repeatedly infringe other people's intellectual property rights or where we are required to do so for legal reasons.

Image 4: Meta's Terms of Service

Brand Rights Protection

Contrary to certain statements that Meta's IP reporting tools are rudimentary, we have continued to invest heavily in developing specialized tools like Brand Rights Protection to help rights holders most effectively identify and report counterfeit content at scale. Brand Rights Protection empowers rights holders to search for content and accounts across Facebook and Instagram, and to report any infringements through a streamlined dashboard. Over the last year, and in close partnership with rights holders, Meta has continued to build out a suite of enhanced functionality. Indeed, we released new improvements including improved search, automated takedowns, and a new insights dashboard. We are excited about giving rights holders more functionality and

transparency than ever before, and we look forward to continuing to work together to make Brand Rights Protection even more effective.

To make it easier for rights holders to identify and report infringements, in late 2022 we expanded the Brand Rights Protection’s functionality to search across ads, Marketplace, Facebook groups, Facebook Pages, Facebook profiles, Instagram accounts and posts on Facebook and Instagram. Not only has Meta expanded search to organic content and accounts, but we have made text search more powerful and flexible over the past year – rights holders can now search using not just their trademarks, but also keywords, URLs and Facebook and Instagram IDs to identify content they may wish to report as infringing. And search is not limited to text. Rights holders can upload up to ten images to their account, such as logos or product images, and then – through the tool’s enhanced image-matching technology – rights holders can review and report any matching ads they believe to be infringing.

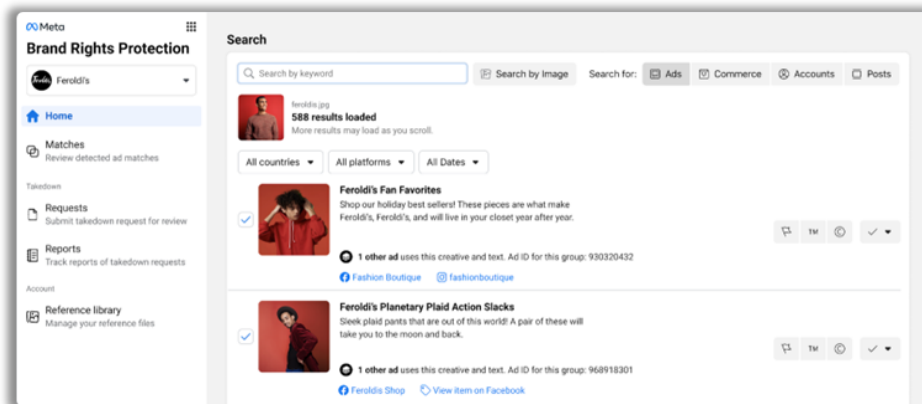


Image 5: Brand Rights Protection – Image Search

In addition to the improvements to the search experience, last year we introduced automated takedowns for eligible rights holders, who now see dramatic improvements to the time it takes to resolve their reports of IP infringement. To protect the integrity of our systems and prevent misuse of this feature, we regularly audit takedown requests and may consider additional factors to determine eligibility. In addition to improving the speed of resolving reports, Brand Rights Protection now makes it easier (and faster) for rights holders to submit reports of potentially infringing content. Not only does Brand Rights Protection seamlessly offer up content for review based on rights holders’ searches, but the tool now automatically recommends ads, commerce listings, Facebook Pages and Instagram accounts for review based on previous reports and allow lists. Notably, Brand Rights Protection has also expanded the types of reports that rights holders can submit to include business impersonation, in addition to copyright, trademark and counterfeit.

These new sets of features – all launched over the past year – are on top of the unique functionalities that many rights holders appreciate about Brand Rights Protection, including global search of listings on Marketplace, search result sorting and filtering options, and options to save rights holders’ contact and trademark information within the tool, to help rights holders efficiently monitor and report infringing content.

As we continue to expand the features of Brand Rights Protection to help businesses protect their brands, we are also increasing transparency into our review of intellectual property reports. Last year, we launched a new Insights dashboard that gives rights holders visibility into the impact of their reports over time. Specifically, rights holders are able to view the total number of pieces of content removed over the last 90 days and see a breakdown of those removals by content type, including ads, commerce listings and Instagram accounts. The Insights dashboard is in addition to the tool’s existing Reports dashboard, which already provides rights holders information about the status of their submitted reports. Together these dashboards give rights holders unprecedented transparency into their reporting experience.

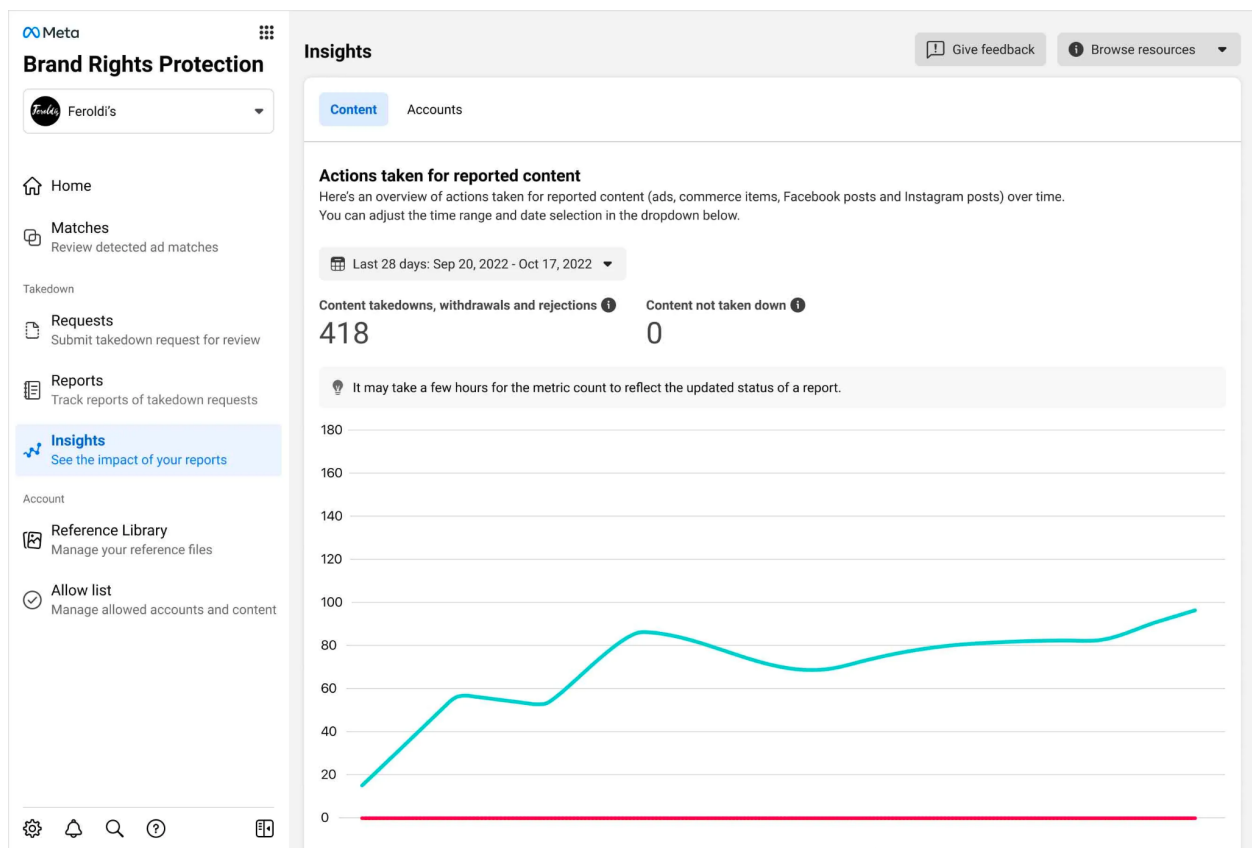


Image 6: Brand Rights Protection – Insights Dashboard

We strongly encourage the widespread use of Brand Rights Protection, and we have a simple, publicly accessible enrollment process available. More than four thousand

brands worldwide are enrolled in this tool, covering the spectrum of businesses – from large global brands to small and mid-sized businesses – and across a diverse range of industries, including electronics, pharmaceuticals, sports apparel, luxury fashion and accessories, footwear, luggage, and more. We look forward to continuing to iterate on Brand Rights Protection and our other IP protection tools with the collaboration and input of rights holders.

Education And Transparency

Education and transparency are essential to our efforts to protect IP. First, as noted above, our terms and policies make clear that counterfeiting, piracy and other forms of IP infringement have no place on our platforms. Indeed, whether it be our users, creators or advertisers, everyone using Meta’s products and services agrees not to infringe the IP rights of others. We maintain detailed Intellectual Property Help Centers for both Facebook¹⁴ and Instagram¹⁵ to provide information about IP as well as our terms, policies and procedures. With respect to counterfeiting in particular, we also maintain and regularly update a dedicated website¹⁶ outlining the many measures we undertake to tackle counterfeits on our platforms.

Additionally, we regularly publish an Intellectual Property Transparency Report¹⁷ that provides information on our intellectual property policies and procedures as well as data regarding intellectual property removals. This data covers the volume of copyright, trademark and counterfeit reports received by Facebook and Instagram, the amount of content removed in response to those reports and the corresponding removal rate. The Transparency Report also includes data about the amount of content removed by Meta proactively. In 2022, approximately 98% of all counterfeit removals on Facebook were done proactively, and on Instagram, approximately 85% of all counterfeit removals were done proactively.¹⁸ Additional information can be found in our Newsroom¹⁹ and a Companion Paper²⁰ to our Transparency Report, which summarizes Meta’s IP protection measures on Facebook and Instagram. We are proud to share this data publicly, and we believe it speaks both to the substantial progress we have made in intellectual property protection and the direction of our program moving forward –

¹⁴ Facebook IP Help Center, located at https://www.facebook.com/help/intellectual_property

¹⁵ Instagram IP Help Center, located at <https://help.instagram.com/535503073130320>

¹⁶ How Meta Helps Protect Against Counterfeits, located at <https://www.facebook.com/business/tools/anti-counterfeiting/guide>

¹⁷ Meta’s IP Transparency Report, located at <https://transparency.fb.com/data/intellectual-property>

¹⁸ Meta’s IP Transparency Report (Proactive Enforcement), located at <https://transparency.fb.com/data/intellectual-property/proactive-enforcement/facebook>

¹⁹ Meta’s Newsroom: How We’re Proactively Combating Counterfeits and Piracy, available at <https://about.fb.com/news/2021/05/how-were-proactively-combating-counterfeits-and-piracy>

²⁰ How We Protect Intellectual Property (IP) Rights, available at <https://transparency.fb.com/data/intellectual-property/protecting-intellectual-property-rights>

including how we leverage technology to identify and proactively act on potential intellectual property violations.

We also incorporate education and transparency into our users' reporting experience. Specifically, when content is removed from our services based on an IP report, a notification is sent to the reported user at the time of the removal providing information about the report, the reporting party and the violation that occurred. Notably, users are also informed of our repeat infringer policy and are told that if they continue to post infringing content, further actions will be taken, including potentially disabling their account.

We also continue to find creative ways to bring about greater consumer awareness. For example, in spring 2023, we launched a new ad campaign with partners across Europe – including with Unifab in France – aimed at educating users on Facebook and Instagram about the dangers of online counterfeiting.²¹ These ads targeted users in select European countries and provided foundational information on what constitutes counterfeiting and piracy, as well as the potential harms that illicit goods pose to consumers. The ads also directed users to certain partner websites for additional resources on the importance of IP protection and staying vigilant in the fight against online counterfeiting.²²

²¹ See World Trademark Review, “Meta Launches Campaign To Educate ‘Tens of Million of People’ on Dangers of Counterfeiting,” available at <https://www.worldtrademarkreview.com/article/meta-launches-campaign-educate-tens-of-millions-of-people-dangers-of-counterfeiting>

²² See, e.g., “UNIFAB, ALPA and Meta Launch a Public Awareness Campaign on the Internet Against Counterfeiting and Piracy,” available at <https://about.fb.com/fr/news/2023/03/unifab-lalpa-et-meta-lancent-sur-internet-une-campagne-de-sensibilisation-du-grand-public-a-la-contrefacon-et-au-piratage/>



Image 7: Facebook public awareness campaign

Conclusion

We hope this submission sheds light into how seriously Meta takes intellectual property protection, particularly as it relates to our anti-counterfeiting efforts and the significant steps we have taken over the past year to further protect IP. Our efforts in this regard will continue, and we believe it is unfortunate that submissions about Meta both mischaracterize our work and distort the purpose of the Special 301 program in securing protection for intellectual property rights by U.S. trading partners. As demonstrated by the enormous investments we continue to make across proactive enforcement measures, more efficient reporting mechanisms, partnerships with rights

holders, upgrades to Brand Rights Protection, increased transparency, and more, Meta remains deeply committed to combating IP infringement. Toward that end, Meta welcomes the opportunity to further engage with USTR on our work to protect intellectual property.

Please contact brianrice@meta.com if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Brian Rice". The signature is written in a cursive style with a large, stylized "B" and "R".

Brian Rice
Vice President of Executive Branch
Meta Platforms, Inc.