



Featured Article

Cracking Down on Trademark Infringement: Inside Douyin's E-Commerce Complaint Mechanism

I. Development Status and Trademark Infringement Phenomena of Douyin E-commerce

With the rapid growth of the internet, short-video platforms have become an integral part of daily life. Douyin, the Chinese counterpart to TikTok (which serves international markets), has leveraged its massive user base and

interactive features, to establish as a leader in the short-video sector. A key pillar of the Douyin ecosystem, Douyin E-commerce has gained significant attention for its unique business model and commercial value.¹ According to internet reports, Douyin E-commerce's gross merchandise volume (GMV) reached approximately ¥3.5 trillion in 2024, marking a 30% year-on-year increase.²

1. "Analysis of Douyin E-commerce Model: Exploring the Core Features and Commercial Value of Douyin's E-commerce Model", *Short video learning*, <<https://www.2zixun.com/a/281158.html>> (accessed 20 February 2025).

2. "In 2024, Douyin's e-commerce GMV was approximately 3.5 trillion yuan, with top influencers contributing about 9% to the total volume", *Tencent*, <<https://news.qq.com/rain/a/20250214A055LS00>> (accessed 20 February 2025).

1.1 Key Features of Douyin E-commerce Compared to Traditional E-commerce:

- **Strong Social Engagement and High Exposure:** Douyin E-commerce utilizes short videos and livestreams to showcase products dynamically, fostering consumer trust through real-time interactions in the live room. Its algorithm-driven recommendation system ensures rapid exposure and sales.
- **Low Entry Barriers:** The platform's low entry requirements attract numerous small-to-medium merchants and individual live streamers.³
- **Separation of Content and Sales:** Products displayed during livestreams may differ from those actually shipped.

1.2 Characteristics of Trademark Infringement on Douyin E-commerce:

- **Complex Infringement Entities:** Infringers include not only producers and sellers but also live streamers and their affiliated marketing agencies. The low entry threshold allows marketing companies to operate multiple accounts⁴ and stores, complicating enforcement. Sometimes, after successful mass complaints by

rights holders, they may find themselves at a loss when confronted with the continuous emergence of new infringing stores and accounts.

- **Real-Time and Concealed Infringing Activities:** Livestream-based sales enable real-time, hidden infringing activities. For example, livestreams lack replays, account operator information is not disclosed, and infringers may guide consumers to order through non-infringing links to obscure sales data.

1.3 Recommendations for Rights Holders:

- Conduct thorough investigations in order to determine the relationships among multiple infringing accounts and stores (e.g., IP addresses, livestream scenarios, store operator details).
- Preserve evidence through screen recordings, timestamp notarization, purchasing infringing goods; and communicating with hosts in the live streaming rooms to identify concealed infringing acts.
- Avoid premature legal actions (e.g., cease-and-desist letters) that might prompt infringers to destroy evidence.

3. The initial costs for onboarding onto Douyin E-commerce vary depending on the product category and policies. For some categories that offer "zero-cost onboarding," merchants can join without any initial costs. However, for categories that require a deposit, the minimum threshold is RMB500.

4. After completing real-name authentication, merchants

can activate the product showcase feature. For Douyin accounts with over 500 verified followers, the product showcase can be displayed on the account's homepage, and products can be recommended in the comment section. Accounts with over 1,000 verified followers are eligible to engage in product promotion through posts, videos, and live-streaming.

- Choose appropriate enforcement measures based on the investigation results and the evidence: such as filing complaints with the platform, the market supervision authority, or the police department; initiating civil litigation; filing trademark opposition/invalidation actions as coordinated measures.

II. Douyin's Trademark Infringement Complaint Rules and Mechanisms

Currently, consumers shop on Douyin E-commerce through three channels:

- Purchasing via livestreams hosted by stores or influencers.
- Searching for products/brands in Douyin app's "Mall" section.
- Using the standalone "Douyin Mall" app launched in April 2024.

Under China's *E-commerce Law*, Douyin qualifies as an e-commerce platform operator and must establish intellectual property protection rules when e-

commerce activities occur in the Douyin Mall. Courts, such as Beijing Haidian District Court, have also affirmed that Douyin, as a livestream platform and content provider, assumes e-commerce platform responsibilities in trademark disputes related to live-streaming sales.⁵

Therefore, in addition to traditional e-commerce stores and products, Douyin has established protection rules for trademark infringement behaviors involving live-streaming accounts, short videos, and live-streaming rooms. Rights holders are required to file complaints separately for different types of infringement. The specific complaint rules are introduced as follows:

2.1 Complaint Channels:

- Submit complaints via the *Douyin E-commerce Intellectual Property Protection Platform* (ippro.bytedance.com).
- Use in-app reporting tools or designated email addresses for accounts without e-commerce qualification and contents without product-links.

5. Civil Judgment No. 6194 of the First Instance, Haidian District People's Court, Beijing (2021) held that platforms primarily engaged in the production and provision of content shall be recognized as e-commerce platforms if the services they actually provide to the parties involved in transactions comply with the relevant definitions under the E-commerce Law. Considering that users of the platform can engage in internet marketing activities by activating specific functions, the live streaming interface of the platform displays information such as the name, images,

and price of the goods involved, users can directly access the product page without being redirected to another platform by clicking specific links within the platform, users can directly check their order information for the goods involved in their Douyin accounts, and shopping requires clicking the shopping cart in the Douyin platform interface to complete the purchase on the stores, it is determined that Beijing Microlive Vision Technology Co., Ltd., as the operator of the Douyin platform, is an e-commerce platform operator.

2.2 Documentation Requirements:

- Rights holders must register accounts by providing trademark certificates (including registration certificates, assignment certificates, renewal certificates etc.), identity documents, and Power of Attorneys (if represented). It takes about 1 or 2 days for Douyin to verify and approve an account registration request.
- Submit evidence: screenshots highlighting infringement, product links, and authenticity comparisons, if needed.

2.3 Categories of Trademark Infringement Complaint:

- **Product Infringement:**⁶
 - **Improper Use of Trademarks:** This refers to the situation where merchants use the trademark of the rights holder in product descriptions or images, which may mislead consumers. Rights holders may submit screenshots of the product page, highlighting the location of the infringement, along with the product link or code as preliminary evidence. Douyin does not assess trademark similarity and only accepts complaints where the alleged trademark is identical to the trademark in question.

■ Counterfeit Products:

Complainants must provide evidence such as comparative materials of genuine and counterfeit products, authentication reports, or statements indicating that the product models or styles have never been produced, to prove that the products being sold are counterfeit.

■ Trademark Infringement by Similar Marks:

Douyin cannot assess trademark similarity. If rights holders wish to file complaints against marks that are similar to their trademarks, they must submit judicial judgments or administrative authorities' decisions proving that the alleged mark constitutes similar to the trademark in question for the complaint to be accepted.

■ Other Trademark Infringement Situations:

This includes instances where the rights holder's trademark is obscured or altered.

- **Content Infringement:** This includes trademark infringement in short videos, live-streaming rooms, and influencer accounts. For example, infringement may occur in the titles and content of short videos, the

6. "Guidelines for Selecting Grounds for Complaint and Evidence Submission on Douyin E-commerce Intellectual Property Protection Platform", *Douyin E-Commerce Learning Center*,

<https://school.jinritemai.com/doudian/web/article/aHjKZAbRBJQL?btm_ppre=a4977.b5856.c0.d0&btm_pre=a4977.b5856.c0.d0&btm_show_id=73f9ae3b-b8bd-4e22-a11c-41d0e345edf8> (accessed 20 February 2025).

background, titles, and cover images of live-streaming rooms, the nicknames and profile pictures of e-commerce influencers, as well as the products sold in short videos and live-streaming rooms.

Rights holders are required to submit preliminary evidence, including screenshots of the infringing content (with the infringing locations highlighted) and links or codes to the infringing content.⁷

- **Store Infringement:** This includes infringement of store names, logos, and other store-related information, as well as the qualifications of the store. Rights holders are required to submit preliminary evidence, including screenshots of the infringing store (with the infringing locations highlighted) and the store link or code.⁸

If an infringer uses the rights holder's trademark in multiple contexts—such as the store name, product descriptions, live-streaming account, and short videos—the rights holder must file separate complaints for each type of infringement. If there are multiple infringers and various types of infringement, a single complaint for one

type of infringement can cover multiple entities.

2.4 Platform Handling Process:



III. Practical Insights and Analysis

3.1 Time Efficiency: Complaints are typically resolved within 3 business days.

3.2 Complaints for Store Names, Logos, and Account Information:

Generally, it is necessary to determine whether such actions constitute trademark use in the context of trademark infringement. Non-trademark use does not constitute infringement, and this determination can be complex. However, Chinese e-commerce platforms, including Douyin and Taobao, generally accept

7 . "Guidelines for Filing Infringement Complaints Regarding E-commerce Content on Douyin Intellectual Property Protection Platform", Douyin E-Commerce Learning Center, https://school.jinritemai.com/doudian/web/article/aHjqTTPi1BEH?btm_ppre=a0.b0.c0.d0&btm_pre=a4977.b5856.c0.d0&btm_show_id=e57f066d-cb4c-482d-9f29-d9a25a57d92a, (accessed 20 February 2025).

8 "User Guide for Filing Store Complaints on Douyin E-commerce Intellectual Property Protection Platform",

Douyin E-Commerce Learning Center, https://school.jinritemai.com/doudian/web/article/aHaJDaxm76Xx?rank=0&fromPage=search_result&searchInfo=&qquery=%E5%BA%97%E9%93%BA%E4%BE%B5%E6%9D%83&resultType=%E5%8A%9F%E8%83%BD&btm_ppre=a0.b0.c0.d0&btm_pre=a4977.b5856.c0.d0&btm_show_id=e57f066d-cb4c-482d-9f29-d9a25a57d92a, (accessed 20 February 2025).

intellectual property infringement complaints in these scenarios.

3.3 Complaints for “Improper Use of Trademark” on Products:

In product infringement complaints, “improper use of trademarks” has the lowest burden of proof for rights holders, requiring only screenshots showing the infringing information. This reflects Douyin's proactive stance in combating trademark infringement and protecting intellectual property rights. Taobao and other e-commerce platforms previously accepted such complaints but have now raised the evidence requirements, demanding rights holders submit comparative materials of genuine and counterfeit products, authentication reports, or other evidence to prove that the seller is dealing in counterfeit goods.

To balance the interests of stores and account operators, and maintaining a neutral position as an unsuitable adjudicator of disputes, Douyin requires complainants in “improper use of trademarks” complaints to prove that the sellers “used the trademark in question” with a high standard of proof. The platform only recognizes the use of the trademark if the alleged infringing trademark is identical to the trademark in question or has only added non-distinctive text elements.

For complaints involving graphic trademarks, if the rights holder's graphic

trademark is used in combination with other text (e.g., text embedded within the graphic), Douyin will not consider the alleged trademark identical to the trademark in question, even if the graphic elements are identical. Rights holders are advised to file complaints based on other grounds, such as “trademark infringement by similar marks.” Even if rights holders detail the malicious intent of the infringer in their complaints, it is of no avail, as determining “malice” is beyond the capability of non-legal professionals.

Moreover, although the complaint guidelines do not explicitly require identical products, determining similarity of goods is a legal issue. Therefore, complaints involving similar goods are unlikely to be accepted, increasing the difficulty of rights protection. Rights holders may need to initiate trademark infringement litigation to obtain a court judgment or seek rulings from administrative authorities to prove good similarity before continuing with platform complaints.

3.4 Inconsistent Results in Similar Infringement Complaints:

The author has filed complaints against a batch of stores, products, live-streaming accounts and infringing videos. The store and account names included the trademark in question, while the products and videos used the same trademark. However, the results were inconsistent: some store and account name complaints

were successful, while others were deemed to involve similar, not identical, trademarks and thus failed. Some products using the trademark in descriptions or images were found infringing, but others using the trademark in less conspicuous parts of the product details were not considered infringing.

3.5 Formal Examination of “Counter-notices” (Appeals by the sellers):

In a batch of complaints handled by the author, a seller presented a trademark registration certificate and a trademark license agreement to appeal on the Douyin platform, which was accepted by Douyin. In reality, the trademark registration certificate was for a trademark that had been squatting on the rights holder's mark, which the rights holder had already registered and used in multiple flagship stores on Douyin. The seller did not use the squatted trademark properly but combined it with other graphics and used it outside the scope of the registered goods. Even though these flaws were clearly pointed out in the second complaint, Douyin did not conduct a substantive examination of

the appeal materials and continued to support the merchant's appeal.

These complaint results align with our understanding of intellectual property complaints on e-commerce platforms: while the examination standard for preliminary evidence should be higher than a mere formal examination, it cannot be held to the professional standard of legal practitioners. Determining trademark similarity, good similarity, likelihood of confusion, and malicious intent are legal issues beyond the general judgment capacity of e-commerce platforms. When the trademarks or goods are not identical or the seller holds a Chinese trademark registration certificate, it is difficult for the platform to determine whether infringement has occurred. The platform will not undertake excessive obligations to avoid liability for errors in judgment.⁹

Furthermore, even in cases of inconsistent complaint results and obvious flaws in the infringer's appeal materials, courts will consider the platform's capabilities, costs, and the long-term development of the e-commerce industry. If e-commerce and

9. Article 13 of the Guidelines for Adjudicating Intellectual Property Cases Involving E-commerce Platforms by the High People's Court of Zhejiang Province stipulates:

E-commerce platform operators shall review whether the notices and counter-notices meet the formal requirements, and shall exclude notices that obviously do not constitute intellectual property infringement and counter-notices that obviously fail to prove the legality of the notified party's actions.

When determining whether the circumstances fall under

the aforementioned "obvious" category, the People's Court shall take into account the general judgment capability of e-commerce platform operators and shall not evaluate such matters from the perspective of legal professionals specialized in intellectual property law. If an e-commerce platform operator chooses to raise the standard of examination for notices and counter-notices, it shall bear the legal liability arising from errors in its examination and judgment.

live-streaming platforms have established relevant mechanisms, such as entry mechanisms for live-streaming sales, intellectual property protection mechanisms, and complaint-reporting mechanisms, and have reviewed the qualifications of live-streaming operators and assisted rights holders in protecting their rights, we believe that courts will tend to recognize that the platform has fulfilled its reasonable duty of care, has no intent to infringe others' trademarks, and does not constitute contributory infringement. Therefore, the platform will not be held jointly liable.

3.6 Comparison with the Trademark Infringement Complaint Mechanism of TikTok:

Both Douyin and TikTok offer relatively comprehensive processes and safeguards for trademark infringement complaints. Complaints can be submitted through their respective online intellectual property protection platforms. However, there are some differences in operational details between the two. For example:

Douyin handles complaints based on China's intellectual property laws and e-commerce laws, while TikTok caters to a global user base, and complaints from different regions are governed by the respective local laws.

Douyin requires complaints to be submitted in Chinese, whereas TikTok supports complaints in multiple languages.

Douyin does not specify a clear timeframe for processing complaints, but they are typically resolved within 3 days. In contrast, TikTok generally processes complaints within 14 days, depending on the complexity of the case.

Conclusion

In summary, Douyin, as one of the rapidly growing e-commerce platforms in China, has established a comprehensive intellectual property protection mechanism and complaint system that covers various types of trademark infringement. It also provides specialized channels for content complaints regarding live-streaming and short-video trademark infringements. The platform generally responds quickly to trademark infringement complaints.

However, in cases involving the determination of trademark similarity, good similarity, or situations where the alleged infringer holds a trademark registration certificate or a trademark license agreement—scenarios that may lead to disputes—such assessments typically exceed Douyin's examination capabilities. When the platform conducts a non-specialized legal examination standard, rights holders may struggle to achieve favorable complaint outcomes and may even risk alert the infringer prematurely.

In such instances, rights holders should take more assertive measures, such as filing for trademark invalidation, initiating administrative complaints, or pursuing trademark infringement litigations. Obtaining a favorable court judgment or

administrative ruling before lodging an e-commerce complaint can enhance the likelihood of successful enforcement and lay the groundwork for future complaints involving the same brand.

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Ms. Liang Yundi has extensive experience in domestic and international trademark protection. She has represented numerous companies in global trademark searches, trademark registrability assessments, trademark usage risk evaluations, global trademark portfolio management, trademark reviews, oppositions, invalidations, cancellations, trademark administrative litigation, e-commerce platform enforcement, trademark infringement investigations, and copyright protection. Her clients span various industries, including e-commerce, consumer electronics, new energy vehicles, new energy batteries, stationery, biopharmaceuticals, fashion, cosmetics, international hotels, and banking. Her notable cases include series invalidation and cancellation administrative litigations of the "双11" and "618" trademarks (including cancellations due to lack of distinctiveness and non-use); representing prominent Chinese companies in coexistence negotiations in the EU, Brazil, and Türkiye; representing a domestic biopharmaceutical company in a trademark opposition defense in the United States and negotiating global trademark coexistence agreements; assisting a client in addressing product takedowns on Amazon and negotiating with rights holders.

She assisted her client in a trademark application and enforcement project in Russia, which was recognized as a "2024 Outstanding Intellectual Property Enforcement Project" by the Shanghai Intellectual Property Administration.