

To: BEHRNDT Nils (JUST); [REDACTED] (JUST); [REDACTED] (JUST)
Cc: [REDACTED] (JUST); [REDACTED] (JUST); [REDACTED] (JUST); [REDACTED] (JUST); [REDACTED] (JUST)
Subject: Flash report - meeting with Federation of European Sporting Goods Industry 29/10

Meeting with Federation Of European Sporting Goods Industry on DSA

Participants:

FESI: [REDACTED]
Adidas : [REDACTED]
DG JUST : [REDACTED]

Topics discussed : FESI indicated that they have requested the meeting to discuss how the Digital Services Act (DSA) can better prevent sales of counterfeit goods and offers deceiving consumers. They insisted that one of every 20 sporting goods sold online is fake.

- **Improved Notice and take-down procedures** – FESI indicated that legitimate IP holders need to make one notification per IP address, which slows the process considerably. FESI considers that it will be better to notify a large number of IP addresses at the same time. FESI indicated that marketplaces sometimes take one month to take down offers containing counterfeit products. Very often counterfeit products are also dangerous products and in this case, FESI considers that it will be useful that Marketplaces are obliged to notify consumers that the product that they have bought is fake and/or dangerous.
- **Know your business customer principle** as indicated in the EP IMCO report. This principle according to FESI should be implemented in a way that prevents listing of counterfeit products. At DG JUST question how this should be done in practice, FESI and Adidas indicated that market places should implement a risk analysis, taking into consideration the origin, the identity of the trader, delivery time and even users review. They indicated that they will provide more information on this issue.
- **Market places need to have more responsibility in preventing counterfeit and dangerous products** – Adidas indicated that Amazon is not implementing its 0% tolerance policy in practice, despite the public declarations. Adidas/FESI indicated that the CPC rogue traders action has shown that Marketplaces are able to identify and delist products using AI quite efficiently and fast. This should be used also for other misleading and fake offers, including counterfeit products.
- **Need to further raise awareness about counterfeit products** – the revenue of counterfeit products is often used for illegal activities, including terrorism. The providers of counterfeit products have changed strategy and these goods are now only slightly cheaper than originals, so consumers and in particular young people are often misled. DG JUST indicated that the European Consumer Centres are having awareness campaigns. FESI indicated that they are ready to cooperate in future campaigns.

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European Commission

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