

October 7, 2026

The Honorable Jamieson Greer
United States Trade Representative
600 17th Street Northwest
Washington, D.C. 20508

Re: Request for Comments Concerning USTR's 2026 Review of Notorious Markets for Counterfeiting and Piracy (USTR-2026-0529)

Dear Ambassador Greer:

The Footwear Distributors & Retailers of America (FDRA) appreciates the opportunity to provide comments to the Office of the United States Trade Representative (USTR) as it prepares its 2026 Review of Notorious Markets for Counterfeiting and Piracy (Notorious Markets List).

FDRA is the footwear industry's trade and business association, representing more than 500 footwear companies and brands across the U.S. This includes the majority of U.S. footwear manufacturers and over 98 percent of the industry. FDRA has served the footwear industry for more than 80 years, and our members include a broad and diverse cross section of the companies that make and sell shoes, from small family-owned businesses to global brands that reach consumers around the world.

Our member companies work hard to design, produce, and deliver shoes to U.S. consumers. Each year, more than 2.2 billion pairs of shoes cross U.S. borders (more than 6.2 pairs of shoes for every man, woman, and child in America). Many of our footwear companies also sell brands that reach consumers in markets around the world. These companies manage global supply chains, so they understand the importance of ensuring strong intellectual property (IP) protection and enforcement in other countries.

As the U.S. works to strengthen IP protection and enforcement for American workers and American consumers, we would like to highlight several emerging trends involving online marketplaces that facilitate widespread trademark counterfeiting and infringement of U.S. intellectual property rights. These trends include both new infringing services and new practices adopted by existing services or their users, such as new types of IP-infringing activity or new methods for avoiding detection and enforcement.

- **Generic listings without brand references:** Sellers create profiles that appear legitimate by using stolen logos, unauthorized product photographs, and fake certifications. Listings may also copy patented designs or copyrighted images to imitate genuine products. To avoid detection, infringers omit explicit references to protected brands and use intentional misspellings or abbreviations to bypass automated filters and trademark-based monitoring systems. Examples of this can be found on e-commerce sites like Alibaba and AliExpress.

MATT PRIEST, President & CEO

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- **Blurred or partially concealed logos:** Repeat infringers often reappear several times before receiving a permanent platform ban. To avoid trademark detection, sellers upload photographs with blurred logos or show only part of a product. They may also combine products from different brands in one listing and use intentional misspellings or abbreviations to bypass automated filters. To increase credibility, some sellers create apparently legitimate profiles and incorporate trademarked terms into their profile names. Examples of this can be found on DHgate.com.
- **Influencer-driven video and livestream sales:** Sellers use videos and livestreams on social media platforms like TikTok to promote imitation products designed to resemble well-known brands. Steep discounts and time-limited offers create urgency and encourage impulse purchases, while influencer promotions may lead followers to assume that products are authentic. Brand-impersonation accounts, links to external websites, strategic hashtags, and algorithm manipulation extend the reach of these offers. Fake reviews and other fabricated social proof further increase their apparent legitimacy.
- **Counterfeits presented as second-hand goods:** Counterfeit and infringing products are presented as second-hand, personally owned, or surplus items on sites like Xianyu, an Alibaba Group platform. This makes it difficult for consumers to distinguish legitimate resale from unauthorized commercial activity. Sellers use vague descriptions, limited or obscured photographs, altered brand names, and copied authentic images to appear credible while avoiding automated detection. Repeat infringers may reopen accounts or move listings across categories after enforcement action. Recent brand monitoring indicates an increase in suspected counterfeit activity on Xianyu, including extensive exploitation of popular product lines. Alibaba Group has been restructured and Taotian Group created as a standalone business group. However, Alibaba Anticounterfeiting Alliance (AACA)-related proactive measures primarily cover Taobao and Tmall rather than Xianyu. Xianyu does not offer brands a proactive prevention mechanism, requiring brands to submit complaints through Alibaba's IPP portal. Complaint handling is generally acceptable, but engagement remains reactive rather than collaborative.
- **Rapid store creation and artificially inflated visibility:** On platforms like Weidian, frictionless onboarding allows replica and counterfeit sellers to open new stores within minutes. When listings or storefronts are removed, the same operators can quickly reappear under new names, creating a recurring enforcement cycle. Weidian continues to host a significant volume of counterfeit products. Rights holders have also observed sellers using click farming and fabricated transactions to inflate sales volumes, increasing the visibility and perceived credibility of counterfeit listings.
- **Customized or altered products that complicate authentication:** Incomplete product information and insufficient or obscured photographs make it difficult to determine the nature and authenticity of listed items on Etsy. Customized or altered products further complicate identification and increase the risk of misrepresentation.

- **Sales through closed groups:** Repeat infringers undermine platform integrity on social media platforms like Facebook by registering multiple accounts with the same email address. Many impersonate brands to appear legitimate, while the restricted nature of closed groups makes access and monitoring significantly more difficult. Bad actors also use fake lotteries and fraudulent brand-recruitment campaigns to collect personal information while impersonating well-known companies or promotional programs.
- **Accounts that mimic original brands:** On social media platforms like Instagram, bad actors copy logos, profile images, and other brand assets to create accounts that resemble legitimate brands, retailers, or authorized dealers. These entities create usernames similar to official accounts, repost authentic marketing content, and advertise exclusive discounts or limited-time promotions to appear credible. Orders are often processed outside Instagram's commerce system, with payments redirected to external services. The ability to create multiple accounts using one email address also allows bad actors to return quickly after enforcement action. Offers for counterfeit products have increased during the past year.
- **The impact of agentic commerce on counterfeit goods:** Agentic commerce inserts a layer between the brand and the consumer, allowing an agent to determine what products the consumer sees and purchases on their behalf. In FDRA's view, this poses a new counterfeit risk. For example, if a brand is not among an agent's top recommendations, the consumer may never see the genuine product. This also raises intellectual property concerns, as the "best" or "cheapest" match returned by the agent may be a counterfeit product that displaces an authentic one. In addition, agents may facilitate the sale of counterfeit goods by recommending, selecting, and purchasing them on a consumer's behalf without any human review of the listing. This can occur in several ways, including agents transacting with fraudulent storefronts that appear legitimate or agents misrepresenting counterfeit goods as genuine products.

In conclusion, FDRA appreciates the opportunity to provide feedback to USTR as it prepares the 2026 Notorious Markets List. Our member companies have incalculable real-world expertise in global trade and the protection of IP worldwide, and our industry can provide an important perspective on these efforts to strengthen brand protection. We stand ready to work with you on this important issue.

Sincerely,



Matt Priest
President & CEO