

Weixin Brand Protection

2022 Updates & Analysis

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Introduction

Since its launch in 2015, the Brand Protection Platform (BPP) has worked closely with the global intellectual property community to support and enforce their important IP rights.

Tencent is committed to minimizing the advertising and sale of counterfeit products on Weixin. We continue to evolve policies and guidelines to meet brand owner needs and deter trademark infringement and counterfeiting in this digital space. We welcome ongoing feedback and input from members on ways we are working to refine the platform and suggestions for new or enhanced features.

We appreciated the ability to re-engage in person with stakeholders across Europe, North America, Asia, and elsewhere. We participated in roundtables, briefing sessions and other meetings with the International AntiCounterfeiting Coalition (IACC), Unifab, Association des Industries de Marque (AIM), the German Anti-Counterfeiting Association (APM), AmCham EU, the European Union Chamber of Commerce, the International Trademark Association (INTA), and the Quality Brands Protection Committee of China Association of Enterprises with Foreign Investment (QBPC), among others. We have also participated in conferences

organized by Confindustria Moda (the Italian Federation of Textiles, Fashion and Accessories), the China-Britain Business Council, the Japan External Trade Organization, and the International Publishers Copyright Protection Coalition.

The Weixin platform is unique in its private and public features, and as a result, provides unique solutions to effectively minimize the misuse of the platform for illicit IP-related activity. Improvements and ongoing updates to BPP have and will strengthen enforcement, the efficiency of the platform, and our support for brands.

These changes include:

- **Penalties:** Upgraded anti-counterfeiting strategy, including enhanced penalties;
- **User Interface:** Optimized platform so brands can more effectively manage complaints;
- **Case Management:** New functionality to allow brands to generate customized reports;
- **Transparency on Penalties:** Rightsholders can see the level of penalties that Weixin has imposed on infringing accounts;
- **Brand Tutorials & Support:** New instructions for brands on how to submit verification materials for Weixin review;

- **Weixin User Education:** Updated instructions on how to report infringement by way of higher quality, useful leads;
- **Membership Application:** Simplified authentication of non-Chinese materials, requiring only translation and local notarization;
- **Repeat Infringement:** Enhanced BPP focus on preventing re-registration of blocked accounts;
- **Keyword Protection:** Ongoing addition of new words under the Keyword Protection Program, including terms such as “replica,” “knockoff,” “fake,” etc.

These and other updates are driving positive results. For example, brands now review 75 percent of user leads, up from 38 percent in 2020. Weixin confirmed approximately 90 percent of reports of infringement on Channels and took enforcement action. The Keyword Protection Program blocks close to 13,000 suspicious registrations per day. As always, we remain open to suggestions and encourage you to write us at any time with your ideas at notice_wxpbr@tencent.com.



Huang Hanzhang

Deputy Director of the Weixin Legal Center and Head of the Brand Protection Platform, Tencent

Throughout my career, I've enjoyed working with IP owners to tackle tough issues like the advertising and sale of counterfeit products and pirated content.

At Tencent, we believe intellectual property protection is one of the most important factors driving innovation around the world. As a leading producer, licensor/licensee, and distributor of high-quality content, for example, as well as the owner of a large global trademark portfolio, we are committed to safeguarding IP and minimizing any infringement on our platforms.

We have a dedicated IP team of more than 100 employees responsible for the day-to-day management of legal matters involving trademark, patent, copyright, domain names, and other IP rights. This global team works with rightsholders, government agencies, law enforcement, and other stakeholders to minimize the unlawful exploitation of any Tencent platform, establish enforcement mechanisms, identify cases of infringement, and intervene against illicit actors.

In 2022, my team spoke directly with hundreds of brands, trade associations, trademark protection service providers, and others worldwide. We organized workshops, participated on panels, solicited feedback

through listening sessions, provided briefing updates, and worked with brands to help tackle complex and novel cases. And at Tencent, we're working to establish a regular, open exchange of information with the goal of improving the experience of IP owners on Weixin.



Danny Marti

Head of Global Public Policy, Tencent

Overview of Brand Protection on Weixin

This report outlines brand protection tools and measures to deter, detect, and address instances of infringement on Weixin, as well as recent operational and policy changes we have made to improve the effectiveness and efficiency of the Brand Protection Platform (BPP).

1.1

About Weixin

One of Tencent's most popular services is Weixin¹, a social communication tool and information publishing platform that connects over one billion users in China. Weixin users rely on the platform to do many different things: communicate with friends and family, share photos and special moments, book a flight or order a taxi, split a restaurant bill, and subscribe to follow company accounts, as a few examples.

The Weixin app is built around people and not products, and private and public features enable users to share information and content with their contacts and followers. Because users cannot search for products across an online catalog or database, as occurs in a typical e-commerce platform, Weixin's anti-counterfeiting program reflects the platform's unique architecture.

The Weixin ecosystem is comprised of different user types and functionalities. Individual users can create Personal Accounts, which are profiles used to engage in text, voice, and video communications with other users. Companies can create Official Accounts to attract followers and send them push notifications. Personal Accounts and Official Accounts are registered with Weixin. Official Accounts may enable users to make purchases on third-party websites managed externally by companies with Official Accounts.

Mini Programs are "sub-applications" independently developed and operated by third parties. Developers can use Mini Programs to promote and provide various services, such as public services, education, entertainment, and e-commerce, among others. Such services are developed, operated, and owned by the third party.

¹ "Weixin" is not simply the Chinese name for "WeChat." WeChat and Weixin are two distinct sister apps operated by different entities under the Tencent group. WeChat is used by people outside of Mainland China, with a focus on facilitating personal communication between contacts. Although WeChat and Weixin are interoperable in limited ways—so that, for instance, WeChat users and Weixin users around the world may communicate directly with each other—different laws and terms of service govern each platform. WeChat also has significantly leaner features than Weixin, though WeChat users may opt into and utilize certain Weixin-operated services.

Figure 1: Weixin Ecosystem



1.2

The Brand Protection Platform (BPP)

Key Components

Weixin's BPP provides tools and solutions that enable rightsholders to:

- Have brand keywords automatically submitted to Weixin's brand protection database, which helps proactively defend against and block infringement at the "account name" level;
- Submit complaints to BPP for investigation and action;
- Receive leads submitted by users of potential counterfeiting activity in private one-on-one chats, group chats, Moments, and Channels;

- Verify leads to expedite notice and takedown procedures for infringing Weixin Personal Accounts; and
- Analyze and follow up on reports and leads in a convenient, centralized manner.

BPP membership is free of charge, and 515 brand owners from 26 countries and regions have joined BPP as of the end of 2022. Members representing more than 30 different industries actively utilize the platform to help enforce their rights. We encourage brands to participate in BPP.

We have created a range of tools that enable us to partner with Weixin users and IP rights owners in combating

infringing activity. For purposes of clarity, we organize these tools and the resulting enforcement activity by the private and public features of Weixin.

How to join BPP

Visit the [Access Guidelines for the Weixin Brand Protection Platform](#) to submit an application to join the BPP.



LEADS COME FROM:

Brand Owners Users Local Authorities

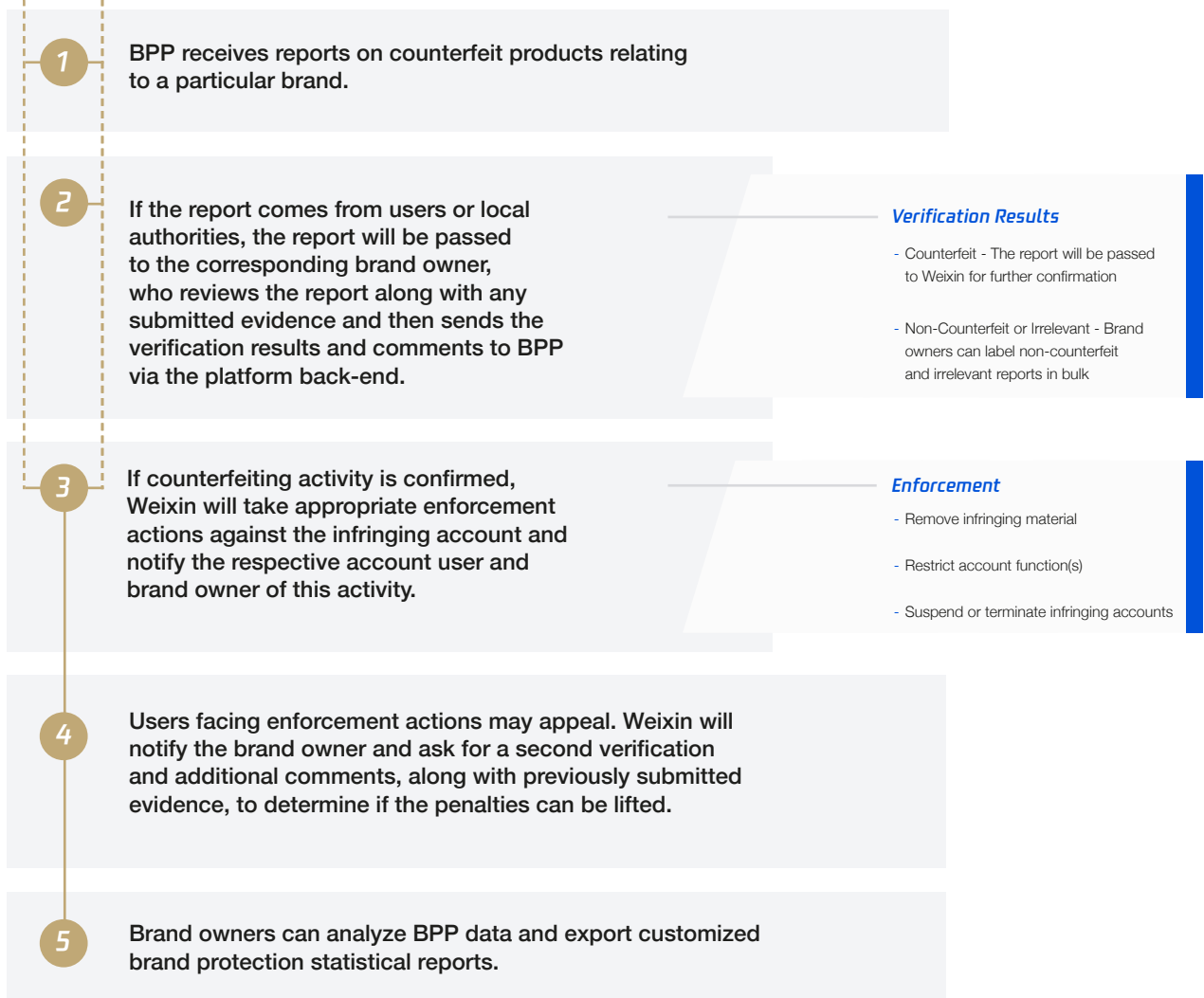


Figure 2: BPP Notice and Takedown Process

Enforcement Across Private and Semi-Private Features

Consistent with Weixin's account-based architecture, BPP offers an innovative tool for Weixin users to report suspected counterfeit activity occurring in **one-on-one chats, group chats, and Moments**, so Weixin can provide such leads directly to brands to investigate and pursue appropriate action. The tool takes

advantage of the platform's account-based architecture to encourage users to report suspected counterfeiting. These "crowd sourced" leads are sent to the corresponding BPP member along with useful information such as the Weixin ID and profile information of the infringing account, the complaint's allegations, and supporting evidence provided by the complainant (e.g., screenshots of communication about a counterfeit good).

This approach requires no affirmative investigations or proactive "policing" by rightsholders on the platform. Instead, brands review and verify user leads in order to proceed. And this system is working both to engage brands and to signal to Weixin users that illicit activity around counterfeit goods has no place on the platform. In short, enforcement can and will occur even within private functions.

Private Features

Figure 3: At a Glance: 2022 Enforcement Activity for Personal Accounts and Group Chats

Personal Accounts

- Weixin handled 199,669 reports on suspected counterfeiting activity (550 per day).
- Brand owners reviewed 147,537 reports of suspected counterfeiting activity.

Of these,

56,438

Personal Accounts were confirmed to have engaged in infringement, and Weixin took enforcement action against them.

About 1 percent of Personal Accounts accused of infringement appealed decisions.



Group Chats

- Weixin took actions against

1,600

Personal Accounts engaged in counterfeiting activities via group chats.



Moments

- In the second half of 2022,

24,625

Personal Accounts faced restrictions on use of Moments.

Percentage of user reports reviewed by brands for enforcement activity has steadily increased,

from

38%

in 2020 to

75%

by the end of 2022.

Enforcement Across Public Accounts and Features

Public accounts and associated features, such as **Official Accounts**, **Channels**, and **Mini Programs**, represent distinct functions within Weixin. With BPP, brands have access to a simplified reporting process across private and public features, and brand owners can file complaints and see the status of any individual report, as well as their full history of submitted complaints.

Enforcement actions against public accounts and associated features consist of removal of infringing material, as well as a range of actions including: an issuance of warnings; temporary account suspension; permanent account termination; removal of infringing articles or content; restrictions on Official Accounts' ability to publish future articles; and deletion of Mini Program account names, profile pictures, and profiles on Weixin.

The company takes appropriate action (account suspension and/or takedown of infringing content) even when counterfeiting occurs on a public feature, such as a Mini Program, that is developed, owned,

operated, and hosted by a third party. Mini Program developers are bound by the "Agreement on Software License and Service of Tencent Weixin" and the "Weixin Mini Program Platform Operation Rules," among other agreements. These agreements include provisions requiring respect for intellectual property rights.² The overwhelming majority of Mini Programs have complied with these rules. As shown in Figure 4, Weixin has worked with brand owners to enact remedial and/or punitive measures on 70 percent of reports received in connection with a Mini Program.

Public Features

Figure 4: At a Glance: 2022 Enforcement Activity Across Official Accounts, Mini Programs, and Channels



Official Accounts

- Received 95,479 complaints of suspected trademark infringement.

- **Confirmed**

44,824

of these reports and took actions against infringing accounts.



Mini Programs

- Received 2,271 complaints of suspected trademark infringement.

- **Confirmed**

1,590

of these reports and took actions against infringing accounts.



Channels

- Received 3,982 complaints and confirmed 3,735 of these reports.

- Took enforcement actions against 2,007 Channels and removed

160,000

videos.

- Penalized 611 associated Personal Accounts linked to infringing Channels.

² See, e.g., Weixin Mini Program Platform Operation Rules (¶ 2.4: "Mini Program accounts shall not make unauthorized use of trademarks or brand logos to which third parties enjoy the legal rights to...Developers shall not infringe upon third parties' intellectual property rights"; and ¶ 9.1 "Mini Programs shall comply with the laws governing trademark, copyright, and other intellectual property rights").

Strengthening Enforcement

Counterfeit products are unlawful and are not allowed to be sold or advertised for sale on the Weixin platform. Weixin manages a range of penalties and restrictions across Weixin features and accounts, both personal and public.

Below we have outlined potential enforcement actions and guidelines for determining the level of penalty enacted against infringing account holders.

2.1

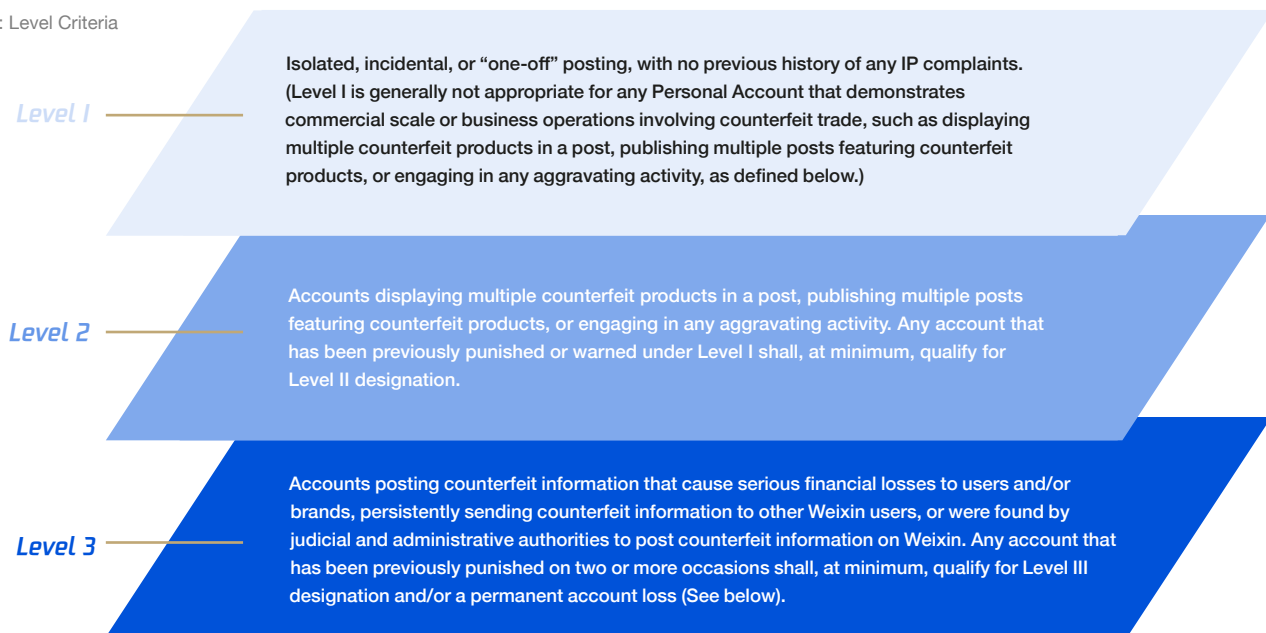
Personal Accounts

Figure 5: Penalty Guidelines for Violations by Personal Account Holders

Personal Account Actions	Level I	Level II	Level III
1. Removal of Infringing Post	Remove	Remove	Remove
2. Account Suspension	Warning Issued	50 Days	500 Days
3. Moments Feature a. Disable Moments b. Block/Remove Historical Posts c. Remove Cover Page	30 Days	500 Days	1000 Days
4. Account Profile a. Remove Profile Picture b. Remove Nickname c. Remove "What's Up"	Infringing account profile information shall be removed permanently.		
5. Disable Group Chat Feature	--	500 Days	1000 Days

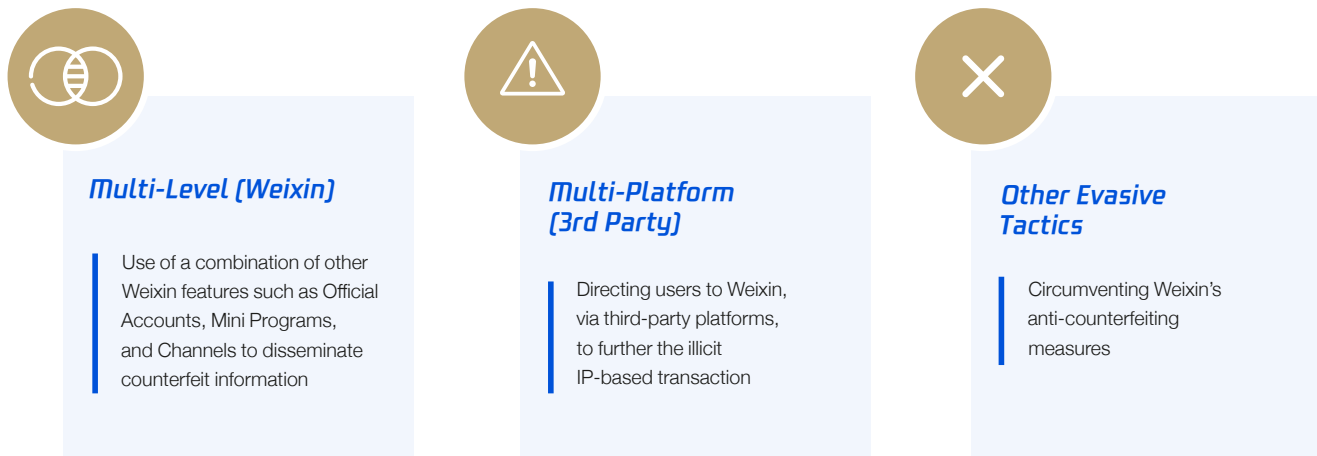
In determining the corresponding assigned restrictions and other penalties, Weixin shall consider all available evidence and will be guided by the following level criteria:

Figure 6: Level Criteria



Aggravating factors that may warrant stricter application of any penalties include, but are not limited to, the following examples:

Figure 7: Aggravating Factors



These actions shall be applied in such a manner as to avoid uneven results, including through the consideration of any aggravating or mitigating circumstances, and based on the totality of the available evidence. As a result, Weixin reserves the right to review penalties on a case-by-case basis to ensure **effective and well-balanced enforcement procedures**, guided by the objective of providing expeditious remedies to block, prevent, and deter the advertising or sale of counterfeit goods.

Permanent Bans

In addition to the **Level I-III criteria**, Weixin reserves the right to **permanently ban** a Personal Account where significant and/or un-remediated counterfeiting and related illicit activity is present. Given Weixin's status as a primary communication tool, Weixin's decision to permanently ban and block a Personal Account will be determined on a case-by-case basis, including considerations of the IP rightsholder's allegations and any account response, whether infringing content was removed expeditiously, and whether a Level III penalty is sufficient under the circumstances. Permanent bans may be appropriate where, for example, the evidence reveals that the account is:

- used predominantly for promoting counterfeit products (esp. where one or more aggravating factors are found);
- a **repeat infringer**, having faced Level II and/or Level III penalties and has resumed counterfeit related activity;
- promoting illicit or otherwise counterfeit products that pose risks to **consumer health/safety**;
- **deploying other deceptive or fraudulent practices**, such as false promotions or similar acts that seek to defraud users, obtain personal information, etc.; or
- subject to a decision by **judiciary or administrative authorities** in connection with acts of counterfeiting.

More Information:

Rightsholders can obtain technical support and information and guidance regarding complaint investigations in the platform's Frequently Asked Questions (FAQ) section or by contacting BPP at notice_wxpbr@tencent.com

2.2

Channels

Complaints and Penalties

If an IP owner believes counterfeit goods are being promoted for sale on Channels, a complaint may be filed through BPP. Our team will investigate and promptly remove the infringing content. In 2022, Weixin received 3,982 complaints involving a Channels user. Working with rightsholders, we were able to confirm 90 percent of the complaints and took enforcement action against associated accounts.

Weixin reserves the right to suspend reported Channels accounts from publishing any videos/livestreams for 30 days if the account is confirmed to be engaging in counterfeiting activities. Weixin also reserves the right to permanently terminate a Channels account based on the nature of the account usage, including accounts used predominantly for promoting counterfeit products or accounts associated with repeat and/or unremediated activity in violation of our terms of service/acceptable use policy.

Linked Enforcement Mechanism

If a report is submitted about a Channels account or a livestream posting counterfeiting information, the associated Weixin Personal Account of that Channels user will also be subject to review.

Weixin will examine public information such as nickname, profile picture, cover page of Moments and/or Moments posts made public by the user. If the associated Personal Account is also found to be engaged in counterfeiting activity, Weixin shall remove infringing information, and take further actions in accordance with the penalty guidelines for Personal Accounts.

3

Upgraded System and Support

Based on feedback from IP owners, BPP has added functions to improve the efficiency of brand protection and make the platform simpler, easier to use, and more effective.

Improving Brand Experiences

New and existing BPP members see a streamlined process for registering their IP rights on the platform. Non-Chinese documents require only local notarization.

Once registered, brand owners access an optimized platform interface with the ability to:

- Remove irrelevant user-generated leads in bulk and use keywords (e.g., "counterfeit" and "original factory") to search and filter across all user-generated reports.

- Receive reminder emails to ensure brands review leads.
- See the level of penalties that Weixin has imposed on infringing accounts, providing further visibility into Weixin's implementation of its updated penalty guidelines.
- Review and track the "notice and take down" process and generate customized BPP statistics reports.
- Reference step-by-step instructions on how to submit verification materials for Weixin's review and how to respond to appeals from suspected infringers.

Sharpening the Quality of User Reports

- To increase user awareness and improve the quality of user-generated leads, we published "Get Tips for How to Submit Complaints," which shows:
 - How users can report counterfeiting.
 - Details on the evidentiary materials that should be provided.

Weixin established a mechanism for submitting reports of infringement directly via group chats. Through BPP, brand owners can then verify these reports and take appropriate action.

User Engagement and Education

- We are publishing more user-facing content to raise awareness about our IP rights protection efforts, including articles warning users about sellers of counterfeit goods and the consequences of joining their ranks.

Figure 8: Reporting Instructions for Users



Proactive Measures

In addition to the BPP, Weixin also implements multiple proactive measures to protect the interests of brand owners.

4.1.

Brand Keyword Protection

Active brand protection begins with account registration. Account names for Official Accounts, Mini Programs, and Channels must be unique and different from existing registered, verified account names. The system automatically intercepts registration and/or change of account names containing certain keywords in our brand database and will require proof of trademark ownership or license for that brand.

The Weixin Official Accounts Platform contains over 27,000 keywords linked to trademarks. The Weixin Channels Account Name Protection System contains over 29,000 keywords relating to trademarks. These databases also include terms such as “fake,” “knockoff,” and “replica.” Brands can always add trademarks to the database by providing appropriate documentation.

4.2.

Preventing Re-Registration of Blocked Personal Accounts

We have developed an innovative system that links mobile phone numbers with device IDs, preventing repeat infringement by banned users and ensuring accurate authorization of new accounts. Whenever a mobile phone number is banned, the associated device ID is also recorded. If a user with a banned mobile phone number tries to register a new account using that same device, it will be blocked by Weixin.

If a user with a previously banned mobile phone number tries to register using a different device, Weixin requires the user to submit evidence from the telecom operator showing the number's activation date.

This system helps ensure that banned users are not able to re-register and that new users are not unfairly penalized for actions of the previous holder of their mobile phone number, which may be “recycled” by telecom operators in their ordinary course of business.

Proactive Measures

In 2022, an average of

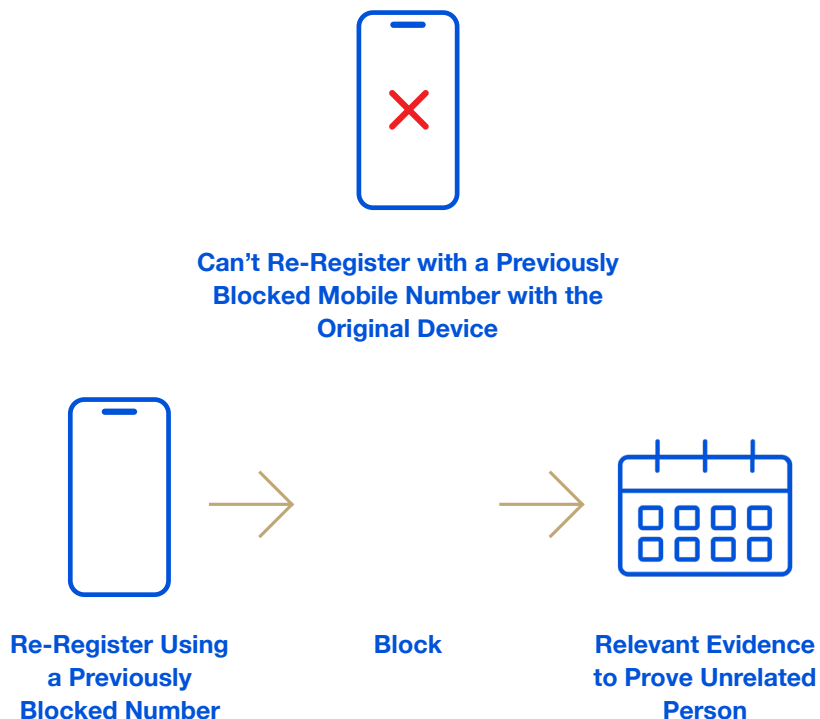
8,527

suspicious Official Account and Mini Programs registrations were blocked each day.

4,000

suspicious Channels registrations were blocked each day.

Figure 9: Re-Registration Restrictions



Partnering with Brands on Offline Enforcement Actions

Weixin has been actively supporting investigations into criminal cases of counterfeiting since 2018 and continues to strengthen our collaboration with brand owners and legal authorities to tackle counterfeiting.

Weixin has served as a bridge between brand owners and legal authorities in China to facilitate enforcement against both online and offline infringement activities. In 2022, Weixin supported six criminal cases and two administrative cases in China. One example is Weixin's long-term online and offline cooperation with the Baiyun District Market Supervision Administration (MSA) in Guangzhou, which began in 2019. As of December 2022, Weixin has helped the Baiyun District MSA take actions against over 2,200 counterfeiting Weixin Personal Accounts. We've also hosted meetings to help connect brand owners with the Baiyun District MSA directly to work together on online and offline enforcement.

Examples of recent collaborations among Weixin, brands, and legal authorities include:

- April 2022: **Nike** – Weixin, together with the IP protection team of Nike, assisted the Guangdong Provincial Public Security Department in cities including Guangzhou, Foshan, Huizhou, and Maoming. They destroyed multiple livestreaming video production locations and warehouses and arrested over 10 criminal suspects. The value of the goods involved exceeded 10 million RMB.
- April 2022: **Niu Lan Shan** – Weixin, together with the IP protection team of Niu Lan Shan, assisted Zhejiang provincial public security authorities and Zhejiang Administration for Market Regulation in solving a case involving the sale of fake alcohol. The value of the goods exceeded one million RMB, and several criminal suspects were arrested.
- December 2022: Weixin assisted law enforcement in Guangdong Province in investigating and following up on important clues to destroy a large counterfeiting network. Law enforcement raided a number of counterfeiting factories, sellers, online promoters, and live-streaming studios, arrested more than 70 criminal suspects, and seized a large volume of counterfeiting samples involving nearly 20 world-famous brands in various industries such as luxury goods, sportswear, luggage, etc. The value of the goods involved exceeded 20 million RMB.
- October 2021: **LVMH** – Weixin Brand Protection Joint Team, together with the IP protection team of LVMH, assisted the Jiangxi provincial public security authorities in resolving a significant case of counterfeiting of registered trademarks, ultimately destroying 13 factories that were producing counterfeit products and arresting 44 criminal suspects. The value of the goods involved exceeded one billion RMB.

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