

HR 5374

SHOP SAFE Act

Congress: 117 (2021–2023, Ended)

Chamber: House

Policy Area: Commerce

Introduced: Sep 26, 2021

Current Status: Ordered to be Reported in the Nature of a Substitute by the Yeas and Nays: 30 - 8.

Latest Action: Ordered to be Reported in the Nature of a Substitute by the Yeas and Nays: 30 - 8. (Sep 29, 2021)

Official Text: <https://www.congress.gov/bill/117th-congress/house-bill/5374>

Sponsor

Name: Rep. Nadler, Jerrold [D-NY-10]

Party: Democratic • **State:** NY • **Chamber:** House

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Cline, Ben [R-VA-6]	R · VA		Sep 26, 2021
Rep. Issa, Darrell E. [R-CA-50]	R · CA		Sep 26, 2021
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		Sep 26, 2021

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Markup By	Sep 29, 2021

Subjects & Policy Tags

Policy Area:

Commerce

Related Bills

Bill	Relationship	Last Action
117 HR 3429	Related bill	Nov 1, 2022: Referred to the Subcommittee on Courts, Intellectual Property, and the Internet.
117 S 1843	Related bill	May 26, 2021: Read twice and referred to the Committee on the Judiciary.

Stopping Harmful Offers on Platforms by Screening Against Fakes in E-commerce Act or the SHOP SAFE Act

This bill makes an electronic commerce platform liable for infringement of a registered trademark by a third-party seller of goods that implicate health and safety unless the platform takes certain actions.

Specifically, the platform may be contributorily liable if the seller uses a counterfeit mark in connection with selling, offering, or advertising such goods on the platform. The platform may avoid such liability by taking certain actions before the infringing act, including (1) requiring the seller to have a registered agent or a verified address for service of process in the United States, (2) verifying the seller's identity and contact information, (3) requiring the seller to agree to not use counterfeit marks with goods sold on the platform, (4) implementing procedures for trademark owners to request the removal of listings for counterfeit goods, and (5) implementing policies to remove and ban repeat offenders.

A person who knowingly makes a material misrepresentation in a request to a platform to take down a seller listing (because the listing allegedly uses a counterfeit mark and implicates health and safety concerns) shall be civilly liable to the seller injured by the resulting improper takedown. If a person makes 10 or more such improper takedown requests, the platform may sue on behalf of the sellers who consent to the platform's lawsuit. A party suing under this bill may choose to receive statutory damages (as opposed to actual damages) of \$2,500-\$75,000 for each improper request, depending on the circumstances of the case.

Actions Timeline

- **Sep 29, 2021:** Committee Consideration and Mark-up Session Held.
- **Sep 29, 2021:** Ordered to be Reported in the Nature of a Substitute by the Yeas and Nays: 30 - 8.
- **Sep 26, 2021:** Introduced in House
- **Sep 26, 2021:** Referred to the House Committee on the Judiciary.