



- (4) A tax id number.

Proposed law requires a third-party high-volume seller to provide and disclose its identity to a consumer by providing, in a conspicuous manner on the consumer product listing or through a conspicuously placed link on the consumer product listing, certain identifying information.

Proposed law allows a high-volume third-party seller to request partial disclosure of identifying information if the seller demonstrates he does not have a business address or business phone number. An online marketplace can require full disclosure of identifying information if the seller has made a false representation to justify partial disclosure of identifying information or the high-volume third-party seller has not responded to inquiries submitted to his email address within a reasonable amount of time. Failure to disclose the information requested by the online marketplace will result in the seller being removed from the online marketplace's platform and the revocation of the seller's access and privileges.

Proposed law provides relative to certain consumer goods and requires a third-party seller to submit the following information to the online marketplace:

- (1) Verification and attestation to the authenticity of any registered trademark product or any consumer product in connection with a registered trademark.
- (2) Agreement not to use counterfeit marks or copyrighted images in connection with the sale, offering for sale, distribution, or advertising of any consumer product listed on the online marketplace.

Proposed law requires this information to be submitted simultaneously with the listing of the consumer product on the online marketplace and failure to do so results in removal of the listing on the online marketplace.

Proposed law requires an online marketplace to immediately remove a listing containing a copyrighted image.

Proposed law provides that an online marketplace shall remove any listing advertising an illegitimate consumer product for sale. Provides that the consumer product shall be considered illegitimate and shall be removed by the online marketplace only after a person who claims the consumer product is illegitimate submits evidence to the online marketplace sufficient to prove the consumer product is illegitimate. Proposed law requires the person to provide the following information, if applicable, to the online marketplace:

- (1) Any indicator showing how the consumer product was determined to be counterfeit.
- (2) A copy of the recall notice.
- (3) A copy of the police report and any identifying information of the stolen consumer product, including but not limited to the serial number, product description, and pictures of the

consumer product.

A violation of proposed law shall be a deceptive and unfair trade practice and shall subject the online marketplace to any and all actions and penalties provided for in the Unfair Trade Practices and Consumer Protection Law.

Effective August 1, 2020.

(Adds R.S. 51:3211-3214)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. A technical revision was made changing the word identify to identity.