Services

eCommerce Litigation

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Vorys has a significant depth and breadth of experience in eCommerce litigation matters. By leveraging the eCommerce industry insights and knowledge driven through our globally-recognized eControl practice, our eCommerce litigation team brings thought-leading approaches and a solution-based approach to the broad – and ever-growing – spectrum of disputes faced by companies engaged in eCommerce. We do not believe that any other firm can match our experience and success across every imaginable variety of eCommerce-related litigation, whether it involves enforcement against unauthorized sellers on third-party marketplaces; Minimum Advertised Pricing (MAP) violations; data breaches; website accessibility claims; online advertising campaigns; trademark infringement; and other areas.

Who We Represent

Our client base is vast – spanning numerous Fortune 500 companies to start-ups across many different B2B and B2C product verticals.

What We Do

Unauthorized Sales

Having created the eControl category, we are confident that we have conducted more unauthorized seller enforcement – including through litigation – than any firm in the world. We have the experience and systems that allow us to provide legally backed enforcement services at scale including through litigation, when necessary. To date, Vorys eControl has initiated more than 200 individual litigation matters against unauthorized sellers in over 30 federal courts and we have worked with over 600 brands to create and implement effective and cost-efficient eControl programs. Read more about Vorys eControl and unauthorized seller enforcement at vorysecontrol.com.

Trademark Infringement

Our intellectual property team has pursued a wide range of trademark disputes, including numerous disputes related to trademark infringement on various eCommerce platforms. Trademark

infringement litigation is particularly important as companies strive to protect their brands across third-party marketplaces. In addition, our eControl litigation team has litigated over 200 cases in over 30 federal courts across the country in pursuit of such violations. We have an extensive history of securing impressive damages awards and permanently removing such trademark violators from online platforms. Read more.

Antitrust & Competition

Our firm has a strong, nationally recognized antitrust practice that encompasses both litigation and representation of clients in connection with antitrust investigations. We have represented companies in antitrust litigation related to eCommerce throughout the United States in cases that have involved alleged price–fixing conspiracy claims and claims under the Sherman, Clayton and Robinson–Patman Acts.

We regularly represent clients in litigation and investigations brought by the Department of Justice, Federal Trade Commission and state attorneys general, and have experience counseling clients regarding in criminal grand juries and litigation. We have substantial experience in related trade regulation issues such as non-competition, trade secret and dealer termination litigation. Read more.

ADA Violations

Brands engaged in eCommerce – especially direct-to-consumer websites – must ensure that their websites are accessible to individuals with disabilities in compliance with the Americans with Disabilities Act (ADA). In addition to numerous court rulings, the Department of Justice has reaffirmed its stance that the ADA applies to websites, but has not issued specific regulations explaining what websites need to do in order to comply. In the absence of regulations interpreting accessibility mandates, businesses are directed to a set of Web Content Accessibility Guidelines (WCAG) developed by the World Wide Web Consortium, a non-profit organization dedicated to website accessibility. Our eCommerce litigation team is experienced in counseling clients on website compliance and, where necessary, defending litigation brought for alleged accessibility issues. Read more.

Counterfeit Products

Our eCommerce litigation team has substantial experience representing companies targeted by counterfeiters. We have worked with numerous leading brands involved in eCommerce in bringing litigation and other enforcement actions against counterfeiters with the goal of removing such products from digital marketplaces including Amazon, eBay and Alibaba.

Data Security and Privacy

Our attorneys have significant experience assisting clients in the development of comprehensive data privacy and security strategies. These strategies include online and mobile privacy policies and offline procedures for – and governance of – collecting, storing and sharing customer information and other sensitive data, evaluating new products or services for privacy and security issues, and ensuring that these procedures support statements made in privacy policies. We often train our clients' employees on relevant privacy and information security issues, and negotiate appropriate contractual protections into agreements with vendors and service providers. We also advise clients on privacy and security issues

related to the Internet of Things and the collection and use of big data. We advise on proactive security enhancements, such as tokenization and point-to-point encryption; and conduct privacy risk assessments and gap analysis. Our privacy litigation team also represents brands accused of non-compliance with the various privacy-regulations.

We also assist companies dealing with data breaches, including managing forensic investigations; crafting customer communications and media relations strategies; and responding to inquiries from federal and state officials and regulators. We also have assisted clients by working directly with their acquiring banks and with credit card associations to resolve claims including fraudulent charges, and to reduce the liability arising from such claims. Read more about our data strategy, security and privacy practice. Read more.

Online Advertising

Our attorneys have broad-based experience in the plethora of statutes and other authorities that assist clients in avoiding litigation risks, like false advertising and IP infringement claims. We often are asked to evaluate our clients' proposed advertising materials, including social media content, for compliance with the law, to evaluate comparative advertising and to assess the adequacy of the substantiation for comparative ads. We regularly work with our clients' advertising agencies to ensure that brands are used, and promotional materials are created, in a manner that strengthens trademark value. Along the same lines, we regularly counsel clients on best practices and avoiding pitfalls in working with influencers on social media.

News

News, 10.4.2024
Broz Receives Alumni Award from Northwestern Pritzker School of Law

News, 1.2.2024
Vorys Elevates Ten to Partner

Speaking Engagements

Speaking Engagement, 7.17.2024
2024 National Association of Patent Practitioners' Annual Meeting & Conference

3.22.2021
Best Practices and Insights for Driving Profitable Growth on Online Marketplaces

2.2.2021
eCommerce Litigation – Frequently Seen Disputes & Strategies For Addressing Them