

CIS BRAND BRIEFING NO. 3

Is Marketplace Counterfeiting Really That Widespread?

Yes. The border, a federal test buy, a global estimate and the courts all show counterfeiting at scale. Here is what each one proves, and where it stops.

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THE SHORT ANSWER

Yes. Every public measure that can be checked shows counterfeiting at scale. The U.S. border now catches tens of millions of fake items a year, and most seizures, until recently, came in small parcels. When the government bought brand-name goods from marketplace sellers, 20 of 47 came back counterfeit, in a small test GAO said cannot be generalized.

Nobody can count every fake. A fake that gets through is never counted. What exists are seizures, test buys, estimates and lawsuits. Each measures something different, and each has limits. This paper shows what each one proves, where it stops, and which famous numbers we do not use.

WHAT THE BORDER CATCHES

U.S. Customs and Border Protection seized 78.4 million counterfeit and pirated items in fiscal 2025, up from 11.4 million in fiscal 2019.¹ Customs caught nearly seven times as many fake items as it did six years earlier.

In fiscal 2024, most seizures came in small parcels. CBP's own fiscal 2024 report says: "In FY 2024, 97% of IPR seizures in the cargo environment occurred in the de minimis shipments."² De minimis shipments are low-value parcels that could enter the country duty-free. The White House fact sheet for the order that suspended that exemption reported that de minimis shipments produced "97% of intellectual property rights seizures, totaling 31 million counterfeit items" in fiscal 2024.³

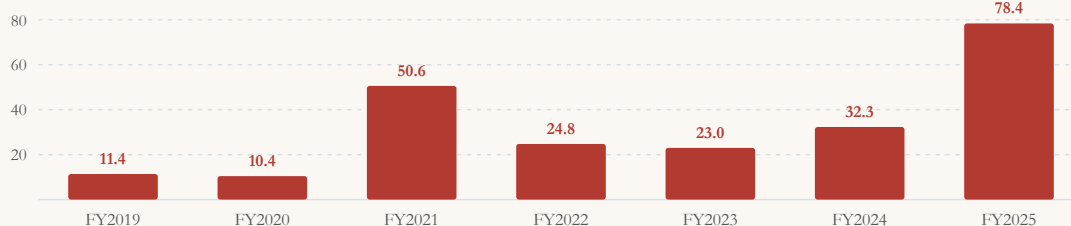
Figure 1. What the border seized, fiscal 2019 to 2025

These figures show where the government looked and what it caught. They do not measure how many fakes exist. Source and cautions in note 1.

CBP: COUNTERFEIT AND PIRATED ITEMS SEIZED

Items seized for intellectual property violations, millions, by federal fiscal year

2019 to 2025: nearly 7 times as many



The item count is not a steady climb: it spikes in fiscal 2021, falls back through fiscal 2023, then rises to its peak.

When the exemption closed, CBP reports the traffic shifted. In fiscal 2025, 62% of seizures arrived by commercial vessel, and CBP reports that “bad actors are beginning to ship counterfeits through containerized cargo.”⁴

CBP itself says its statistics “are not intended to be used for economic analysis.”¹ A rise can mean more fakes, or more looking. CBP reports seizures by shipping method and country of origin, not by where the goods were sold. Seizures are a floor under the problem, never its size.

¹ U.S. Customs and Border Protection, Intellectual Property Rights Seizure Statistics, fiscal years 2019 through 2025 (CBP Publication 5471-0326 for fiscal 2025, Publication 3964-0125 for fiscal 2024, Publication 3736-0624 for fiscal 2023). CBP published the item series retrospectively in its fiscal 2023 report, reaching back to fiscal 2019, and that is the source for the item figures through fiscal 2023. The quoted disclaimer appears on each report.

https://www.cbp.gov/sites/default/files/2026-05/ipr_seizure_stats_fiscal_year_2025_pbrb_5471.0326.pdf and

<https://www.cbp.gov/sites/default/files/2024-06/ipr-seizure-stats-fy23-508.pdf>

² U.S. Customs and Border Protection, Intellectual Property Rights Seizure Statistics, Fiscal Year 2024, Publication 3964-0125, January 2025.

<https://www.cbp.gov/sites/default/files/2025-01/IntellectualPropertyRightsSeizureStatisticsFiscalYear2024%20FINAL.pdf>

³ The White House, “Fact Sheet: President Donald J. Trump is Protecting the United States’ National Security and Economy by Suspending the De Minimis Exemption for Commercial Shipments Globally,” July 30, 2025. The quoted figures are the fact sheet’s own. The 31 million figure does not appear in CBP’s own report. <https://www.whitehouse.gov/fact-sheets/2025/07/fact-sheet-president-donald-j-trump-is-protecting-the-united-states-national-security-and-economy-by-suspending-the-de-minimis-exemption-for-commercial-shipments-globally/>

⁴ U.S. Customs and Border Protection, Intellectual Property Rights Seizure Statistics, Fiscal Year 2025, Publication 5471-0326, “Seizures by Mode of Transportation.” CBP links the shift to the suspension of de minimis for shipments from China and Hong Kong in May 2025 and from all countries in August 2025.

WHAT THE GOVERNMENT FOUND WHEN IT BOUGHT

Seizures say nothing about what reaches a buyer. For a 2018 report, the Government Accountability Office bought brand-name goods from third-party sellers on five marketplaces. It picked product types that customs often seizes as fakes. It found that “20 of 47 items GAO purchased from third-party sellers on popular consumer websites were counterfeit.”⁵ GAO called its sample nongeneralizable. Paper 1 in this series covers that test in detail.

⁵ U.S. Government Accountability Office, “Intellectual Property: Agencies Can Improve Efforts to Address Risks Posed by Changing Counterfeits Market,” GAO-18-216, January 30, 2018, Highlights page. <https://www.gao.gov/products/gao-18-216>

THE GLOBAL ESTIMATE

The broadest figure comes from the OECD and the EU Intellectual Property Office. Their 2025 study estimates that counterfeit goods accounted for USD 467 billion in global trade in 2021.⁶ It puts counterfeit and pirated goods at “up to 2.3% of global trade” that year.⁷ It covers all trade channels, not marketplaces alone.

It is modeled from customs seizure data. Its data year is 2021, four years before it was published. It is the main global estimate, and it is an estimate.

⁶ OECD, “Global trade in fake goods reached USD 467 billion, posing risks to consumer safety and compromising intellectual property,” press release, May 7, 2025, for OECD and EUIPO, *Mapping Global Trade in Fakes 2025*. <https://www.oecd.org/en/about/news/press-releases/2025/05/global-trade-in-fake-goods-reached-USD-467-billion-posing-risks-to-consumer-safety-and-compromising-intellectual-property.html>

⁷ OECD and EUIPO, *Mapping Global Trade in Fakes 2025: Global Trends and Enforcement Challenges*, May 7, 2025, abstract. The report states it uses “the latest (2021) customs seizure data.” https://www.oecd.org/en/publications/mapping-global-trade-in-fakes-2025_94d3b29f-en.html

THE NUMBERS WE DO NOT USE

Some of the most repeated numbers in this field have no traceable source. In 2010, GAO examined three widely cited estimates of U.S. losses to counterfeiting that had been sourced to federal agencies. It found they “cannot be substantiated or traced back to an underlying data source or methodology.”⁸

One was an FBI figure of \$200 to \$250 billion a year in losses to U.S. businesses. The FBI told GAO it had no record of the source data or method. Another was a CBP figure of \$200 billion a year and 750,000 lost jobs. A CBP official told GAO those figures were “of uncertain origin, have been discredited, and are no longer used by CBP.”⁸ The third was a \$3 billion auto parts figure credited to the Federal Trade Commission, which could find no record of it.⁸

We do not use them. Every number but our own court count traces to a published source.

⁸ U.S. Government Accountability Office, “Intellectual Property: Observations on Efforts to Quantify the Economic Effects of Counterfeit and Pirated Goods,” GAO-10-423, April 12, 2010, pp. 18 to 19. GAO reviewed estimates current to 2010. It did not assess the OECD and EUIPO figure above or CBP’s current seizure data. <https://www.gao.gov/products/gao-10-423>

WHAT THE COURTS SHOW

Brand owners now sue online sellers in batches. Each “Schedule A” case names many online stores at once, listed in a schedule attached to the complaint. A law professor’s study of federal dockets counted 3,217 such cases through December 2022, including patent and copyright cases as well as trademark. Of those, 2,846 were filed in Chicago’s federal court, and 935 were filed in 2022 alone.⁹ That is an academic count, not a court statistic.

We counted the defendants in 75 Schedule A cases whose seller lists are public. Across them, the 14,053 defendant entries were accused of selling on more than ten different marketplaces, including Amazon, eBay, Temu, AliExpress and Walmart.¹⁰ We chose those cases because they named Amazon sellers, so they cannot rank one marketplace against another. They do show that the sellers brand owners sue are spread across many sites.

These suits are allegations. A filing is not a finding that every named store sold fakes. What the volume shows is how many sellers brand owners found worth suing.

⁹ Eric Goldman, “A SAD Scheme of Abusive Intellectual Property Litigation,” *Columbia Law Review Forum*, vol. 123, November 20, 2023, pp. 195 to 196. The dataset is federal copyright, patent and trademark cases through December 28, 2022. The author is critical of how these suits are run. We cite only his count. <https://columbialawreview.org/wp-content/uploads/2023/11/November-2023-Forum-Goldman-final.pdf>

¹⁰ Cyber Investigation Services, count of defendants in 75 Schedule A trademark cases whose seller lists were free and unsealed on CourtListener, a public archive of federal court records, as of September 28, 2026. A seller named in two cases counts twice. The cases lean toward the Northern District of Illinois.

AMAZON’S OWN ACCOUNT

Amazon alone, by its own account, “invested more than \$1.2 billion and employed more than 15,000 people” in 2023 to protect its store and customers “from counterfeit, fraud, and other forms of abuse.” It says that in 2024 it “identified, seized, and appropriately disposed of more than 15 million counterfeit products worldwide.”¹¹

These are Amazon’s figures about itself. We know of no independent audit of them, and no count of the fakes that got past. Even Amazon’s own figure, more than 15 million counterfeit products seized worldwide in 2024, is large.

¹¹ Amazon, 2023 Brand Protection Report, published March 2024, p. 3, and 2024 Brand Protection Report, March 2025. Amazon’s own account. The investment figure covers counterfeiting, fraud and other abuse together. <https://assets.aboutamazon.com/24/cd/c7e7ccd94abeac59dec904c2b637/2023-brand-protection-report-final-english.pdf> and <https://trustworthysshopping.aboutamazon.com/2024-brand-protection-report>

IS IT GETTING WORSE?

A 2020 federal report and a 2022 brand-owner survey say it is. In that report to the President, the Department of Homeland Security wrote that counterfeit trafficking “continues to grow both in the volume and array of goods trafficked.”¹² In a late 2022 survey by the International Trademark Association, a trade group, a majority of responding brand owners said counterfeits “are becoming a larger issue for their companies.”¹³

Border seizures rose nearly sevenfold from fiscal 2019 to 2025, but seizures measure enforcement, not how many fakes exist. As a share of world trade, the OECD and EUIPO global estimate has fallen: up to 3.3% in 2016, 2.5% in 2019 and 2.3% in 2021. In dollars it has held roughly level, at USD 509 billion, 464 billion and 467 billion.¹⁴

DHS and surveyed brand owners say it is growing. Seizures have risen, and the OECD’s estimated share of trade has fallen. No measure we found shows how many fakes are sold, then or now.

¹² U.S. Department of Homeland Security, Office of Strategy, Policy and Plans, “Combating Trafficking in Counterfeit and Pirated Goods: Report to the President of the United States,” January 24, 2020, p. 25. https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goods-report_01.pdf

¹³ International Trademark Association, Anticounterfeiting Benchmarking Report, Executive Summary, May 2023, p. 5 (method) and p. 6 (quote). A survey of INTA’s own corporate members in late 2022: 121 in-house legal teams took part, 92 answered every question. A trade group survey, not a random sample. <https://www.inta.org/wp-content/uploads/public-files/perspectives/industry-research/INTA-2023-Anticounterfeiting-Benchmarking-Report-Executive-Summary-05042023.pdf>

¹⁴ OECD and EUIPO, *Trends in Trade in Counterfeit and Pirated Goods*, March 18, 2019, executive summary, for 2016. OECD and EUIPO, *Global Trade in Fakes: A Worrying Threat*, June 22, 2021, executive summary, for 2019. The 2025 study in notes 6 and 7 for 2021. All three are seizure-based estimates. https://www.oecd.org/en/publications/trends-in-trade-in-counterfeit-and-pirated-goods_g2g9f533-en.html and https://www.oecd.org/en/publications/global-trade-in-fakes_74c81154-en.html

WHAT THE RECORD ADDS UP TO

Seizures count only what was caught. GAO's test buy was small. The global figure is a model. Lawsuits are allegations, and Amazon's numbers are its own. Yet they come from different places, by different methods, and they agree that counterfeiting happens at scale.

None of these measures is a full count. Together they make it hard to call marketplace counterfeiting rare. What the record cannot tell a brand is whether its own products are among the fakes, who is selling them, and how much. Our intelligence answers who is selling, how much and where.

PUT YOUR BRAND ON OUR FREE WATCH LIST

If counterfeiters are selling under your brand, you should know it before your customers do. We always watch for free. When fakes put your customers at risk, we warn you and send you a CIS Consumer Safety Review: who is selling, where they ship from, and what it would take to stop them.

We package the intelligence to attract contingency attorneys to take your case. Our fee comes only from the recovery. Many counterfeiting problems can be resolved with no money out of your pocket: the attorney pays the upfront costs and takes them back from what is collected. Put your brand on our free Watch List at cyberinvestigationservices.com/watch-list.

About the author. Chris Anderson, Ph.D., founded Cyber Investigation Services, a Florida limited liability company, in 2010 and leads it as CEO. CIS is an eCommerce consumer safety and national security intelligence firm. For 16 years Chris has built intelligence on the sellers behind counterfeit marketplace listings.