



## E-tailers

a definition of a **new distribution channel**  
turned into a **macro-category including**  
**different distribution formats**

## E-tailers categories

- **marketplaces**
  - platforms hosting other e-tailers not having own platforms
  
- **intermediaries platforms**
  - re-addressing platforms (e.g. Shopstyle)
  - “agent” platforms (e.g. Farfetch)
  
- **pure players (combined or not with b&m distribution)**
  - selling any product and/or service
  - selling specific products and/or services
  
- **marketplaces + pure players** (e.g. Amazon, Ebay, etc.)



## **Brand owner main corporate purpose:**

access to e-tailers distribution channel, safeguarding the integration between on-line distribution and the brick&mortar (selective) distribution image, if any, and with the brand corporate image worldwide

How to achieve such purpose per each category?



**Intermediaries:** sometimes they promote only selected e-tailers selling the brand owner's products; the brand owner would coordinate the intermediaries' image with that of single authorized e-tailers

- **intermediaries terms & conditions** disclose the nature of service of their activity (they do not belong to single e-tailer)

- they use solely **photo/graphic lay-outs** produced by themselves/e-tailers (no possibility to claim any copyright and/or TM infringement)



-TM use = AdWords: “brand name” presented to consumers with a purpose of attraction to the web-site of the intermediaries (see “Interflora” case)

**Best strategy: indirect intervention** towards single e-tailer promoted by each intermediary indirectly leads to protect the corporate brand image even inside the intermediaries’ platform

2) **Marketplaces**: they often offer luxury products together with other products of lower quality (sometimes sold by third party e-tailers hosted by the platform).

Enforcement principle of TM reputation against such practice leads to **creation of dedicated sections for each target of product** (many marketplaces platforms adopted such dedicated sections)

**3) Specialist e-tailers (pure players):** brand owners need contractual lawful solution granting the corporate image; UE decisions in favour of TM reputation grants the brand image against any use not consistent to the brand “aura”.

Is it sufficient? no, luxury brand owners need to obtain something more, i.e. **brand identity presentation system** (guide colour, graphic architecture, adv presentations, merchandising, etc.). **Main factor of on-line traffic diversion for luxury brands is the presentation/images architecture, more than the TM use**



## Possibile strategies:

- difficult to negotiate prior discretionary consent to adopt any adv initiatives due to: a) the quick platform adv plans and b) request beyond the mere TM reputation protection
- points 54 UE Guidelines on Vertical Restraints can help to propose contractual “web presentation standards” consistent with its selective distribution model (b&m distribution)
- e-tailers platform environment = brick&mortar shop dressing/windows (the more detailed is the selective distribution model, easier the agreement on “web presentation standards”)