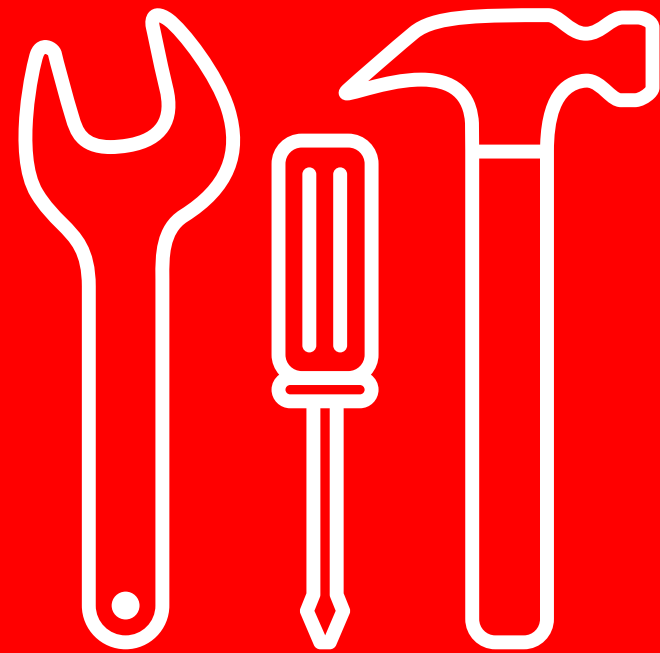


RED POINTS TOOLKIT
**HOW TO REPORT
COUNTERFEIT
ITEMS ON AMAZON**





Protect your digital assets

LET'S GET STARTED



There has been a string of news reports in the past year documenting the problems of counterfeits on Amazon, the most recent was Apple's attack on Amazon for selling fake products from their own retail units, Apple's report suggested that up to 90% of genuine apple cables and chargers sold by Amazon are counterfeit. With this in mind, we discovered that the reporting page is buried quite deep within the Amazon help page and so we've put together this simple guide.

WHO IS THIS GUIDE FOR?



This guide is designed for copyright holders or agents working on their behalf. It's based on the premise that you have found an item that you know to be fake or which infringes on your intellectual property (IP) rights and wish to report it, with a view to having it removed. If googling the question hasn't worked for you then this step by step guide will walk you through all you need to know to protect your IP.

WHAT CONSTITUTES A COUNTERFEIT?

First, it's important to understand the issues Amazon will help you resolve and define terms. There are small differences in terms for each country but generally speaking Amazon IP conform to the following terminology,

Trademark issues such as **Counterfeit items**; which are items that imitate the real product, usually using the same logo and name. There are also items that infringe on design and patent rights, however they are not technically counterfeits, they are illegal replicas.

Copyright issues are those that involve listings that use your images, colours, text or videos without your permission.

Inauthentic products are not necessarily fake but are items that have been purchased from a source other than the authorised distribution channel.

It's possible for an item to be both inauthentic and fake and if you are a rights holder you can report either of these products. However, if it's inauthentic then the seller will have to produce evidence proving where they purchased the item from. The grey market is difficult for Amazon to police and if a seller can produce evidence they bought the item from a reputable source then generally the item will be reinstated.

As Amazon state themselves:

“Amazon respects a manufacturer’s right to enter into exclusive distribution agreements for its products. However, violations of such agreements do not constitute intellectual property rights infringement. As the enforcement of these agreements is a matter between the manufacturer and the retailers, it would not be appropriate for Amazon to assist in enforcement activities.”

WHAT INFORMATION WILL I NEED?



You will need the following information to make a successful IP complaint:

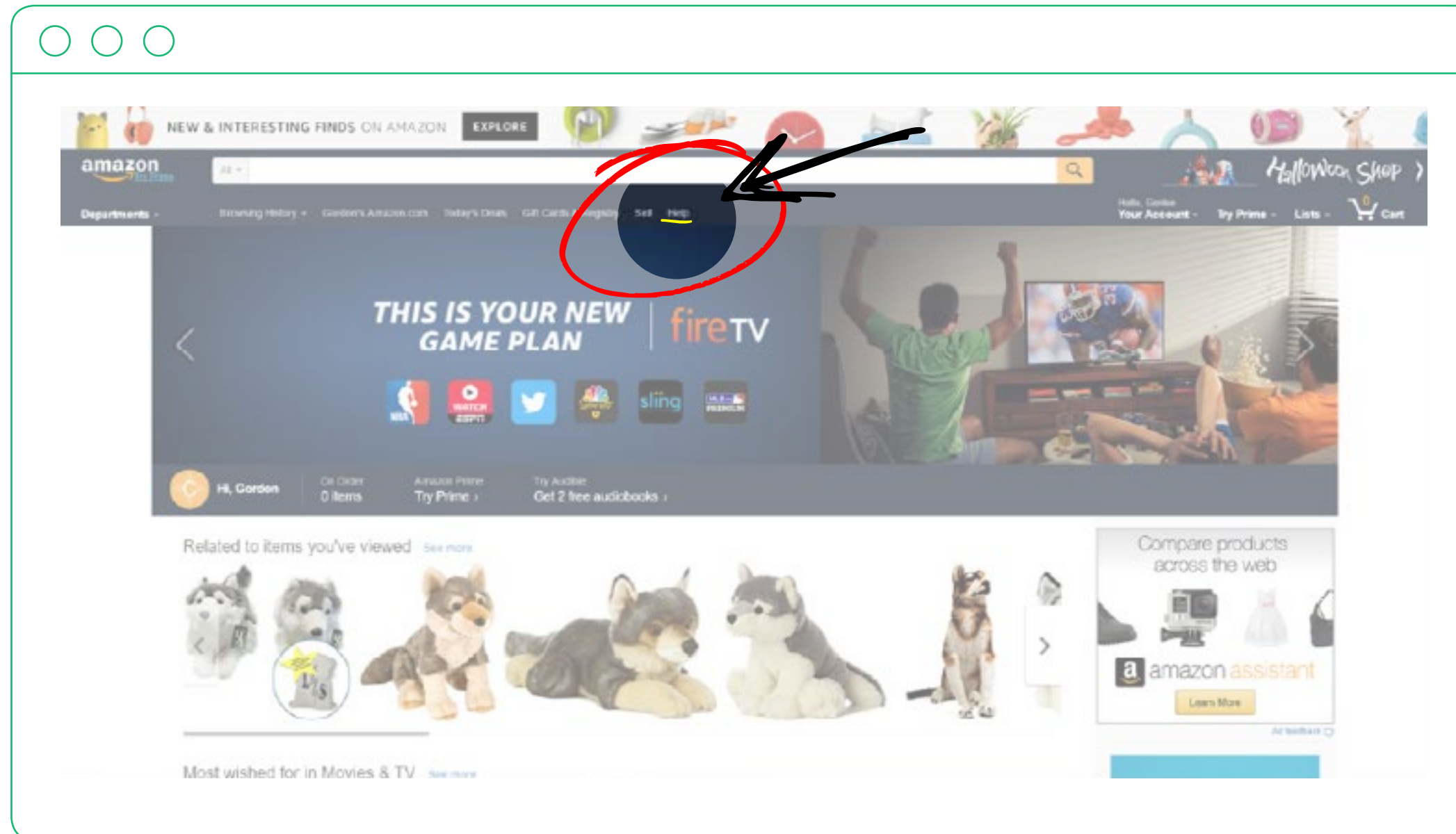
- Amazon Standard Identification Number (ASIN) and the URL of each product you are reporting.
- Trade Mark Registration Number and evidence of IP ownership.
- Additional Information, evidence such as if you have bought and tested the product, etc.

HOW TO GET TO THE REPORTING PAGE

STEP 1

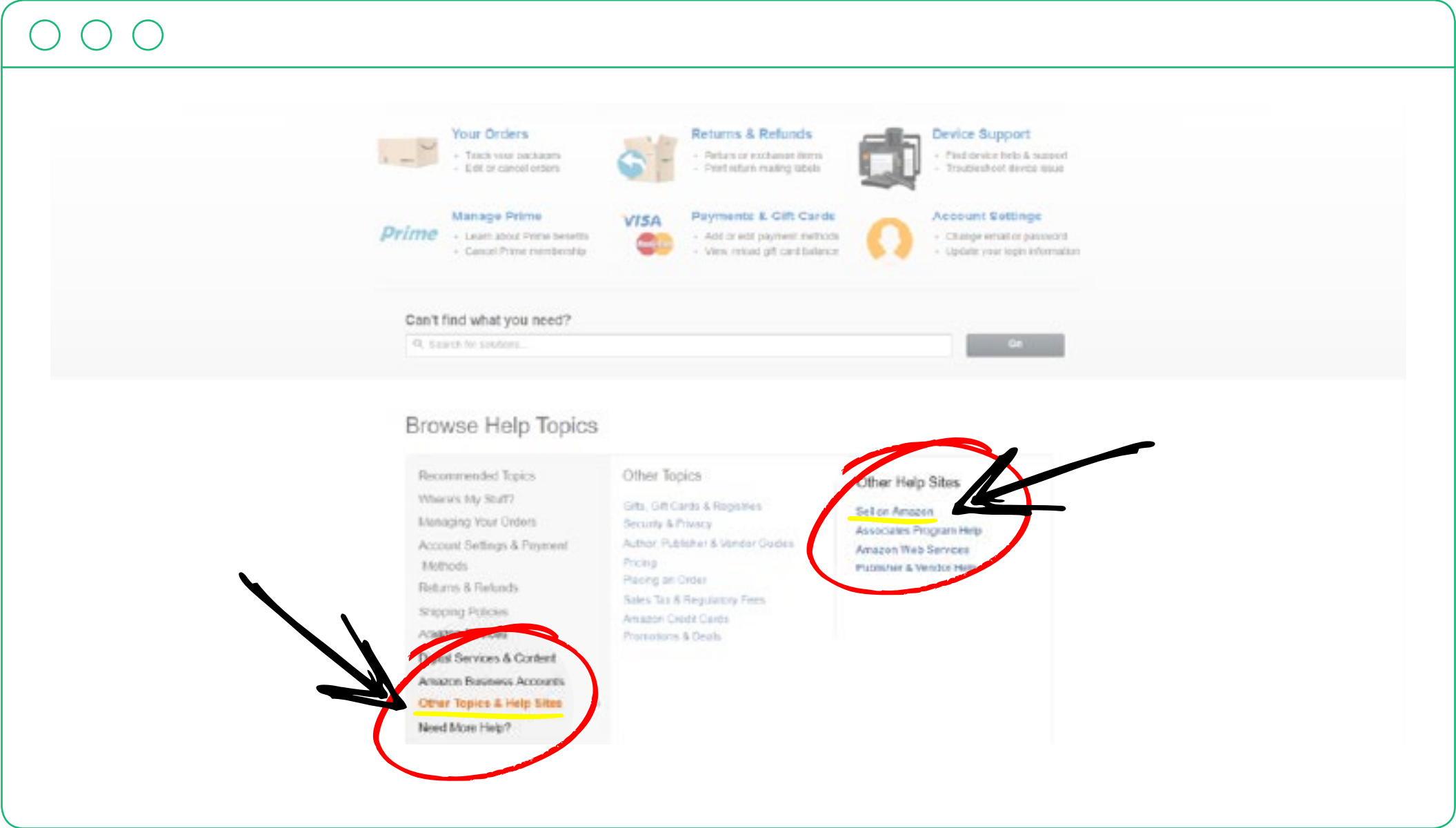
First keep the window of the counterfeit item open, you are going to need the details later. You can either go directly to the page by [clicking here](#) or follow the steps below.

Open up the Amazon webpage and click the Help button.



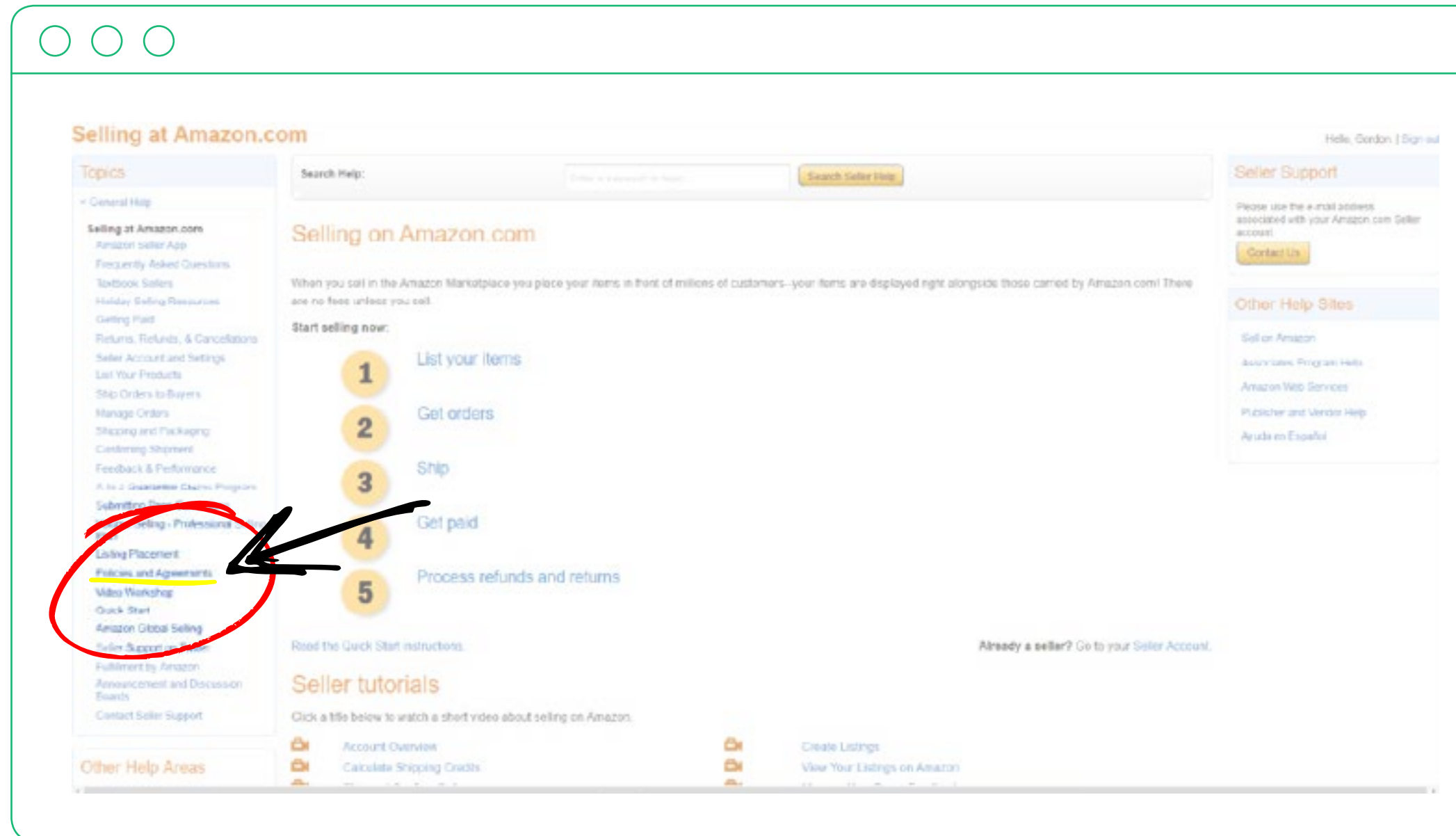
STEP 2

At the bottom of the page click on “Other Topics & Help Sites” and under “Other Help Sites”, on the right, click “Sell on Amazon”.



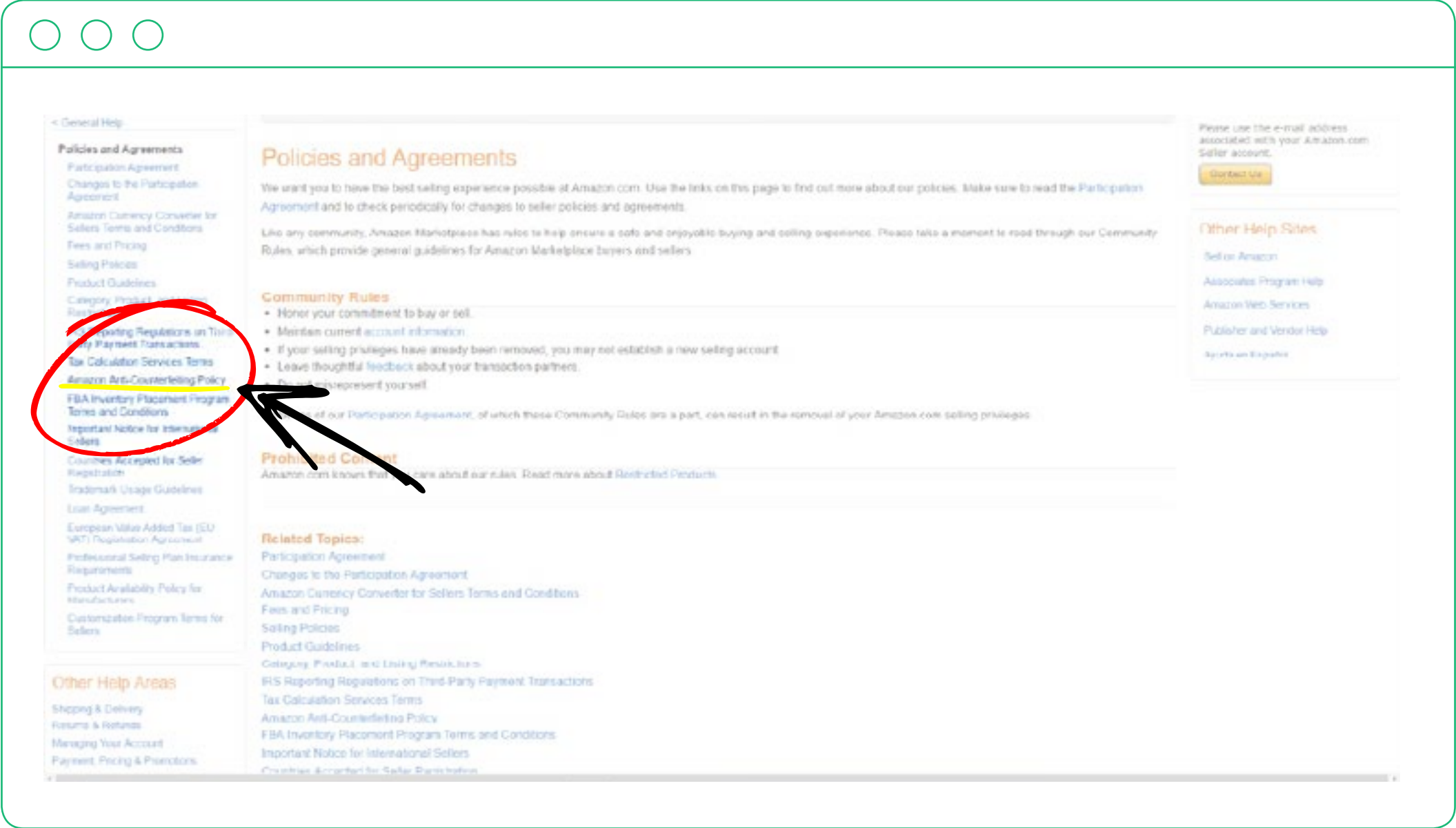
STEP 3

On the “Selling on Amazon.com” page there are a number of options on the left and 8th from the bottom you’ll see “Policies and Agreements”.



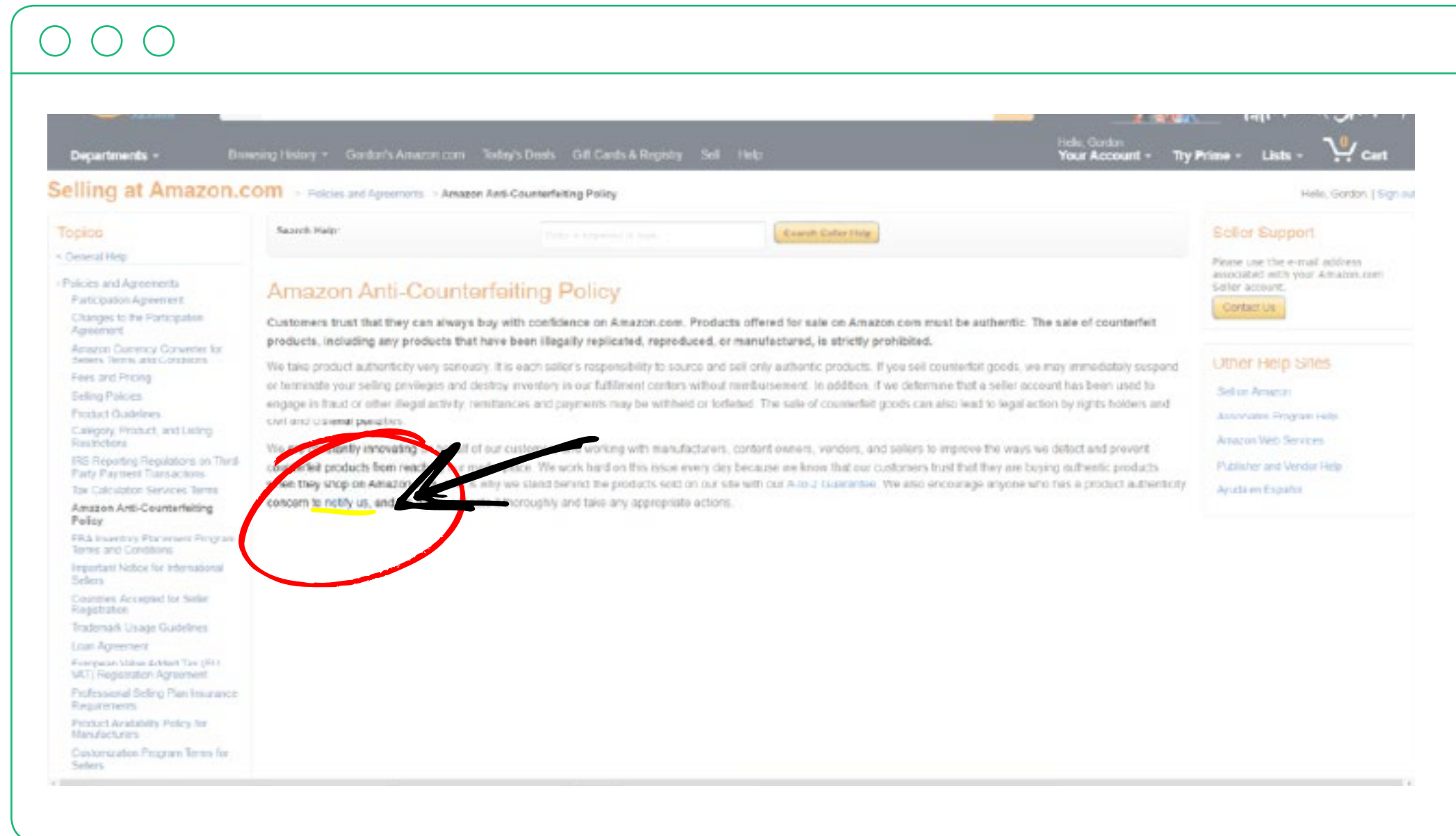
STEP 4

Once on the “Policies and Agreements” page look to the left there will be a list of options and about halfway down there is the option “Amazon Anti-Counterfeiting Policy”.



STEP 5

Towards the end of the paragraph you will see a link with the option to “notify us”. Click this and you will find yourself at the “Report Infringement” page.



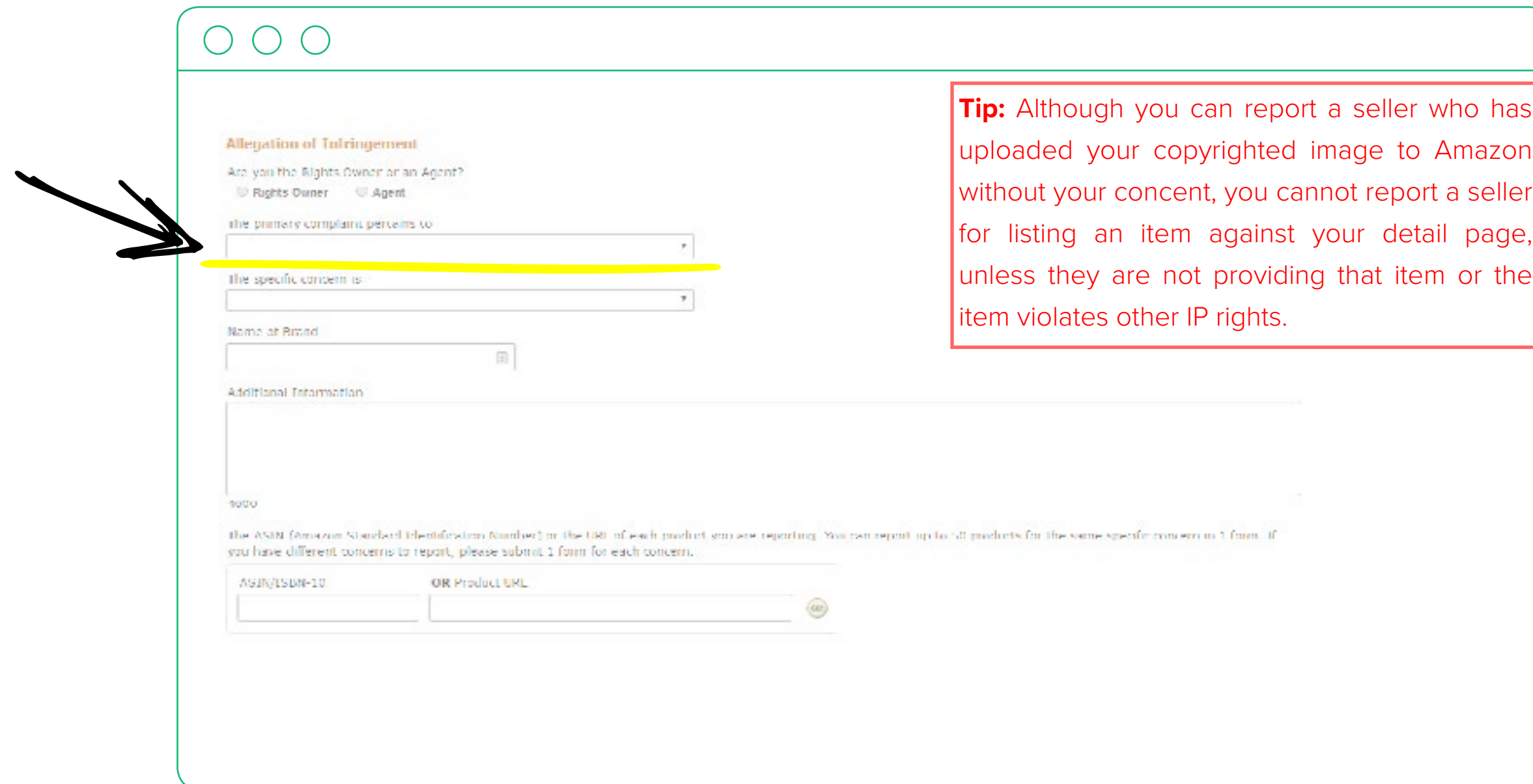
REPORTING AN INFRINGEMENT

Now that you are on the “Report Infringement” page you are presented with a few options. Here you can report listings as either a buyer or seller. Alternatively, at the bottom of the page there is the option to complete the form as a Rights Owner or an Agent.

The screenshot shows the Amazon 'Report Infringement' page. At the top, there is a navigation bar with links for Departments, Your Account, and Lists. The main heading is 'Report Infringement'. Below this, there is a section titled 'About this Page' which contains the following text: 'This page is intended for use by intellectual property rights owners and their agents to notify Amazon of alleged intellectual property infringements such as copyright and trademark concerns. If you are not an intellectual property rights owner or their agent, Amazon will not be able to process complaints submitted through this form. Please report your concerns to Amazon through the appropriate channels.' A red circle highlights this text, with two black arrows pointing to it from the left. Below this, there is a section titled 'Who Can Report?' with two bullet points: 'Sellers may use this contact form to report inappropriate listings, other sellers, policy violations, etc.' and 'Buyers may use this contact form to report problems with orders, seller policy violations, etc.'. Another red circle highlights these bullet points, with two black arrows pointing to them from the left. Below this, there is a section titled 'Do Not Enter' with text explaining that Amazon does not accept reports from individuals who are not the rights owner or their agent. Below this, there is a section titled 'Want to sign in?' with a 'Sign in' button. At the bottom, there is a section titled 'Allegation of Infringement' with a radio button for 'Rights Owner' and a radio button for 'Agent'. Below this, there are three text input fields: 'The primary complaint pertains to', 'The specific concern is', and 'Name of Brand'. To the right of the screenshot, there is a red-bordered box containing the following text: 'Tip: Reporting an infringement on Amazon.com will not affect listings on Amazon's other domains such as Amazon.co.uk, even if your complaint is upheld.'

Here you will need to provide some additional information, and if you are an agent you will require proof that you are acting on behalf of the rights holder.

First, you must decide the type of infringement you wish to report, this can be trademark or copyright based. You can only report one issue at a time, therefore if you have found listings that infringe on both trademark and copyright issues, it is recommended that you file two separate complaints.



Allegation of Infringement

Are you the Rights Owner or an Agent?

Rights Owner Agent

the primary complaint pertains to

the specific concern is

Name of Brand

Additional Information

the ASIN (Amazon Standard Identification Number) or the URL of each product you are reporting. You can report up to 10 products for the same specific concern in 1 form. If you have different concerns to report, please submit 1 form for each concern.

ASIN/ISBN-10 OR Product URL

Tip: Although you can report a seller who has uploaded your copyrighted image to Amazon without your consent, you cannot report a seller for listing an item against your detail page, unless they are not providing that item or the item violates other IP rights.

In the case of patent infringements you will need to select “other” and give details of the exact patent that the listing is violating with any supporting evidence.

It is important to provide as much detail as possible in the complaint and give links to trademark, copyright or patent documents so as to speed up the process. You can list up to fifty items from multiple sellers but all must be infringing on the same IP right. For example, products that infringe on only the trademark symbol should be in a separate complaint from those that only infringe on design rights.

The image shows a screenshot of the Amazon IP infringement complaint form. The form is titled "Allegation of Infringement" and includes the following sections:

- Allegation of Infringement**: A section with radio buttons for "Rights Owner" and "Agent".
- Primary Complaint**: A dropdown menu for "the primary complaint pertains to".
- Specific Concern**: A dropdown menu for "the specific concern is".
- Name of Brand**: A text input field.
- Additional Information**: A large text area for providing details, with a yellow highlight and a black arrow pointing to it.
- Product Identification**: A section with a note: "the ASIN (Amazon Standard Identification Number) or the URL of each product you are reporting. You can report up to 50 products for the same specific concern in 1 form. If you have different concerns to report, please submit 1 form for each concern." Below this are two input fields: "ASIN/ISBN-10" and "OR Product URL".

A red-bordered box on the right side of the form contains the following tip:

Tip: If you do not have you IP documents available via link, you can use either www.uspto.gov for the USA or www.tmdn.org for Europe. These sites will let Amazon view your IP documents immediately. It's also useful to post links to additional IP rights with their document numbers.

It is important to ensure you cover all products by entering each ASIN number. Problems arise when the same product has different ASIN numbers for each size or colour. Be sure that you enter every single ASIN number for each version of the product.

It usually takes between a few hours to a few days for Amazon to respond. However, be sure to check that the listing has been removed if they accept your complaint, as sometimes the listing will remain but the product will simply appear as “unavailable”. In this case you will have to submit the complaint again.

The image shows a screenshot of the Amazon 'Allegation of Infringement' form. The form includes the following fields and sections:

- Allegation of Infringement** (Section Header)
- Are you the Rights Owner or an Agent?** (Radio buttons for Rights Owner and Agent)
- The primary complaint pertains to:** (Dropdown menu)
- The specific concern is:** (Dropdown menu)
- Name of Brand:** (Text input field)
- Additional Information:** (Large text area)
- ASIN/ISBN-10:** (Text input field, underlined in yellow)
- OR PRODUCT URL:** (Text input field)

A red-bordered box on the right side of the form contains the following tip:

Tip: One product with one ASIN number can be sold by multiple sellers. Be sure that when you enter your complaint you select all infringing sellers or exclude those sellers who you know to be genuine.

A black arrow points to the ASIN/ISBN-10 field, and a yellow underline is present under this field.

Thanks for reading!

Find out more about Brand Protection and how to protect your brand
www.redpoints.com

Disclaimer.

The contents of this publication do not necessarily reflect the position or opinion of Red Points.
The services of the Red Points Toolkit are not of a legal or advisory nature
and no responsibility is accepted for the results of any actions made on the basis of its services.
Before taking specific actions in relation to IPR protection or enforcement
all customers are advised to seek independent legal advice.