RED POINTS TOOLKIT HOW TO REPORT COUNTERFEIT ITEMS ON AMAZON







Protect your digital assets

LET'S GET STARTED

here 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.

WHOISTHISGUIDEFOR?

his 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 <u>clicking here</u> or follow the steps below.

Open up the Amazon webpage and click the Help button.

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

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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".



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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".





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.

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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.

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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.

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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.

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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.

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Thanks for reading!

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

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