



CONVERSATIONS W CREATIVES— Combating Counterfeiters on Amazon Marketplace

'TIS THE HOLIDAY SEASON AND WE WANT TO GET YOU SQUARED AWAY BEFORE YOU SELL YOUR GOODS ONLINE. WE FOCUS ON AMAZON, BUT THIS ARTICLE IS HELPFUL FOR ANYONE SELLING ON A THIRD-PARTY E-COMMERCE PLATFORM (AHEM... ETSY, SHOPIFY).

OVER THE LAST SEVERAL YEARS, AMAZON HAS EXPERIENCED A STEADY INCREASE OF COUNTERFEIT GOODS, AS WELL AS COUNTERFEIT SELLERS, ON ITS PLATFORM. THIS ISN'T JUST BAD NEWS FOR THE CONSUMER AND THE SELLER, IT DOESN'T FARE TOO WELL FOR AMAZON EITHER. THE COUNTERFEIT ISSUE IS GROWING AT THE SAME TIME THE PLATFORM CONTINUE TO EXPAND—FOR CERTAIN TYPES OF GOODS AMAZON SHOPPING PRESENTS A CLASSIC CASE OF “BUYER BEWARE”. WITH THIS SCENARIO, EVERYONE LOSES, ESPECIALLY THE SELLER. WE'LL EXPLAIN WHY.

Knock it Off.

The issues facing buyers is simple: **no one wants knock-off products**, especially when they don't know what they're purchasing is a knock off. They want a refund. Amazon has a simple solution for that—they issue a refund. The issues facing sellers are much more complex. Sellers are not only faced with the possibility of someone, somewhere, selling counterfeit versions of their goods. Once sales begin to increase, they become susceptible to being hijacked. [Hijacking on Amazon](#) occurs when someone piggybacks off your listing, removing your “Buy” button, and averting all your business to their account. The hijacker has the ability to change your product images, descriptions, and other details. Sounds like a nightmare, right? That's because it is. Did you just ask us what preventive measures Amazon is taking?

The Anti-Counterfeiting Policy.

Amazon has an [Anti-Counterfeiting Policy](#) which states they take product authenticity very seriously. The policy strictly prohibits the sale of counterfeit products, including any products that have been illegally replicated, reproduced, or manufactured. Selling counterfeit goods may result in the suspension or permanent termination of selling privileges, in addition the destruction of all inventory housed in Amazon fulfillment centers, without reimbursement. The Amazon Anti-Counterfeiting Policy alone won't deter counterfeiters, which is why Amazon encourages anyone who has a product authenticity concern to [report the infringement](#) in order to begin a swift investigation and ruling. Amazon makes it fairly easy for sellers who are also registered intellectual property owners to report claims of infringement. A registered intellectual property owner is someone has received proper registration and certification from the US Patent and Trademark Office of the US Copyright Office. One more time for the people in the back. **Amazon makes it fairly easy for sellers who are also intellectual property owners to report claims of infringement.** Let's talk more about this.

Registration Matters.

According to Amazon's Report Infringement Form, it is intended for use by intellectual property rights owners and their attorneys 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 your complaint through that venue. Why? Because in order to make an infringement claim, there must first be a rights owner. Registering your work with the appropriate office not only creates a public record for Amazon to review, it grants you ownership rights through the United States. **Without trademark, copyright or patent registration, Amazon sellers are not only at a higher risk for infringement, they are left with fewer options for retribution.** Don't be discouraged if you are a seller but not a rights holder (yet). You still have recourse through Amazon, you can report your complaint by logging into your sellers account and submitting a Contact Us Form. This form can be used to report to report claims of counterfeiting and other bad faith dealings.

As a creative and small business owner, you want to be able to share your gifts and talents with the world, but not if it means that someone can come along and capitalize off your hard work and dedication. How do you prevent that? The same way we protect ourselves from pirates (think Swiper—not Jack Sparrow) in our everyday lives—by being diligent and putting in place preventative measures. For your home, that may mean a security system, cameras, and Kujo. For your products that you place on the Amazon Marketplace, that means getting the proper

protection provided by law, particularly registering your intellectual property with the US Patent and Trademark Office or the US Copyright Office. We would love to help you with that. Turns out, we specialize in helping creatives protect their intellectual property.

The Holy Grail of Amazon Selling—The Brand Registry.

Once we secure your proper registration, you not only have access to better claims system, you are also eligible to register on Amazon's Brand Registry. Doing so allows you to have more control over your products and listings, and it gives you the capacity to minimize or remove imitations of your product from the platform. Brand Protection gives sellers the power to identify display names of counterfeiters, condition of their listed products, where the product originated and its landed price, making it easier to identify counterfeiters. When it comes to counterfeit and trademark issues, brand owners now have the ability to ask for legally identifiable information, giving them the ability to take legal action against counterfeiters. While there is no one way to prevent counterfeiter sellers, there are ways to be proactive and protect yourself in the event you find yourself the muse of a copycat.

Consider us the legal arm of your creative team. Let us help you with that.

How We Can Help

IF YOU'RE AN AMAZON SELLER OR YOU WANT TO SELL ON AMAZON, WE CAN HELP YOU IN THREE WAYS:

1. Assess which creative elements of your product need to be registered with the U.S. Copyright Office and handle the registration for you.
2. Assess which brand elements you need to protect, complete the trademark clearance process to make sure your brand name, logo (and even product design or unique packaging) are available for you to exclusively own as a trademark.
3. Handle the trademark process from start to finish. Once done, you'll be ready to set up your Amazon Brand Registry page and we can work with you on a retainer basis to resolve any counterfeit issues that surface.

We want to help you protect your brand as you enter this holiday season of selling. Getting your trademark properly vetted and submitted to the USPTO will help you establish priority

ownership before your brand gets even more exposure over these next few months. Consider our flat fee Trademark and Brand Protection Service as an important next step.

[Give us a call at \(312\) 528-9259 or submit an intake form to get started.](#)

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