

Client Alert

Business Information for
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Shumaker, Loop & Kendrick, LLP

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New Amazon Brand Registry Released - A Tool for Brand Protection

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It's not uncommon for businesses to feel frustrated in trying to protect their products/brands on Amazon from trademark infringers. Many believe that there's a lack of control over their product listings, and that third parties can too easily use such listings to sell counterfeit goods.

To address these concerns, Amazon recently updated its Amazon Brand Registry Program for sellers who manufacture or sell their own branded products. Amazon advertises that enrollment in this program "helps you protect your registered trademarks on Amazon and create an accurate and trusted experience for customers," and that a registrant would have "access to powerful tools including proprietary text and image search, predictive automation based on [the registrant's] reports of suspected intellectual property rights violations, and increased authority over product listings [containing the registrant's] brand name."

A few important points about this new program:

- Only sellers with paid professional accounts on Amazon are eligible to apply.
- The brand name must be covered by a registered trademark to be eligible for the Brand Registry. The trademark must be a "standard character mark" (i.e. words only...not a logo or stylized design) and the trademark must match the brand name printed on products or packaging. Yet another advantage of obtaining a Federal trademark registration.
- If you're a seller who enrolled a brand in the Brand Registry prior to April 30, 2017, you must re-enroll to continue to be part of the new program. At some point, it is likely the prior program will no longer be available. Since the process of obtaining a Federal

trademark registration takes time (average of 9-10 months currently), it is important to file as soon as possible if your business currently has unregistered brands that are in need of protection.

- There appears to be little downside in registering if the program may have value to your business. You won't be charged a fee for applying and being accepted.

We hope that this new program proves to be as useful to a business as Amazon promises, and that Amazon steps up its efforts to help its sellers protect their marks. It doesn't appear to be a perfect solution, but is certainly a step in the right direction.

If you have any questions or need assistance with enrolling in this new program or with registering your brand names, Shumaker has a team of lawyers with expertise in intellectual property protection and enforcement, and we'd be delighted to help.

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