

COVID-19 and Your IP on Amazon

The COVID-19 pandemic may have had an adverse impact on your brick-and-mortar retail sales, but hopefully has resulted in an uptick in your online retail sales. And when it comes to online retail sales, [Amazon](#) is the river, the rainforest, and the A to Z of all things online sales. Below are five ways to make sure your IP rights are safe and sound on the Western world's largest digital marketplace.

1 – Infringement Reporting Form

Amazon provides an online form for IP rights owners to report infringing listings such as trademark, design patent, and utility patent infringement. Click [here](#) for the form. To use the form to report trademark infringement, you must have a registration number.

2 – Patent Evaluation Program

For utility patent infringement claims, Amazon has initiated a new program for quickly and cost-effectively resolving disputes. Under the Utility Patent Neutral Evaluation Program, a utility patent owner can assert one claim of an unexpired U.S. patent against a seller of an infringing product on Amazon. Amazon then selects a neutral, third-party patent practitioner to act as an arbitrator. No discovery is allowed, and the dispute is decided on the briefs only. The patent practitioner's decision may be relied upon in traditional infringement reports or the Amazon Brand Registry.

3 – Brand Registry

If you own a federal trademark registration, you can enroll in Amazon's Brand Registry. Brand Registry enrollees may submit infringement reports and work with Amazon's brand protection teams to remove infringing content.

4 – Anti-Counterfeiting Programs

Amazon has introduced new programs aimed at ending counterfeiting activities. For example, Project Zero allows brand owners to remove infringing content from Amazon themselves. In addition, Amazon's Transparency Program allows brand owners to apply unique codes to their products, which Amazon employees can scan in warehouses and customers can scan when they receive products to ensure authenticity.

5 – Enforcement Strategy

Navigating the rapids of Amazon's online marketplace requires strategic decision-making and prudent counsel. IP owners must pick and choose which battles are worth fighting and which battles are not worth their time, resources, and energy. Oftentimes, it's a fine line between the two.

If you have any questions or concerns regarding the enforcement of your IP rights on Amazon, please contact one of the members of our [Chambliss Intellectual Property team](#).

Visit our COVID-19 Insight Center for our latest legislative and legal updates, articles, and resources.

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