Counterfeits, Knockoffs and Knockdowns: Controlling your Company and Product Image on E-commerce Platforms

The Cold E-commerce War Games

Robert P. Ziemian, Denver, CO
Haynes and Boone LLP
Robert.Ziemian@haynesboone.com

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The Problem – The WOPR

- Over a decade ago brick and mortar commerce were still prevalent.
  - Brands and product creators would physically police stores.
    - Especially effective with major chains
    - A finite problem?
  - Path to market a product required overhead and infrastructure
  - Typically a highly centralized, supply chain dependent distribution system
  - Typically a single source for a knockoff/counterfeit

- Enter Online retailers
  - Distribution through online retailers
    - Amazon, eBay, Wish, Alibaba, etc.
  - Little overhead to start selling
  - Innumerable listings
    - Instant creation and propagation
    - A infinite problem?

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Comprehensive Counterfeit and Knockoff Wargames

- Individual takedown requests
  - On various platforms
    - eBay
    - Amazon
    - Alibaba
    - Wish
  - For various types of IP
    - Copyright
      - DMCA
    - Trademark/trade dress
    - Patent/design patent
    - Contrast success using various types

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Comprehensive Counterfeit and Knockoff Wargames

- CBP
  - Registering trademarks
  - Registering copyrights
  - Working with CBP
  - John doe and other suits to pursue infringers
- Neutral Patent Evaluation program on Amazon
  - The process
  - Pitfalls
  - Strategy

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Comprehensive Counterfeit and Knockoff Wargames

- District Court Cases
- ITC actions
- Foreign Actions
- Crafting portfolios specifically for use fighting online knockoffs and counterfeits
- Enhancing client ability to monitor for counterfeits and knockoffs

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DEFCON 5 – Takedown requests - Amazon

- Amazon Brand Registry – Must
  - Registered trademark
  - Proprietary text and image search
  - Predictive automation based on your reports of suspected intellectual property rights violations
  - Increased authority over product listings with your brand name
- Select complaint category
  - Copyright
    - Registered
  - Trademark
    - Registration
  - Patent
    - Design
    - Utility – do you have a court order
  - Other

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Also available as part of the eCourse
Controlling your Company and Product Image on E-commerce Platforms

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