

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

The Cold E-commerce War Games

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UT LAW/CLE 33rd Annual Technology Law Conference

Live Webcast – 2:55p.m., Friday, May 22, 2020

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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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First appeared as part of the conference materials for the
33rd Annual Technology Law Conference session

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