

# Catalog SOP: How to Fix Trademark (TM) Infringement Yank

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**Who is this for?** This is for all individuals and sellers whose listings get yanked due to trademark (TM) infringement.



**Objective:** To outline the steps and guidelines for resolving trademark (TM) infringement issues and reinstating yanked listings.

## SUMMARY:

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; symbols, names, and images used in commerce. IP is protected in law by, for example, patents, copyright, and trademarks, which enable people to earn recognition or financial benefit from what they invent or create.<sup>[1]</sup>

A TM is a word, a group of words, signs, symbols, logos, or a combination thereof that identifies and differentiates the source of the goods or services of one entity from those of others.<sup>[2]</sup>

Amazon enforces IP policies to prevent legal involvement in IP infringements. Here are 3 main types of IP rights that Amazon observes:

- Copyrights are legal protections for original works of authorship
- **Trademarks** are legal protections for a word, symbol, design, or combination of the same that a company uses to identify goods and services
- Patents are legal protections for inventions

For more information, please visit this [Amazon article](#).

## **Yank Reason Message:**

- *We have taken this measure because we suspect your listings may infringe on the intellectual property of others. The listings are using a trademarked term on their detail pages, but their brand names do not match the rights owner of the trademarked term. This is likely to cause confusion as to the source, endorsement, or affiliation of the goods, and is a violation of the Amazon Intellectual Property Policy for Sellers, which can be reviewed at: <https://sellercentral.amazon.com/gp/help/G201361070>*

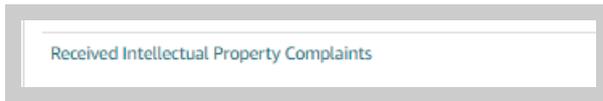
**NOTE:** We have some cases where the sellers aren't aware of which TMs they infringed. If this is the case for you, please jump to "How to Fix?" section **IV.E**.

## HOW TO FIX IT?

### **(I.) Confirm if the Seller owns the TM.**

1. Obtain the serial number and registration number certificate (if any) of the TM from the United States Patent and Trademark Office (USPTO).

2. Go to Performance > Account Health > Received Intellectual Property Complaints > Look for the ASIN and click the Appeal button.



3. Dispute that the Seller owns the TM and attach all necessary documents as proof that they really own it.
4. If the ASIN isn't under performance account health, then send the appeal through seller central (SC) help. Go to Help > Get Support > Selling on Amazon > Or, browse for your issue in the menu > Products, Listings, or Inventory > Inventory file upload issue. The following is an example template of the appeal:

**Short description: US - Trademark Infringement - Appeal - ASIN: BOXXXXXX**

Greetings Amazon,

*We're sorry that you yanked ASIN BOXXXXXX because of TM infringement of (TM in question).*

*We want to dispute that we own the TM (name of the brand or TM). Please see the attached USPTO certificate (or any documents that'll prove you own the trademark).*

*Please reinstate the listing. Send this to the internal team for further review and reinstatement.*

**(II.) If Seller is Authorized by the TM Owner?**

1. Obtain a **brand authorization letter, licensing agreement (LA), or letter of authorization (LOA)** from the brand or TM owner. Please ask the seller for these documents.
2. Go to Performance > Account Health > Received Intellectual Property Complaints > Look for the ASIN and click the Appeal button.
3. Dispute that the Seller is authorized by the brand or TM owner and attach all necessary documents (either of the 3 mentioned documents above).
4. If the ASIN isn't under performance account health, then send the appeal through seller central (SC) help. Go to Help > Get Support > Selling on Amazon > Or, browse for your issue in the menu > Products, Listings, or Inventory > Inventory file upload issue. The following is an example template of the appeal:

**Short description: US - Trademark Infringement - Appeal - ASIN: BOXXXXXX**

Greetings Amazon,

*We're sorry that you yanked ASIN BOXXXXXX because of TM infringement of (TM in question).*

*We want to dispute that we are authorized by (who owns the TM) to use the TM (TM in question). [Restate here what's in the agreement or letter of authorization and reason out within the scope of the violation]. See attached (type of document).*

*Please reinstate the listing. Send this to the internal team for further review and reinstatement.*

**(III.) Seller does not own the TM or Authorized by the TM Owner**

1. If the **TM is on product packaging**, it is best to pull out all of the inventories that infringed TMs because it will

eventually result to account deactivation if Amazon proves that the seller willfully infringed the TM.

2. **TM is on product packaging continued:** If the seller insists on reinstatement, you can try appealing using the manufacturer's invoice and using the same template as shown in section II. Nevertheless, I won't guarantee that the listing will get reinstated.

#### (IV.) TM Misuse

Sometimes, sellers identify TMs in the product descriptions and/or product images of their listings without the consent of the brand or TM owner. It is either deliberately added or added by accident. The following steps will help reinstate the listing:

##### If the Seller knows the TM Infringement (Misuse)

1. Remove all of the TM from the product description, product images, search terms, and A+ contents. **Always** document all of your actions and collect the batch IDs from all of the feed file updates.
2. Go to Performance > Account Health > Received Intellectual Property Complaints > Look for the ASIN and click the Appeal button.
3. Dispute that the Seller understands that he/she violated the IP policies and used the TM from his/her product descriptions but that you have removed them and that the listing is compliant with Amazon's IP policies. Provide the batch IDs.
4. If the ASIN isn't under performance account health, then send the appeal through seller central (SC) help. Go to Help > Get Support > Selling on Amazon > Or, browse for your issue in the menu > Products, Listings, or Inventory > Inventory file upload issue. The following is an example template of the appeal:

##### Short description: *US - Trademark Infringement - Appeal - ASIN: B0xx*

*Greetings Amazon,*

*We're sorry that you yanked ASIN B0xx because of TM infringement of (TM in question).*

*We want to admit that we're not authorized to use TM (name of brand or TM) in our product description and images.*

*To comply with Amazon's Intellectual Property policies, I have removed [TM name] (batch ID:)*

*[Please enumerate where you have removed the trademark]*

*Please reinstate the listing. Send this to the internal team for further review and reinstatement.*

##### If the Seller doesn't Know the TM Infringement (Misuse)

1. Go to the United States Patent and Trademark Office website and use their Trademark Electronic Search System (TESS). Look for possible trademarks within the description or on the product images. [https://tmsearch.uspto.gov/bin/gate.exe?f=login&p\\_lang=english&p\\_d=trmk](https://tmsearch.uspto.gov/bin/gate.exe?f=login&p_lang=english&p_d=trmk)
2. If you're able to identify the TM, ask the seller if they are the authorized seller and loop back to section II. If not, loop back to section IV.B.

## FAQ

### What if I need to create a Plan of Action (POA) for the TM infringement violation?

- At some point, Amazon will require sellers to write a PoA to clear the yanked ASIN(s) from TM infringement. The process is the same but you need to write it in detail. The following is an example of a PoA that you can use as a template:

### COMPLETE PLAN OF ACTION

Root Cause of the policy violation

Thank you for providing us with an opportunity to provide a plan of action for this incident.

1. We have violated others' intellectual property by using their trademark in our title by mistake. We have reviewed our listing thoroughly and noticed the trademark (BOTOXXXXX, Trademark No: 323232) caused the violation.
2. We did not know how to check the content we are using on the product listing detail page. We did not know how to look up the trademarks on the USPTO website.

### Corrective Action

1. We have reviewed our listing thoroughly and removed the trademark (BOXXXXXX, Trademark No: 323232) that caused the violation of the title of our listing. We uploaded a feed file to update the listing (Batch ID: 340118018709, processing report attached) on March 23, 2021, 9:13:38 AM PDT. We have removed the infringing content from our product detail page.
2. We have had a meeting with our Amazon specialists. We have trained them on Amazon policies, especially on "Intellectual Property Policies". We have created a checklist to be used while creating a new listing or updating the existing ones. It includes looking up possible trademarks on the USPTO website to prevent infringement issues.

### Preventive Action

1. We will always make sure the content of the listing complies with Amazon policies. We are going to check the USPTO website before we use the content on our product listing.
2. The checklist we have created will prevent future infringement issues. We will check all of the content we have prepared for the product listings before submitting the changes on Amazon.
3. We understand Amazon takes intellectual property violations seriously. We have learned from this incident and we will never violate others' intellectual property again. We have reviewed all Amazon policies and we are going to comply with all of them in the future. We have reviewed Amazon's "Intellectual Property Policy for Sellers" ([https://sellercentral.amazon.com/gp/help/help.html?itemID=G201361070&language=en\\_US&ref=ag\\_G201361070\\_cont\\_521](https://sellercentral.amazon.com/gp/help/help.html?itemID=G201361070&language=en_US&ref=ag_G201361070_cont_521)).

We would like you to review the listing again and reinstate it. Thank you in advance.

### SHORT APPEAL

Greetings Amazon,

*Thank you for providing us with an opportunity to provide a plan of action for this incident. We have violated others' intellectual property by using their trademark in our title by mistake. We have reviewed our listing thoroughly and removed*

the trademark (Lauricidin, Trademark No: 323232) that caused the violation from the title of our listing. Since the contributions we have made do not reflect on the front end of the listing, we kindly ask you to check the back end of the listing or the following feed file processing report. It clearly shows that we have updated the title and removed infringing content from the listing's title. We first deleted the listing with a feed file (Batch ID: 299365018703) and waited for the listing to refresh. Then, we uploaded a full update feed file (Batch ID: 299368018703, see attached processing report) to remove all violating content from the product detail page. The feed file was processed successfully and our listing does not violate others' intellectual property anymore.

We understand Amazon takes intellectual property violations seriously. We have learned from this incident and we will never violate others' intellectual property again. We have reviewed all Amazon policies and we are going to comply with all of them in the future. We have reviewed Amazon's "Intellectual Property Policy for Sellers" ([https://sellercentral.amazon.com/gp/help/help.html?itemID=G201361070&language=en\\_US&ref=ag\\_G201361070\\_cont\\_521](https://sellercentral.amazon.com/gp/help/help.html?itemID=G201361070&language=en_US&ref=ag_G201361070_cont_521)).

We would like you to review the listing again and reinstate it. Thank you in advance.

Best regards,

### **WORKING WITH CASES / SELLER SUPPORT**

Greetings Amazon,

Our ASIN: was suspended because of a Potential Trademark Misuse (NISSAN). We had NISSAN references on the title, description, and bullet points of the product listing. This issue is NOT about the brand name of the product. The issue is about NISSAN references.

We removed all NISSAN references from our product page (including title, description, bullet points, and search terms) 2 weeks ago. The changes will not reflect on the product detail page because the ASIN is yanked. No matter what, the changes will not reflect on the product listing unless you refresh the listing on your back end. I know you can still see NISSAN on the product page because the changes did not reflect on the listing. Check the back end of the product listing to see we have already removed all NISSAN references from our product detail page.

Do not respond back the brand name of our listing is incorrect. Do not respond back to wait 24-48 hours. Do not respond back that we should remove Ford from our listing. Please note we have performed a delete&full update(24 hours later) before. You can easily solve the problem by refreshing the listing on your back end. If you are not able to solve the problem, transfer the case to the brand registry team since they are more experienced. Do not tell me you cannot transfer this case. I have been working on Amazon for 5 years and I know what you can and cannot do. If you do not provide help, you will be reported through the case and Jeff's executive team because of the poor support.

We have been waiting for a resolution for a month. I do not ask for your help but for an immediate resolution to this problem. I need you to solve it immediately. Thanks.

### **SELLER SUPPORT / NO VIOLATION OF ACCOUNT HEALTH**

The ASINs have been manually yanked due to copyright infringement. They had trademark on the product detail page. We have reviewed all listings and removed trademarks from the detail pages. We have uploaded an inventory file to update the listings (Batch ID: 3767344018730, see attached processing report). It was processed successfully.

Please escalate this issue to the leadership team immediately. We need this issue solved as soon as possible. We have NOT received any notifications and account health violations for these products so we do NOT have the option to appeal on the account health page. You need to take care of the issue manually.

*Do not respond with a template message but escalate the issue. This is a time-sensitive issue and we need it resolved ASAP.*

1. <https://www.wipo.int/about-ip/en/> ↑

2. <https://www.ipophil.gov.ph/trademark/> ↑

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