

# Legal Disclaimer

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# Chapter One

## *Introduction*

Fashion is your passion. Whether you are a new or existing designer, chances are, you have been on the Amazon platform. In this book, we will explain why Amazon is a great option for designers and how to keep your business safe from suspension. It is not easy starting your own business. There are many risks, but selling on Amazon opens many doors for entrepreneurs. This book will be your how-to guide involving legal issues that arise from selling on Amazon.

Congratulations on taking the plunge and escalating your business practice to the Amazon world. This book was written with a designer's thoughts and concerns in mind and we are thrilled to be on this journey with you. Our team of attorneys focus on Amazon related legal issues and we are eager to share our insight.

### *Who Are We?*

The Amazon Sellers law firm was founded by attorney CJ Rosenbaum. Amazon sellers are suspended every day. Amazon Sellers Lawyer discovers the reasoning behind your suspension and works diligently to have your account reinstated. Before CJ's law firm was founded, Amazon sellers had only one option for assistance in getting their account reinstated: non-lawyers. These "consultants" lacked the X factor that CJ provides as a licensed attorney: the legal obligation to maintain your privacy and ability to address intellectual property issues. This firm is comprised of attorneys who practice in business law.

### *C. J. 's Background and Experience in Law and E-Commerce*

CJ's tech background includes membership in the New York New Media Association (NYNMA), a group of young entrepreneurs who recognized the commercial power of the web years before it exploded. It was founded in 1994 to support and promote the 'new media' industry in New York City. In 1996, CJ bought shares of Apple for \$22 and \$24 a share.



Since starting his practice in 1994, CJ has represented entrepreneurs who operate both online and brick & mortar businesses. CJ is also a courtroom lawyer and litigator. CJ has represented people and businesses across the United States, has taken countless depositions and tries more cases each year than most lawyers do during their entire careers. In addition, CJ has successfully litigated cases against some of the largest corporations in the world including McDonalds, Sears, Kentucky Fried Chicken, and many insurance companies. In

NYC, CJ has successfully obtained redress for his clients against the NYPD, the NYC Housing Department, the NYC Health and Hospitals Corp., and other behemoths. CJ has represented clients in the Internet, finance, health and entertainment industries. CJ is admitted to practice law in state and federal courts. He also holds executive and leadership roles in the NYS Bar Association and the National American Association for Justice. Finally, CJ has delivered lectures to other lawyers in New York, Chicago, Montreal, Maryland, Florida and Los Angeles.

## *Nicole Kulaga's Experience in the Fashion Industry*

Many Amazon Sellers who were receiving suspensions were selling clothing items that they designed themselves or that they were reselling. The law firm brought in former Fashion Journalist and current law student, Nicole Kulaga. She has five years of experience in the fashion industry. Prior to her joining the Amazon Sellers Lawyer firm, she was a Fashion Journalist where she researched the latest trends, modeled the looks, and wrote about how to find these looks at an affordable cost. Her experience in fashion set the foundation needed to truly sympathize with designers and resellers. She knows the industry is cut throat, she knows it is not easy, and by joining this firm, she is able to help relieve some of that stress for these entrepreneurs.



This collaboration of law and fashion filtered through the needs of Amazon sellers is what makes this firm successful. To find a firm that will assist fashion designers not just with Fashion Law but also, with Amazon is rare, and we are happy to be one of the few who are willing to help. Many designers choose to use Amazon to sell their products. It takes a team with a fashion background and legal experience to better understand a designer's and reseller's particular needs and challenges when it comes to Amazon.

Fashion on Amazon will be able to assist new and existing designers and resellers expand their company into the Amazon online platform. This book will show how to sell on Amazon, how to legally protect your brand, and how to stay successful on the online platform. It is an exciting journey for fashion designers and we look forward to being able to assist you along the way.

## *Fashion Law: A Brief History*

Fashion Law is a relatively new field in the legal world. While designers were not left to fend for themselves whenever a legal issue arose, it was extremely difficult to find lawyers who specialized in Fashion. They would instead need to look for attorneys who practiced in their needed field such as intellectual property (IP) or tax. Due to the high demand for Fashion Law attorneys, in the early 2000's, law schools began to teach the subject. Fordham Law allows students to obtain a degree in either Master's of Law or LL.M in Fashion Law. One can earn a Masters after earning a Bachelor's Degree. Law School graduates can continue their education and earn a LL.M. Universities are not the only ones who noticed this demand. Law firms are noticing and Fashion Law is now more commonly practiced. That is because this form of law encompasses all variations of law that a designer would encounter including: intellectual property, real estate, tax law, model law, and more. It is not limited to a narrow scope, as one may initially believe. This field requires attorneys with multiple backgrounds, multiple passions, and an eagerness to help those who have previously been neglected by the legal community. The specialty is needed, especially in this day and age. There are countless incidences of counterfeit items, designers in need of attorneys to assist them in creating contracts for employees, and there are IP violations occurring every day. Designers need attorneys, and the attorneys are starting to pay attention.

This book will look specifically into the areas of law that will be impacted by the sale of clothing on Amazon. We will discuss the ins and outs of having an Amazon account and the intellectual property rights violations that occur on the online platform. You will learn more about how to protect your brand, what limitations the law has for the protection of designs, and how to easily navigate selling on Amazon.

## Chapter Two

### *Why Designers Should Sell on Amazon*

#### *The Spike in Internet Apparel Retail Sales*

As a new designer, it is essential that you market your product appropriately. Yes it is possible to run a successful business from your personal boutique, but in this day and age, customers desire a more fast-paced approach to shopping. By now, you are likely aware of the online apparel revolution that has occurred. The Internet allows apparel retailers to sell and display their items through an online website or platform. Customers are able to gain access to their favorite clothing brands and items at the touch of a keyboard. They are also able to compare prices, styles, and read blogs in order to assist them while they online shop. Seller platforms such as Amazon.com allow retailers to sell their merchandise through their websites. In fact, Amazon's sales have drastically improved which is now placing them in direct competition with retailers such as Macy's, Nordstrom, and Target. The digital age is now, and as a new designer, it is time to assimilate.

To understand the spike in Internet sales, we looked at the situation from a fashion journalist's perspective. A fashion journalist is responsible for remaining up to date with the latest fashion trends, designers, and models. These journalists discover how to purchase an authentic article of clothing and how to purchase similar trends.



There are articles produced daily of celebrity outfits that can be found at affordable prices. A good journalist will be able to appeal to multiple demographics. Fashion is not just available to the wealthy; it is enjoyed by people of all ages, genres, and financial backgrounds. A fashion journalist needs to find the trends and then discover what stores are selling those particular products. Magazines will often, either by electronic tagging or on paper, cite to the clothing company or outlet that has the desired items available.

That is where Amazon.com comes into play. For those who wish to follow trends, maintain the looks of the celebrities, or just feel their best in stylish clothing, they know to use their resources wisely. They will first look to magazines or fashion blogs. Those fashion blogs will direct them to the apparel store.

But what if they do not wish to go directly to the store? Long lines, unorganized displays, and chaotic swarms of people are enough for customers to stay far away from store locations. We must also take into account people with disabilities or people who have restricted mobility. Not everyone is lucky enough to be able to walk into a store. Online retail shopping's convenience benefits millions, and millions are choosing to purchase on Amazon.

Amazon.com has a fashion department called Amazon Fashion. Without having to enter any additional filters, a fashion forward individual can choose between his or her favorite designers, including, Michael Kors, Stuart Weitzman, Guess, or Calvin Klein. Customers also have the option to simply type their desired product into the search engine and have their results in a matter of seconds. This easy access to clothing is why online sales are improving. Fashion

changes rapidly and consumers want to be able to keep up with the pace. They do not have the time to go into stores in person, so they turn to the Internet.

How does this impact Amazon Sellers? More business on Amazon likely means more business for their account. In addition to the clothing options on Amazon Fashion, there are also options to sell apparel on the “athletic clothing” or “outdoor clothing” filter. Amazon Fashion is also expanding to showcase their favorite styles including “Fall Denim” or “Summer-to-Fall Shoes”. The Amazon Fashion front page is continuously being updating according to trends and recent events such as fashion week or red carpet events. This allows the shopper to easily filter their desired products based on what is currently popular. The opportunities are endless for the emerging or existing Amazon Seller.

## *Why Amazon?*

Budgets are typically tight for new designers, business partners, resellers and distributors. You have to consider the cost of making your product or having a manufacturer produce the product, marketing costs, packaging costs, renting a space to sell your product... the list continues. Selling your designs to a retailer is not only extremely difficult, but also, it is costly. Opening your own store can range upwards of \$30,000 at least.

Amazon provides a cost-effective method for new designers. To sell on Amazon, Amazon will collect a 15% referral fee. Before selling on Amazon, Seller Central has a calculator to estimate the costs of using Fulfillment by Amazon "FBA", and how much you will make per item. To sell on Amazon as a professional, there will be a charge of \$39.99 a month and additional selling fees.

On Amazon, professional means selling more than 40 items a month. You also have the opportunity to sell as an individual, where you plan to sell less than 40 items a month. This option charges \$0.99 per item as well as referral fees and variable closing fees.

You must then decide whether or not to use FBA. FBA, means Fulfillment By Amazon. This is a method where you send your products to the Amazon warehouse, then Amazon themselves pack and ship your products. In addition to this, they will take care of customer service and returns. If you wish to do your packaging and shipping on your own, you are free to do so, but you must follow Amazon's strict guidelines. Amazon has many rules for their sellers, yet, despite these obstacles, it is still an excellent opportunity for new designers and resellers. You can open a store with Amazon without a huge investment. If you have an eye for fashion, you can open a store on Amazon today and have at least 80 million potential customers worldwide.

## *Amazon Fashion*

The online powerhouse company has maximized their efforts to establish a respectable name when it comes to fashion, and the fashion world is noticing.

Amazon is no longer just an online store for highly discounted goods. Amazon Fashion is a portion of the website that allows shoppers to purchase clothing, shoes, and accessories from designers. The company has redirected its focus toward quality when it comes to what is available to purchase on the Amazon Fashion page. Many designers have teamed up with Amazon and sell their goods through the platform. Amazon themselves have created their own clothing lines such as: Society New York; Franklin & Freeman; James & Erin; Lark & Ro Franklin Tailored; Scout & Ro; and North Eleven. These lines have brought Amazon up to speed with the rapidly changing, ever-evolving fashion world. A quality product is in demand, and Amazon is determined to provide just that to their customers. The website has been redesigned and they have created their own labels.

Amazon's focus remains on revenue, and that is why they want to add a new stream of customers to their website. The company has been involved in fashion week events, including hosting an after party for designers, celebrities, and fashion enthusiasts. Amazon Fashion is already bringing in over 40 million customers, making it one of Amazon's fastest growing categories.

Amazon has the data stored to determine what is selling and what is not. Additionally, they have a team who tracks trends and who pays attention to the fashion weeks and other high profile fashion events. They then are able to coordinate what to showcase on Amazon Fashion. As a designer, you too are going to be up to date on trends and will be able to use their marketing strategy to your advantage.

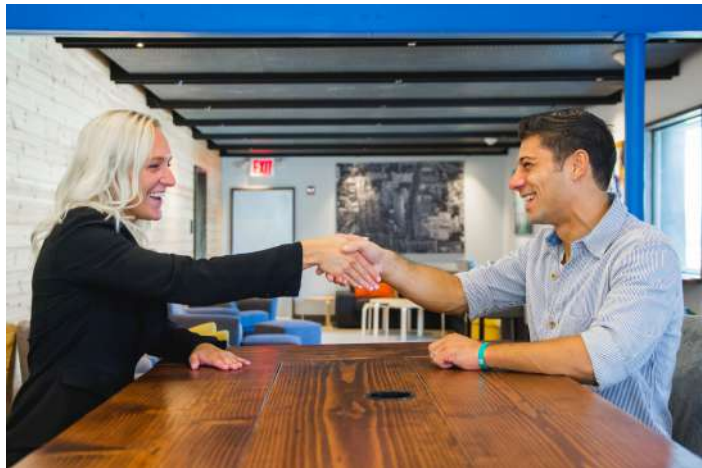
Amazon Fashion is growing in popularity and reputation in the fashion industry. Competition is fierce for existing brands, new designers, and retailers; but Amazon seems to be determined to come out on top. New marketing strategies have been established and Amazon Fashion is now looked at in a more positive light.

## *Philanthropy*

Many designers and retailers are actively engaged in transforming the fashion world into something that is eco-friendly. The fresh minds behind emerging products cherish our planet and want to make it a better place to live in. You have most likely seen it everywhere from your mom and pop shops to your department stores: cruelty-free, vegan designs, 100% recycled products, and biodegradable products. Every single day creators are finding innovative ways to reduce waste and promote a healthy brand.

Designers are not only producing quality products, but also, they are giving back. These people have a dream to change the world, and with their company, they are doing just that on the

Amazon Platform. If you are just starting your business, you may wish to first establish your brand, then incorporate your favorite charity into your earned profits. However, if you are already established, Amazon is an excellent resource to promote your philanthropy.



Designers are already using Amazon and Amazon Prime to help the less fortunate. They have their product, and because selling through Amazon is cost-effective for a growing business, they can afford to donate large portions of their profits towards their selected charity. This is an incredible opportunity for someone who is extraordinarily passionate about improving the quality of life for others. By selling on Amazon, you are reaching an international audience. This means more exposure, more customers being inspired by your incredible work, and more profits that are being generated towards your cause.

Amazon has a program called Amazon Smile where Amazon donates 0.5% of your purchases to your respective charity. You can register your charity to this program however, it must be a public charity located within the United States. You will also need to sign an Amazon

Smile participation agreement. This way, when a customer decides to use Amazon Smile, if they select your charity, 0.5% of their purchase will be donated to your charity.

This option is available for designers, retailers, and businesses alike. Amazon Sellers Lawyer, for example, is passionate about raising awareness and funds for the Ty Louis Campbell Foundation, a non-profit organization that funds innovative research and clinical trials specifically geared toward the treatment of the most aggressive childhood cancers. The Ty Louis Campbell Foundation is just one of the amazing charities available on Amazon Smile.

If you already have a company website, you should link your products directly to the Amazon website. This way, if a customer wishes to purchase your item, they will click your link and be transferred to the Amazon platform. This makes purchasing easier for the customer, but also, it helps the customer feel safe. Many people are skeptical when it comes to purchasing on the Internet. Supplying credit card or personal information is a daunting experience for many adults. However, if they are redirected to a trust-worthy website like Amazon, they will likely be more comfortable in purchasing your products. We will go into a deeper analysis on exactly how to link Amazon to you website in the next chapter.

# Chapter Three

## *How To Sell on Amazon*

### *Getting Started: Amazon's Requirements*

Amazon demands that sellers meet certain requirements before they are selected to sell clothing on their platform. For example, your products are only allowed to be new; no used



clothing items can be sold on Amazon. However, other items are allowed to be sold used on Amazon. These requirements are set in place to assure that you are a company that can be trusted to follow their guidelines and keep Amazon customers happy.

The following is language taken from the Amazon Seller Central page for the requirements to sell on clothing on Amazon: <sup>1</sup>

- Sellers must provide a website or image hosting site with product images that can be reviewed to be considered for approval to sell on Amazon.
- Clothing & Accessories products from major brands must be listed using the manufacturer's UPC code.<sup>2</sup>
- All Clothing & Accessories products must be new. We do not allow any used products.
- All products must be authentic. We do not allow any counterfeit, replica, or

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<sup>1</sup> Amazon.com Help:  
<https://www.amazon.com/gp/help/customer/display.html?nodeId=200277160>

<sup>2</sup> UPC stands for Universal Product Code. This code is required to sell at most retailers including Amazon.com. You can obtain a UPC by applying for one at the Global Standards Organization. Once you apply, you will be assigned a product number. [www.gs1us.org](http://www.gs1us.org)

knock-off products.<sup>3</sup>

- Product images must adhere to Clothing Store Image Standards:

Required:

- All color variations must include a "child SKU main image" representative of that specific color.<sup>4</sup>
- Images uploaded must be at least 1001px on the longest size. Images can be up to 3000px on the longest side and must be 2560px on the longest side to take full advantage of our zoom capability.
- Each image should be tightly cropped to optimize the customer's ability to evaluate the item.
- Images should not be visibly marked with watermarks, color palettes, or text.
- Background must be white, with image being of high quality and truly representative of the product being sold.
- Main image must be of a single product, not stacks or images containing multiple products.
- Main parent and child images must be on model or flat.
- Alternate images can be different angles or views, swatches, etc., but must adhere to the same image quality and size guidelines.
- Sellers are responsible for the quality of all images they upload.<sup>5</sup>

Prohibited:

- Brand tags or packaging in any of the images.
- Images of second hand or slightly used products.

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<sup>3</sup> Amazon Sellers Lawyer frequently handles inauthentic complaints and has successfully reinstated suspended accounts due to these complaints.

<sup>4</sup> SKU stands for Stock Keeping Unit. This is a number that is assigned your product for tracking purposes. "Used to show a view of the product in the specific color for the given child SKU. The main image for the child SKU shows in the image pop-up window and on the Browse page; when customers click the smaller picture, the full-size picture appears in a pop-up window. Each child SKU has just one main image, representing the child product in the specified color." Selling on Amazon, , <https://images-na.ssl-images-amazon.com/images/g/01/rainier/help/clothingstyleguide.pdf>.

<sup>5</sup> Amazon sellers are able to take pictures themselves.

- Borders, watermarks, text, or other decorations.
- Sketches or digitally created images of the product; use real images only.
- Images on mannequin.
- Colored backgrounds or lifestyle pictures.
- Other products, items, or accessories that are not part of the product listing; only include exactly what the customer is buying.
- Image place holders (such as, "temporary image" or "no image available").
- Images containing graphs of product ratings.
- Promotional text such as "sale" or "free ship" (use the Manage Promotions tool instead).<sup>6</sup>
- Size charts, delivery zone maps, or any graphic not related to the product.
- All listing data and images must be suitable for all ages and appropriate to our global community. Listing data and images may not depict or contain nudity or pornographic, obscene, or offensive items.<sup>7</sup>

In order to sell clothing on Amazon, you will need to properly abide by all of Amazon's requirements. Make sure that if you are not creating the product yourself, that you are purchasing your products from a vendor or distributor that can provide you with a valid invoice. If there are issues or complaints in the future, you will need to submit these invoices to Amazon. This is because Amazon will need to be positive that your product is 100% authentic and you are at zero risk of selling a counterfeit item. Be aware that there may be a waiting period in order to be approved to sell clothing on Amazon. You will additionally need to have a barcode for all of your products.<sup>8</sup> Luckily, you can purchase this barcode at an affordable price and have it registered in the GS1 Global Electronic Party Information Registry.

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<sup>6</sup> The Manage promotions tool is an option on your seller account that allows you to create promotions on your account.

<sup>7</sup> Amazon.com Help:  
<https://www.amazon.com/gp/help/customer/display.html?nodeId=200277160>

<sup>8</sup> You can purchase a barcode from a number of providers including [www.buyabarcodes.com](http://www.buyabarcodes.com).

## *Creating an Account; FBA vs. Independent*

When choosing which account to make, you will have to look at your business. If you take pride in individually packaging your products, FBA is not the choice for you. For instance, some designers wish to personally package each item with their specific design stamp. However, be aware that you must follow Amazon's strict policies when it comes to packaging. Yes, you may still keep your unique touch on your item's packaging, but your package must also be secure so that the item is protected from damage during transit.



It is important to note that you must follow the Amazon policies for packaging. This includes making sure to use two inches of cushioning between units on the inside of the box. It also will be in your best interest to properly train your staff on how to prevent all damage in transit. This involves conducting random inventory checks in order to reduce item defect complaints. You should also be aware that you should only source items from suppliers with proven track records. This will protect your business in the

long run; you do not want to risk obtaining items from an untrustworthy source. It is also imperative that your suppliers provide to you all of the information that Product Quality desires regarding the sourcing of your items.

Many designers do not wish to personally package each item. As your business grows, it becomes increasingly more difficult to maintain Amazon’s high standards when it comes to packaging. Fulfillment by Amazon, or FBA, relieves some of that stress. The fees for FBA are as follows:

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Fulfillment Fee		Product Size Tier <a href="#">learn more</a> (\$299.99 or less)		Zero-Fee Fulfillment (\$300 or more)
		Small Standard-Size	Large Standard-Size	
Order Handling per order		\$0.00	\$0.00	\$0.00
Pack & Ship per unit		\$1.06	\$1.06	\$0.00
Weight Handling per lb. Applied on the <a href="#">Outbound Shipping Weight</a>	1 lb.	\$0.50	\$0.85	\$0.00

<sup>9</sup> Amazon.com Help:  
<https://www.amazon.com/gp/help/customer/display.html/?nodeId=201119410>

While packaging independently allows you to style your packaging as you see fit, it is important to be aware that as more orders come in, you will need to have the proper resources to accommodate the increasing number of customers. It is essential that you stay up to date on all packaging procedures and policies provided to you by Amazon. This can become a headache for many companies. Therefore, it may be in your best interest to choose FBA. You will not have the fear of becoming liable for any packaging issues that should arise. Similarly, you will be able to save money by using the FBA option. However, Amazon collects 15% as an additional FBA cost for each sale you make.

### *Shipping Needs*

Amazon has many shipping requirements. If you choose not to use FBA, you will need to personally maintain Amazon's shipping standards. For one, you should make sure you have two inches of cushioning between units inside any packaging. There are also additional packaging options such as vacuum sealing items to ensure customers receive their products in perfect condition.

## *Seller-fulfilled Prime*

Amazon has recently expanded the availability for sellers to sell on Prime without having an FBA account. Prime is a feature that allows a customer to receive their product within two days. This process allows people who manufacture or resell their own products to buy a shipping label from Amazon. They do this by first obtaining the MWS Buy Shipping API. This allows sellers to ship directly from their warehouse. This is an incredible option for designers and resellers. As we explained in the previous chapter, you want to be able to package your products in a way that makes your packaging unique. Now, you have the opportunity to sell to the Amazon Prime subscribers. That is opening the doors to over 40 million subscribers who are already repeat Amazon customers.

Why should you be interested in joining seller-fulfilled prime? Your article of clothing would be preferred over another similar article of clothing that is not on Prime. Why is this? Remember earlier how we discussed the Internet age and the high demand for immediate satisfaction? This is a similar situation. Shoppers are more likely to purchase a product that is available on Prime as opposed to normal shipping. Other perks of seller-fulfilled prime have the prime option without the FBA fees.

While this is an excellent option for sellers, it is currently an invite-only program. If you do get an invitation, another advantage you will have over other competitors selling clothing is that you will be more likely to get the buy box privileges, which we will discuss further, in the next section.

## *Obtaining the Buy Box*

The buy box is the box located to the right of a product page on Amazon. A seller is selected by Amazon to have their details in this particular box. If a customer chooses to purchase the product, and selects, “Add to Cart” the sale goes to the seller who has obtained the buy box. Sometimes, Amazon chooses multiple sellers to have the buy box, and they alternate who has the box based on percentages. This means one seller will have the box for a certain percent of the day, and others will have the box for the remaining portions of the day.

The requirements for being selected for the buy box are as follows:

- Must have a Professional Seller account.
- Must be eligible (this can be checked by logging into your account and checking the buy box eligibility selection).
- Must be a new product; nothing used.
- Must have the available stock to sell.
- Need Perfect Order Percentage (POP) Score.<sup>10</sup> Keep your over 95%. Note that because you are in the business of selling clothing, your POP score may be impacted due to returns. Returns are more common in clothing sales because people do not get to try on the clothes first, they do not know if it will fit or if they will like it once they have it on.<sup>11</sup>

You can also improve your chances of being selected for the buy box by lowering your prices. FBA sellers are preferred over non-FBA, and Seller-Fulfilled Prime members are preferred over FBA sellers. On media specific categories such as books or media, Amazon themselves will be given the buy box. This is great news for designers like you because it is still possible for you to win the buy box.

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<sup>10</sup> Perfect Order Percentage Score is a score based on how perfect your orders are. Basically, you want the Perfect Order, which means the product was delivered on time, not refunded, no cancellations, A-to-Z Claims, or Negative feedback.

<sup>11</sup> Feedvisor, The Buy Box Bible (2016).

## *Hijackers, Who Are They? How To Avoid Them*

Hijackers are not just those criminals you envision in action movies. They are found on online platforms as well. These sellers do not create success on Amazon; they steal success from hard working sellers, sellers who earned their spot in the buy box. These unethical sellers will research Amazon listings that are doing very well. Once they discover a listing for a private label product that is successful, they will actually take over the listing, change the product title, images, and content to their own material. This means that the customers who are buying off of one listing will notice it is suddenly a different product. You will receive the negative reviews on your listing and you will lose the buy box.

These situations are common and sellers are outraged. The best option to protect your listing is to register through brand registry. With brand registry, it will be a lot more difficult for these unethical sellers to hijack your listings.

## *Brand Registry*

Brand registry is a tool created by Amazon.com to protect sellers as they sell on the Amazon platform. Many sellers encounter problems maintaining their own listings. Before brand registry, many private label sellers did not have an option to truly establish a brand on the Amazon platform. The listings were the generic listings Amazon provided and there was no availability to personalize their content. Additionally, without brand registry, sellers are at an increased risk for hijackers taking over their listings. However once you are registered with brand registry, you obtain the rights to control the content for your private label products and listings within that registered brand.

If you manufacture your own products or are a Brand Owner, you may place your brand on the brand registry. Manufacturers, Private Label Brand Owners, and Distributors are all eligible to register for brand registry.

This option will allow you to manage your own product's listing. For example, you can format your listing accordingly, with an option to bold any sections that you choose on your description. This also means that you will have control over your product's ID. You will be able to use a GCID (Global Catalog Identifier), assigned by Amazon, which can be used instead of UPCs.

This is your product, your brand, and you will want to register so that you can maintain your unique edge while running a business through the Amazon website. In order to get started, you will need to first set up your company's website and email. Your email must be for your company website, not a personal email. On your website, you should have your brand, and products with your brand on them on display. You will need this information in order to properly fill out the registration form. Once you have all of your company's information, you will be able to proceed.

In order to go about registering your brand, you will need to file an application on your Seller Central account called, "Amazon Brand Registry Enrollment Request." You will need to fill out your company's information. Because you are selling clothing, you will check "no" when

the registration form asks you if you sell BMVDs (books, movies, videos, DVDs) or collectables. Note: if you wish to sell these products in the future, you will not be able to sell these products on brand registry for they are excluded by Amazon. Other items that are not eligible for brand registry include entertainment or sports memorabilia and collectibles.

Amazon has a strict policy against the sale of used clothing items. As you discovered when you first registered to sell on Amazon, you must not sell any clothing that is used. When you apply for brand registry, it is imperative that you also state your products will be sold as new.

The registration form will ask you if you have a registered Trademark. If you do not have one at this time, or are unaware of what a trademark exactly is, that is okay. We will discuss trademarks and how to obtain one in detail later on in this book.

When it comes to branded packaging, be aware that if you place a sticker or label with your brand onto the packaging, then you have branded packaging, and should select this option. When you upload images of your product, be sure to upload quality images. This will help you in the long run while running your business on Amazon. Many Amazon sellers receive complaints for inauthentic items or not as described items because the images of the product are not clearly demonstrating the product received. Further, you should not upload any computer-generated images; Amazon does not accept these. Make sure you attach an image with your brand visible on your packaging and the image of your product with the brand visible.



Once you have submitted your registration, be aware that it may take a few days for Amazon to review your application. If Amazon feels there is something missing from your registration, you will be notified via email so that you may revise your account.

If you are already selling on Amazon and have your own listing, you will still need to register in order to obtain brand registry. This requires a re-submission of your listings under your brand.

Be specific with your listing details. Make sure you explain what your product is, how it looks, and its functionality. When selling on Amazon, if your descriptions are ambiguous or do not perfectly match the product described, you will receive complaints from your customers. These complaints can lead to account suspension and that is not a path you will want to walk down. Be proactive now, and the hard work will pay off later. Having your listings be specific is also beneficial because it prevents someone from submitting details for you that could be incorrect. If you do run into any problems, Amazon Sellers Lawyer has the experience needed to assist you.<sup>12</sup>

Amazon does not provide any guarantees that by signing up with brand registry your account will be safe from hijackers. However, it is an excellent opportunity for designers because it establishes your brand, you can personalize your listings, and it sets up an extra layer of protection for your brand.

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<sup>12</sup> Amazon Sellers Lawyer provides free consultations relating to hijacking or brand registry related issues. Visit [www.AmazonSellersLawyer.com](http://www.AmazonSellersLawyer.com) for videos on Seller Fashion on Amazon.

## *Linking Amazon to Your Website*

Your website now should be fully fleshed with all of your listings available online. You can have your customers purchase their products directly on your website, or you can have them be directed to your Amazon account. Most new customers would prefer to purchase your product through Amazon because it is a trusted website. While they may not know your company, they know Amazon. Customers know Amazon is reliable. That is why you or your business should consider linking products on your webpage directly to Amazon.

This is actually easier than you might think. If you paid someone to create your website, ask them to add these links for you. If you created your website on your own, here are a few ways to obtain the link. One method to do this is to log onto your Amazon account. On your seller central account, there is a section titled “Build Links.” There will be template made



available to you so that you may choose between font size and colors. You will be able to do this for specific items. You will then need to select “Get HTML” then “Customize Link” and finally “Basic Display”.

However, be aware that each website is unique. If your website is generated through WordPress for example, you will need to add the text link, [amazon asin=<ASIN Number>&text=<link text>] and place your ASIN number into the link, and for link text place what you would want to be displayed for the link. You may also add the HTML link onto your account. WordPress also has the option to have text and image, just image, or just text to display on your link.

The way you add the coding for your website will be specific for your website generator. If you are having trouble with creating your website, know that there are many affordable

services available to you where website creators will assist you, or even create your website for you. If you choose to create the links yourself, remember it is important to make sure your links are correctly uploaded before publishing your updated page onto your website. Your customers want to see an organized page that is easy to navigate, not messy or malfunctioning. Presentation is important; you do not want to discourage your customers from purchasing the product.

## *Retail Arbitrage*

Retail Arbitrage is where Amazon Sellers purchase products from major retailers and then resell them on Amazon. Many sellers are now sourcing inventory directly from retail stores. Sourcing means to find a retailer who has the product you wish to sell and then purchase that item in bulk. For example, sellers can open a fashion store on Amazon by shopping at Wal-Mart for their products and then resell them online. They purchase highly discounted items on clearance and resell them for their own businesses profit. Typically, when a business wishes to delve into retail arbitrage, they purchase popular items, in bulk, and at a highly discounted price, rather than purchasing individual items. Purchasing in multiples means multiple profits.

While this may be frustrating to big businesses and designers, generally, this is 100% legal. To a business on Amazon, this is an excellent opportunity to generate revenue. On top of their own designs, Amazon sellers are selling other clothing items. They compile several products that are favorable to their customers. If you are still getting your business started, it may be in your interest to kick-start your business with retail arbitrage. You can invest this extra income back into your company. All you need is a good eye for what is not selling in your local stores, but will sell well on Amazon. There are also scanning apps, which allow you to see what is available.

Retail Arbitrage is not for everyone. Many designers wish to only sell their own products on their account and that is perfectly fine. If you wish to expand your business from your products, to the sale of additional products, retail arbitrage may be an option for your Amazon Sellers account.

The choice to delve into retail arbitrage is entirely yours, but know that with this process comes with risk. Amazon will not monitor these products but they will suspend the account seller if someone alleges that these products are inauthentic, counterfeit, or used sold as new. Once a complaint is filed, it is you as a seller's responsibility to prove that the products are authentic.

Inauthentic means any item that is not the genuine, true, product in its exact form, as it was manufactured. Counterfeit items are often knock-offs, where a seller is selling something

that has the same copied logo, but it's not the same authentic, quality product. Used sold as new complaints are especially tricky on Amazon. You may believe that so long as a product is unused, it is okay to sell the product as new. This is not the case. Anything returned, in a different or altered packaging than the original packaging, or with damaged packaging must be considered used. As you learned earlier, once a clothing item is considered used, it may not be sold on Amazon. This rule is strictly enforced and it is imperative to make sure that you never sell used clothing items on your account.

What does this mean for you as a designer or reseller? If you do not have any of your designs being sold at retailers, then you need not concern yourself with retail arbitrage. However, if you do, it is important to know that this is not illegal. If you notice that these products are being sold on Amazon, and you notice that these are inauthentic or counterfeit, you have the ability to file an inauthentic complaint.

Once a complaint is filed, Amazon will likely suspend that user from selling that product. The burden will then be on the seller to prove the authenticity of the product. They will need to supply invoices that show the Uniform Product Code (UPC). If they only have the retail code, which is typically found in invoices from stores such as T.J.Maxx or Marshalls, Amazon will not reinstate the account. That is because Amazon requires the UPC to prove the authenticity of an item. If you choose to partake in retail arbitrage, make sure wherever you purchase your products, your invoices supply a UPC and detailed product descriptions.

Remember, if you are mistaken in your allegation, filing a complaint against a seller is detrimental to their business. Just like you, they need to make a living. If you receive notice from the seller proving that the products are 100% authentic, then you should remove your complaint. Their business, while you may not agree with it, is legal. It should be your interest to make sure that there are no counterfeit products, but also to recognize if your complaint is meritless. The Fashion business is a complicated world; you do not want to become a bully. Further, if your complaints are fraudulent, the seller may be able to bring suit against you for lost profits. This complaint will place them out of business, and it may become your responsibility to compensate for those lost profits if your complaint is not valid.

Your business can still flourish even with the existence of retail arbitrage. Creating constructive relationships with your competitors, while this may seem far-fetched, is generally a good idea. Interact with one another, learn about each other's businesses, and know most disputes can be easily resolved through communication, not lengthy litigation. If you are still expanding your business and are new to the Amazon website, you do not need to worry about retail arbitrage.

## *Private Label*

Many Amazon sellers begin with retail arbitrage, and then move forward to private labels. These sellers purchase products directly from the manufacturer and place their logo on the product. As a designer, you may be making your products from scratch, or you may be purchasing your product from the manufacturer. Designers who wish to hand-make each product will not be inclined to switch to private label. However, if you are interested, know that this is a cost-effective method for businesses that do not have the time to make their products. As your business grows, it may be in your interest to switch to Private Labeling. The designs will still have your logo or mark, but will not be created by you personally. You will have the ability to re-design the clothing item to make it more of your own. Just like major designers, you too can have a line and have the clothes made for you in China, Vietnam, or other manufacturing hubs.

When you private label, you are contracting with a manufacturer to create your product. Once the product is made, you will be able to have your logo placed onto the designs. More and more sellers and designers are using private label simply because it is an efficient profitable business.

Keep in mind that if you do turn to a manufacturer, you will need to make sure they are a reliable source. You still have to maintain Amazon's high-standards for products. Do your research before contracting with a party. Make sure that they can produce the quantity and quality you expect. Make sure they are informed of Amazon's policies so that you do not get suspended in the future as a result of manufacturing errors.

From a business standpoint, you will want to select a manufacturer that will be able to produce your product at an affordable price for your company. That number will vary depending on your company's budget and the price you wish to sell your products for on Amazon. Take into account Amazon's fees; your business costs, shipping costs, and all variable factors that will impact the price of your product. Take your time when choosing a manufacturer. You want to make sure you are selecting a trustworthy manufacturer who suits your company's specific needs. Try to contact many manufacturers and figure out which is the best fit for you.

## *MAP Pricing*

What is MAP pricing? MAP stands for Minimum Advertising Price. Manufacturers will contract with their sellers and set a minimum price that they will be able to resell and advertise the product for. For example, if the manufacturer has a MAP for a certain shoe, any resellers who contract with that particular manufacturer will not be allowed to resell that shoe for any less than the set price. However, Amazon does not enforce these agreements. This means that if you purchased a product, you will be able to resell this product for a lower or higher price, as you see fit, on your Amazon account.

However, the enforceability of these agreements varies. For example, MAP agreements are illegal in the state of California. In a lawsuit entitled, *Leegin Creative Leather Prods. v. PSKS*, the United States Supreme Court decided, “Manufacturer's agreement with distributor on minimum price that distributor could charge for manufacturer's goods held not per se illegal under § 1 of Sherman Act (15 U.S.C.S. § 1); vertical price restraints held required to be judged by rule of reason.”<sup>13</sup> After this ruling, eight states reinstated the enforceability of MAP agreements.

When a reseller wishes to purchase from a manufacturer, they will often be given the choice to either sign the MAP agreement, or to not conduct business with that specific manufacturer. Therefore, many resellers will sign these agreements so that they can continue their business.

It is not Amazon’s responsibility to track down and make sure each seller is abiding outside the MAP agreements. It is the manufacture’s obligation to learn who is violating their terms. When they realize who is violating the agreement, they will take action by sending a warning of the party’s breach and ultimately, by banning them from further purchases.

Amazon does not enforce MAP agreements. This means that if you signed a MAP agreement, you will be able to sell at a lower price on Amazon. If you did not actually agree to a

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<sup>13</sup> *Leegin Creative Leather Prods. v. PSKS, Inc.*, 551 U.S. 877, 881 (U.S. 2007).

MAP agreement, then the manufacturer cannot enforce the agreement against you. However, some manufacturers are successful in bringing IP complaints when the actual issue is MAP pricing.

There are sellers on Amazon who are violating their agreements with manufacturers. A manufacturer can notify Amazon of the issue, but it is unlikely Amazon will take action against the seller. However, manufacturers have found a loophole. They know that your account cannot be suspended for MAP violations, but that it will be suspended for multiple complaints. Some manufacturers have taken advantage of this system and will leave faulty complaints on accounts they believe are violating the MAP agreement.

When Amazon.com receives multiple complaints on continuous violations, they will look into the account and suspend it. This is especially important for Amazon Sellers. While they will not take action specifically for the MAP violation, they will suspend your account for complaints alleging the inauthenticity of your items. If you never signed the MAP agreement, then the manufacturer has no claim against you. Therefore, it will be your job to contact the seller who filed the complaint and ask them to remove the complaint. Your letter will hold merit because first, your product is authentic, and second, due to their complaint you are entitled to lost profits against them. They caused your business to be suspended and lose profits. Because their complaint is meritless, fraudulent, and unethical, you will be able to file suit against them for lost profits.

## *Merchandise by Amazon*

As a designer, you may be interested in Amazon's print-on-demand feature, Merch by Amazon. This is an option for you to expand your company from clothing designs to shirts, hats and other apparel that display your logo. The clothing design will not be the same as your product, but it will have your brand placed on these items.

If you wish to join Merchandise by Amazon, you will need to file an application. Amazon has a large demand for not just designers, but business owners eager to have their logos placed on apparel. Just as you had to prove your worth in getting approved for selling clothing on Amazon, you will need to apply to be approved to sell on Merch by Amazon. You will need to fill out an invitation request form and then you will be notified once your request has been approved.

This is an excellent option to market your clothing business. The Amazon brand requires that you create your artwork or logo and upload the final version to their template. What makes this an excellent option for newer businesses is that Amazon has a tool so that you may promote your items. Your t-shirt will be placed on Amazon.com's t-shirt product page. These items will also be available on Amazon Prime.

The pricing for Amazon Merchandise varies depending on your quality of product and other costs. For example, if you would like your t-shirt to be American Apparel shirts, there is an additional \$1.50 fee. There is also a \$4.00 fee if you wish to have two-sided printing. Additionally, there is a 15% listing fee for the t-shirts. Finally, there are base production and fulfillment costs, which at the moment are \$9.31.<sup>14</sup> While you may believe that this is a high cost, this is a very profitable option. You will receive marketing and profit with minimum effort. Amazon will be responsible for printing, packing, and shipping every item. With Merch by Amazon, you can sell with practically zero investment and will have access to 80 potential million customers.

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<sup>14</sup> Merch by Amazon  
<https://merch.amazon.com/resource/201858580>

Your business is your creation; you will want to expand in as many ways as you can. With Amazon Merch, you will be able to add another source to market your product. However, you will first need to make sure your designs meet Amazon's guidelines.

# Chapter Four

## *Intellectual Property*

### *What is Intellectual Property?*

Intellectual property can generally be broken down into four categories: Copyrights, Trademarks, Patents, and Trade Secrets.

- A trademark is the protection of a name, symbol, or design, which is used to identify the source and quality of goods or services. A subpart of a trademark is a trade dress, which is “the overall appearance and image in the marketplace of a product or a commercial enterprise. For a product, trade dress typically comprises of packaging and labeling. For an enterprise, it typically comprises of design and decor.”<sup>15</sup>
- Copyright law protects works of original authorship, such as novels, poems, or musical composition.
- Patents protect ideas such as inventions or technological processes.
- Trade Secrets are “a formula, process, device, or other business information that is kept confidential to maintain an advantage over competitors; information — including a formula, pattern, compilation, program, device, method, technique, or process — that (1) derives independent economic value, actual or potential, from not being generally known or readily ascertainable by others who can obtain economic value from its disclosure or use, and (2) is the subject of reasonable efforts, under the circumstances, to maintain its secrecy.”<sup>16</sup>

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<sup>15</sup> TRADE DRESS, Black's Law Dictionary (10th ed. 2014)

<sup>16</sup> TRADE SECRET, Black's Law Dictionary (10th ed. 2014)

## *What Protections Are Applicable to Designers*

As a designer or reseller, it is important to know what IP protections are applicable to you. Most likely, you will be trying to protect your brand or logo. This requires trademark protection. You may not think anyone would steal your logo designs, but you would be surprised. There are many people searching the Internet everyday looking for designs to steal. You are marketing your product on Amazon.com, an online platform where millions have access to your designs. Chances are, someone will try to steal your logo or copy your brand, and if that happens, you want to be protected.

Proper IP protections are essential to protect your business. While this does cost some money, it is certainly worth the investment in the long run. So what IP protections apply to you and your business?

Most likely, you have not invented a new creation or technological process while creating your business in the fashion industry, so you will likely not need to register for a patent.

If you have drawn out your designs, you can get copyright protection so long as it is an original work of authorship. The second requirement for copyright protection is to have your original work made in a tangible form. This means it must actually be drawn out, either on canvas or paper; but it cannot just simply be an idea of a design. Say for example, you drew out a dress design on sketch paper, that design image is now copyrightable. However, once you turn the design into an actual dress, the dress itself is not copyrightable, only the image of the design. If you have more artwork or designs that are drawn out, you are able to copyright those images as well. If you only use these designs for your personal use, and you do not post or otherwise “publish” these images onto your business website, there is no real threat of people stealing your images, and therefore, it may not be worth the copyright protection.

If you are posting these images on an online platform, especially on your website, you may wish to protect the images. In a lawsuit entitled *Lucy A'lor Int'l v. Tappers Fine Jewelry*,

*Inc.*, the court discussed copyright infringement in the context of twenty-four jewelry designs.<sup>17</sup> The court applied the “inverse ratio’ rule, if a defendant had access to a copyrighted work, the plaintiff may show infringement based on a lesser degree of similarity between the copyrighted work and the allegedly infringing work.”<sup>18</sup> You will need to make sure that you monitor your protections. As the plaintiff, you will need to demonstrate that there was an infringement to the court in order to be successful when litigating a copyright infringement claim.

Your company slogan, your company name or title can be protected, but it is not a copyright. If you have created a slogan, you will need to register for trademark protection of the slogan. When you file for a trademark, you have the ability to enter your mark into the U.S. federal register, this way; your mark will be protected on a national scale. To help protect your clothing, add your logo on each clothing or apparel item. One may think that if they cannot obtain a trademark, they could obtain a “trade dress.” A trade dress is, “The overall appearance and image in the marketplace of a product or a commercial enterprise. For a product, trade dress typically comprises packaging and labeling. For an enterprise, it typically comprises design and decor.”<sup>19</sup> However, “trade dress protection, [...] provides no remedy because [most] fashion designs are functional. The functionality of fashion designs also precludes them from copyright protection, which is not applicable to ‘useful articles.’”<sup>20</sup>

Your company name or title is called a business name registration. These are only protectable for your given state. However, it is possible for your business name to be both registered nationally as a trademark, and in your state’s business registrar.

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<sup>17</sup> *Lucy A’lor Int’l v. Tappers Fine Jewelry, Inc.*, 605 Fed. Appx. 662 (9<sup>th</sup> Cir. Cal. 2015).

<sup>18</sup> *Benay v. Warner Bros. Entm’t, Inc.*, 607 F.3d 620, 625 (9<sup>th</sup> Cir. 2010).

<sup>19</sup> TRADE DRESS, *Black’s Law Dictionary* (10<sup>th</sup> ed. 2014)

<sup>20</sup> THE WASHINGTON AND LEE LAW ALUMNI ASSOCIATION STUDENT NOTE: Tearing Fashion Design Protection Apart at the Seams+, 65 *Wash & Lee L. Rev.* 215, 222.

## *International Protections*

The protections available for fashion designers vary based on where the designer is domiciled. The United States has very limited protections for fashion designs. However, there are different protections available across the globe. Throughout most of the world, the way that trademarks are applied is that if you are the first to file in the system, you will be able to obtain protection for your mark.

In Japan, their protections include “form, pattern, or color of an object or a combination of these, which appeals visually to the viewer's sense of aesthetics.”<sup>21</sup>

In Europe, protections are based on a model that allows registered and unregistered designs to have protections. An unregistered design will have three years protection once the design has been made available to the public.<sup>22</sup> These designs are protected based on their appearance. This protection typically provides the exclusive right for the use of a particular formation of lines, colors, shape or texture.<sup>23</sup> However, these forms of protections are not made available to American designers.

Compared to U.S. protections, international protections are certainly preferred for the fashion designer. This is because as a designer, you have more protections over your designs overseas than you do in America.

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<sup>21</sup> Japan External Trade Organization, Investing in Japan, § 5.7.1, [http://www.jetro.go.jp/en/invest/setting\\_up/laws/section5/page7.html](http://www.jetro.go.jp/en/invest/setting_up/laws/section5/page7.html) (last visited Dec. 3, 2007) (on file with the Washington and Lee Law Review).

THE WASHINGTON AND LEE LAW ALUMNI ASSOCIATION STUDENT NOTE: Tearing Fashion Design Protection Apart at the Seams+, 65 Wash & Lee L. Rev. 215, 246.

<sup>22</sup> Tiffany F Tse, *Coco Way Before Chanel: Protecting Independent Fashion Designers' Intellectual Property Against Fast-Fashion Retailers*, 24 Catholic University Journal of Law and Technology 401–431, 401-431 (2016), <http://scholarship.law.edu/cgi/viewcontent.cgi?article=1015&context=jlt>.

<sup>23</sup> *Id.*

## *History of IP Protection in the US*

In the United States, there are limitations on design protection. However, this is not a result of lack of ambition by designers and politicians. There have been tremendous efforts put forth by individuals eager to have fashion design protections enacted. These efforts have so far been unsuccessful.

In recent years, Senator Chuck Schumer, a New York Democrat, proposed the Innovative Design Protection Act in 2012. This act would provide copyright protection for fashion designers for three years. The bill was passed, but unfortunately for designers, was never enacted the next year.<sup>24</sup>

Prior to this, some congressmen and women have tried to pass protection for designers, brand owners, and resellers. “The Design Piracy Prohibition Act (DPPA), [is] an act that seeks to protect designers' original designs, hoping to limit and prevent counterfeits and copies.”<sup>25</sup> This act would amend the Copyright Act to provide protection of these designs for three years.

These bills have been unsuccessful due to a concern that customers would be robbed of their ability to purchase affordable clothing. The cycle of a trend is that top designers showcase a piece of clothing during fashion week. Their lines are released the following season. Retailers and other designers rapidly replicate these designs at an affordable rate, making the top trends available to customers at a highly discounted price. This process happens again and again and trends and popular items circulate. By having those designs protected, the lower level manufacturers and designers who replicate these designs would need to cease from selling any of those items. This would overall increase the cost of clothing, which has the potential to be detrimental for the American economy.

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<sup>24</sup> Tiffany F Tse, *Coco Way Before Chanel: Protecting Independent Fashion Designers' Intellectual Property Against Fast-Fashion Retailers*, 24 *Catholic University Journal of Law and Technology* 401–431, 401-431 (2016), <http://scholarship.law.edu/cgi/viewcontent.cgi?article=1015&context=jlt>.

<sup>25</sup> COMMENT: IS FASHION AN ART FORM THAT SHOULD BE PROTECTED OR MERELY A CONSTANTLY CHANGING MEDIA ENCOURAGING REPLICATION OF POPULAR TRENDS?, 17 *Vill. Sports & Ent. L.J.* 605, 624.

However, basic Intellectual Property protections do exist in the U.S. In 1946, President Harry Truman passed the Lanham Act. This act governs trademarks, service marks, and unfair competition.<sup>26</sup> According to the *Amazon Law Library*, there are two situations that typically arise involving Amazon and the Lanham Act: “(1) When a manufacturer sues Amazon directly, or an Amazon seller for a listing that used a trademark without the permission of the manufacturer, and (2) When a manufacturer sues Amazon, or an Amazon seller for selling items that are inauthentic or counterfeit and thus violate the Lanham Act for trademark infringement.”<sup>27</sup> Typically, Amazon will not be held liable for infringements when other companies are selling the infringing items through their platform. *See Milo & Gabby, LLC v. Amazon.com*, where the court held that Amazon could not be held liable when a third party sold infringing goods on the Amazon platform because Amazon itself did not directly offer to sell infringing goods or engage in any other infringing acts.<sup>28</sup>

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<sup>26</sup> C.J. Rosenbaum, *Amazon Law Library*, (2016), available on Amazon.

<sup>27</sup> *Id.*

<sup>28</sup> *Milo & Gabby, LLC v. Amazon.com*, No. C12-1932RSM, 2015 U.S. Dist. LEXIS 149939 (W.D. Wash. Nov. 3, 2015).

## *Case Law*

The United States courts have addressed the rights of fashion designers and brand owners. It was *Abercrombie & Fitch Co. v. Hunting World, Inc.* that established the “distinctiveness” test. This test determines the strength of a trademark and essentially will determine the level of protection for a certain mark.<sup>29</sup> This ruling set the precedent that generic terms are weak marks and cannot be protected. To strengthen a descriptive mark, it must have “secondary meaning.” This test will be broken down in the following chapter, but as a designer, you should be aware that the distinctiveness of your mark determines if your mark can be protected. *Abercrombie & Fitch v. Hunting World, Inc.* made it easier to distinguish between what a strong mark is compared to a weak mark.

Protections are limited for designers. However, that does not stop companies from engaging in litigation over their rights. Fortunately for designers, some precedent is in their favor. In *Christian Louboutin v. Yves Saint Laurent Am.*, the United States Court of Appeals for the Second Circuit concluded that the distinctive red sole designed by Christian Louboutin was protectable by trademark, (trade dress specifically). This 2012 decision established that while a color alone cannot serve as a trademark, a color with a secondary meaning may be protected.<sup>30</sup> In this case, the red high heel sole was considered a distinctive symbol of the Louboutin brand.

If there is an Intellectual property dispute between you and another Amazon seller, it is most likely not worth your time to go after Amazon directly. In *Roe v. Amazon.com*, an author had taken an image from a couple’s engagement shoot and placed the image on the cover of her book.<sup>31</sup> The couple filed suit against Amazon. The court concluded that, “the corporate defendants, including Amazon.com Inc. were not publishers, and the corporate defendants’ motion for summary judgment was granted.”<sup>32</sup> In *Routt v. Amazon.com, Inc.* the court dismissed

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<sup>29</sup> *Abercrombie & Fitch Co. v. Hunting World, Inc.*, 461 F.2d 1040 (2d Cir. N.Y. 1972).

<sup>30</sup> *Christian Louboutin S.A. v. Yves Saint Laurent Am. Holding, Inc.*, 696 F.3d 206 (2d Cir. N.Y. 2012).

<sup>31</sup> *Roe v. Amazon.com* 2016 U.S. Dist. LEXIS 33297, 118 U.S.P.Q.2D (BNA) 1070, 44 Media L Rep. 1469, 2016 WL 1028265 (S.D. Ohio Mar. 15, 2016).

<sup>32</sup> C.J. Rosenbaum, *Amazon Law Library*, (2016).

a copyright infringement case against Amazon.<sup>33</sup> Amazon had “no supervision over third-party’s infringing activities to be vicariously liable, and did not induce or encourage the infringement to be contributory liable.”<sup>34</sup>

Amazon.com often finds themselves in lawsuits relating to patent infringement. This typically occurs “when a third-party Amazon Seller is selling a patented product without the proper license.”<sup>35</sup> Amazon’s strongest defense against patent infringement cases are to prove that the alleged patent is patent ineligible, (*See Appistry, Inc. v. Amazon.com* where Amazon successfully showed the patents were invalid).<sup>36</sup> If you experience issues with another Amazon seller, it may be in your best interest to hire an experienced attorney to deal with Intellectual Property issues.<sup>37</sup>

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<sup>33</sup> *Routt v. Amazon.com, Inc.*, 2012 U.S. Dist. LEXIS 170602, 105 U.S.P.Q.2D (BNA) 1089, Copy. L. Rep. (CCH) P30, 334 (W.D. Wash. Nov. 30, 2012).

<sup>34</sup> C.J. Rosenbaum, *Amazon Law Library*, (2016).

<sup>35</sup> *Id.*

<sup>36</sup> *Appistry, Inc. v. Amazon.com, Inc.*, No. 4:13CV2547, 2015 U.S. Dist. LEXIS 24421 (E.D. Mo. Mar. 2, 2015).

<sup>37</sup> Amazon Sellers Lawyer has dealt specifically with Intellectual Property related issues. If you have issues outside of Amazon, you may wish to file an action in court to stop your adversary.

# Chapter Five

## *New Designers: How to Protect Themselves on Amazon*

### *How to obtain Proper IP protections*

You are a designer, brand owner, or reseller, you want to be able to protect your product. As you learned in the previous chapter, while protections for designers are limited, there are some protections you can obtain for your business.

You will first need to search [www.USPTO.com](http://www.USPTO.com) to see if the brand or mark you wish to trademark already exists. Conducting the research yourself will save you money, but will cost you time. On the USPTO page, there is a filter where you will be able to conduct your search. Make sure to do a thorough job looking through the existing trademarks. If yours is confusingly similar to an existing mark, your registration will be denied. An example of something that is confusingly similar would be having a logo that is either phonetically the same as an existing product, or looks the same as an existing logo. When a customer looks at your logo, you want to make sure that is not similar to other logos as it can confuse the customer.<sup>38</sup> It is important to look on the USPTO site and filter through other designer's logos to make sure yours is different. You do not want to waste time and money developing a mark you cannot register.

Once you've searched through the proper database and discovered your particular image is not trademarked, you will need to apply for a trademark of your logo. Additionally, you will need to register your domain and business names.



This is a particular field that most designers and brand owners would hire an attorney to complete, but it is possible to do many steps on your own. You will need to register your trademark and business name by logging onto [www.USPTO.com](http://www.USPTO.com). It is on this website that you are able to register for your trademark online. Your mark must meet certain requirements in order to be trademarked.

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<sup>38</sup> Basic Facts About Trademarks: What Every Small Business Should Know Now, Not Later, USPTO.com (2013), <https://www.youtube.com/watch?v=qhdrv2ntsek>.

Not just any mark or logo will be accepted as a trademark. If your mark is merely descriptive of your company, it will likely be rejected. For example, “Clothing Co.” as a logo for a clothing company is merely descriptive and is not strong enough to obtain protection. The exception to this rule is if your mark has secondary meaning. What is secondary meaning? Think of it as your mark’s reputation. Over the years you have developed your brand and your company so much that whenever anyone sees your mark, they know it identifies your company.

The strength of your trademark can be determined on a scale, descriptive being the weakest, and Arbitrary/ fanciful being the strongest.

Descriptive  Suggestive  Arbitrary / Fanciful

A suggestive mark requires a “mental leap’ to figure out its meaning”<sup>39</sup> This mark does not describe that your company sells clothing, but it does suggest that it may sell clothing. For example a clothing hanger or sewing needle may be considered suggestive of a clothing company.

Arbitrary marks are marks that already have one meaning, but your use of this mark has no relation to the service you are providing.<sup>40</sup> For example, an arbitrary mark would be if your company symbol was a dog, but you are in the sale of clothing. The dog symbol is arbitrary because it does not relate to your service.

Finally, we have fanciful marks. These are strong marks because they are simply made up words or symbols that mean nothing. This approach is wonderful for the creative mind because you are the designer, and you are able to give your fanciful mark meaning. You can design your own unique label and have that serve as your mark.

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<sup>39</sup> Basic Facts About Trademarks: What Every Small Business Should Know Now, Not Later, USPTO.com (2013), <https://www.youtube.com/watch?v=qhdrv2ntsek>.

<sup>40</sup> *Id.*

Surnames and Geographic designs are not allowed to be trademarked without secondary meaning. If you wish to use your name or your location as a mark, it is important to establish your secondary meaning first, and then apply for the mark.

Aside from applying and being granted your trademark, you will want to obtain a domain name. A domain name is your online address or your URL to your website. This allows people to identify your IP address. You will need to register your domain name with a registrar. These registrars vary in prices but know that there will be fees involved such as transfer out fees, which are applied if you choose to relocate your domain to another registrar.

You will also want to apply for a business name, which is the name you use for wherever your store or business is located. You can apply for this at your secretary of state's website.

Once your marks are protected, you may wish to place your logo on your designs. This small marking will let competitors know that they cannot copy your exact products because they are protected. The small logo on each article you sell identifies your brand and will protect you in the future.

## *Following procedures to keep your business running smoothly*

Keep up to date on your marks. The USPTO is not responsible to notify you if someone is using your marks. It is your responsibility as a trademark owner and business operator to police your mark and stay on top of potential infringers who may be selling your product. One way to keep up to date is to conduct a Google search of any companies who sell similar products as you. You can also conduct research on Amazon.com or eBay.com to determine if anyone has infringed on your rights. Additionally, there are lawyers and outside firms you can hire to periodically search for potential infringement.

Now that you are registered to sell on Amazon, you need to know what constitutes a violation of your IP rights, and what does not. If you notice someone is selling a similar product using a logo or design that matches your Trademark, this is an IP violation. You will need to notify the seller of their error and ask them to remove their listing. If the seller refuses, then you will need to notify Amazon of the infringement.

It is best to first test buy to assure the seller is infringing on your rights. Then you will need to notify the seller in writing of your IP rights. More often than not, they do not realize they are infringing on anyone's rights. Once they are notified of not just their infringement, but also their violation of Amazon's policies, the very policy violation that could have them immediately suspended, they will often remove the listing. If they do not, then you will need to file an infringement complaint with Amazon.

You may notice a seller claiming to sell your exact product, with identical labeling and logo, where it is not an authentic product made by you, but rather a cheaper knock off; this is also trademark infringement. Again, you will need to notify the seller of their mistake and ask for the listing to be removed.

One issue that may seem as though it is protected by your IP rights but actually is not would be the Display Images on your Amazon listings. Once you add your display image, that image belongs to Amazon.com and other sellers are legally allowed to use this image as long as their products exactly match the listing. This may be frustrating, but remember, you have your

own unique design, and your customers will recognize that your image matches your products, no one else's.

# Chapter Six

## *What To Do If You're Suspended?*

### *Intellectual Property Complaints*

There has recently been an increase in Amazon complaints relating to intellectual property. If a seller sees that you are selling a similar product as them, they may believe it is a counterfeit product and file a complaint. Manufacturers and larger brand name companies have been filing complaints on other seller's accounts. If they see you are selling a brand name product at a cheaper price than they are, chances are they will file an intellectual property complaint against you.

### *Why is There an Increase in Intellectual Property Complaints for Amazon Sellers?*

Amazon.com does not monitor their platform for IP infringement. Unless an infringement is specifically brought to their attention, Amazon will provide continued access to their sellers. However, Amazon does allow customers and rights owners to have the ability to file a complaint if a product seems inauthentic, counterfeit or otherwise violates IP rights. Once Amazon is notified, they will remove the listings and suspend the account holder to ensure Amazon is not liable for the claimed infringement.

If there is a legitimate IP issue, you may subpoena Amazon for more information for your lawsuit against the actual party infringing on your IP. In *United Pet Group v. Doe*, the court determined that the plaintiff may serve subpoenas on Amazon.com to obtain necessary information to identify John Doe Defendants.<sup>41</sup> This was because the plaintiff demonstrated good cause by showing irreparable harm from infringement. They had a right to depose Amazon and have them release the identities of the sellers accused of trademark violations.<sup>42</sup> In another case called *Multi Time Mach., Inc. v. Amazon.com, Inc.*, the court dealt with a trademark allegation where the plaintiff argued Amazon confused its customers:<sup>43</sup> "Plaintiff did not sell items on

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<sup>41</sup> *United Pet Grp., Inc. v. Doe* (E.D. Mo., 2013).

<sup>42</sup> C.J. Rosenbaum, *Amazon Law Library*, (2016).

<sup>43</sup> *Multi Time Mach., Inc. v. Amazon.com, Inc.*, 792 F.3d 1070 (9<sup>th</sup> Cir. 2015).

Amazon, but when customers searched for the item, Amazon returned results with Plaintiff's trademark and listings from other sellers.”<sup>44</sup>

Customers, manufacturers and sellers have attempted to file suit against Amazon, only to find that they were barred from recovery against Amazon because Amazon is just the platform, not the party who is actually infringing. Additionally, sellers on the Amazon online platform agreed to binding arbitration under the seller's terms and conditions when they registered as a seller on Amazon. This means any issues that arise between the seller and Amazon must be handled through arbitration.<sup>45</sup>

Eventually manufacturers as well as other sellers took notice of Amazon's policy for responding to IP complaints. They learned that once Amazon is notified of an infringement claim, they will often remove the respective listing and the user's seller account after a simple inquiry is made as to the authenticity of the claim. This method is effective, it is immediate, and it is now a common loophole for manufacturers, brand name companies, and competing sellers to abuse in order to immediately eliminate competition on Amazon.

We believe that Amazon.com's motive is not to stop infringement on their platform, but rather, to protect themselves and their company from further liability litigation. That is why they seem willing to remove a listing or user based on little proof. It then becomes the party who was bullied to prove to Amazon that they are selling legitimate, authentic products that do not infringe on anyone's IP rights.

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<sup>44</sup> C.J. Rosenbaum, *Amazon Law Library*, (2016).

<sup>45</sup> If you wish to file for arbitration, Amazon will reimburse you for filing administration and arbitrator fees up to \$10,000 unless your claims are deemed frivolous. The American Arbitration Association will conduct the arbitration.

### *What if Someone Has Already Filed an IP Complaint on Your Amazon Account?*

An allegation of intellectual property infringement will often result in suspension of your seller account by Amazon. First, you will need to contact the seller or company who has made the allegation. Many companies have taken the necessary precautions and have properly registered their IP. These companies will have systems in place to monitor for infringement, and sometimes people who are legally selling authentic products get caught in the net. In many cases, the IP rights are valid, but the allegation is not.

Many complaints arise where your account is selling a product that may appear similar to others, but those specific similarities are not sufficient enough to constitute infringement. You will likely need an attorney to demonstrate to the company that your product is unique, original, and not infringing on anyone's IP rights. If the rights owner does not willingly retract its complaint, it is unlikely that Amazon will reinstate your selling privileges for that item.

There are many times where the complaints are baseless. Companies and manufactures will also file IP complaints on your account if you are selling the same product, just at a lower price. These types of complaints are without merit, frivolous, and an abuse of the Amazon platform's implemented policy. You will need to provide your invoices to Amazon that clearly demonstrate that you purchased the product from a retailer and that there are no IP violations whatsoever.

Many companies mistakenly allege infringement on Amazon Seller accounts. If this happens, you will need to bring to the complaining party's attention that it is their burden to prove there was an actual infringement. For example, for patent infringement, there is an "All Elements Rule" that requires each claim limitation to be proven by the plaintiff who is alleging the infringement. If the company alleging the infringement cannot prove that you have met all of the requirements to prove infringement, then there is no infringement, plain and simple. Once it has been established that there was no basis for an infringement claim, the complaining party will usually agree to remove the comment. You will need to have the complaining party state to Amazon, in writing, from the same email address from which the complaint was filed, that the issue is resolved and they are willing to withdraw their complaint. A copy of this document

should be attached to your thorough “Plan of Action” along with invoices proving your item has not infringed on anyone’s IP rights.

A Plan of Action is a response to Amazon when your account or listings were suspended. These plans should explain the “root cause” of your suspension, meaning, what did you fail to do that resulted in an Amazon violation. You will then need to state how you corrected the issue, and what you have changed in the way you run your business that will avoid future suspensions.

### *What If You Are Being “Bullied”?*

Larger Corporations take extraordinary measures to protect their intellectual property rights, and some of these efforts are unethical and illegal. This is a form of trademark bullying. These “bullies” take their preventative measures far beyond the threat of litigation. They will file suit against anyone they deem to be their competition, whether or not their allegations hold merit. Litigation requires a devotion of time, money, and effort; and many competitors do not have the resources to fight these allegations. Companies are threatening litigation not just for actual infringement, but in situations where logos may be vaguely similar. Companies also file suit when they discover a smaller company is selling their product, but at a lower cost. The reseller is selling an authentic product, but the company does not care. They want them removed, and they will attempt to eliminate their competition at any cost whether or not they are actually committing trademark infringement. This is trademark bullying, it is unethical, and it happens every day.

### *How Can a Company Defend Themselves Against Trademark Bullying?*

A company who wishes to fight against trademark bullying will first need to establish that they did not infringe on anyone’s intellectual property rights. If they are selling the same product, but at a lower cost, they will need to provide sufficiently detailed invoices that prove they are selling an authentic product. Companies do not like unauthorized resellers because they will often sell the product at an undesirable low cost. However, unless the company signed a Minimum Advertising Price (MAP) agreement, they are not obligated to sell at a fixed price. In such a case, any threat of litigation alleging IP infringement is trademark bullying.

### *What if the Complaint is Legitimate?*

Sometimes you are not aware that you are infringing on another party’s IP right. If you are caught infringing on an IP, you should immediately remove that listing. Amazon will likely suspend your account if another party alleges infringement. Your next step is to write a thorough plan of action that acknowledges your error and states how you corrected the error, as well as the changes you have made in your business practice to assure this will never happen again.

## *Inauthentic Item Complaints*

Inauthentic items are counterfeit items. Complaints on Amazon for inauthentic items are usually filed because items are being collected from unauthorized sellers, and resold on Amazon. Many Amazon customers will also allege that a product is inauthentic when they look like a knock-off, or when they don't exactly match the description of the product.

What happens if a customer leaves this complaint on your account? What do you do if your account was suspended due to inauthentic item complaints? Your first step would be to determine, "why would my customer believe this is inauthentic?" Look at your inventory; are there a lot of complaints about a certain ASIN? That may indicate that there is a problem with inauthenticity of that ASIN. Check your suppliers and invoices, if you received these items from an authorized reseller or manufacture, then the problem customers are having with your ASINs are for another reason, not because they are inauthentic.

Sometimes, complaints are simply misplaced which leaves you as a seller in a frustrating position. Your products are 100% authentic, but the customer has made the complaint regardless. If you cannot discover why someone left the complaint, you will need to demonstrate in your plan of action how your product is authentic. If your invoices or receipts are not sufficiently detailed, you may not be able to convince Amazon to reinstate your account, even if your items are authentic.

You may be selling authentic products, but perhaps the packaging is inconsistent with Amazon's customer's expectations. Some buyers reported inauthentic items due to a perceived difference between the product on Amazon and the one they received. While this should be filed as a "Not As Advertised" complaint, it is now your job to correct your packing mistakes and prove the authenticity of your product. Another reason for inauthentic complaints is that your product looks similar to another brand name product, and customers believe you are selling a knock off, or inauthentic item. It is once again your responsibility to prove the authenticity of your product as well as to correct your product descriptions so that the customers are not easily confused.

## *How Do You Get Your Account Reinstated?*

You will need to write a thorough Plan of Action. Once you find the root cause of your problem, you will need to attach invoices to your plan of action that prove your authenticity. Attach invoices that show you are an authorized seller; you received your products from the manufacturer themselves; or that you received the products from an authorized reseller. With the proper invoices, you can prove that your product is indeed authentic and inform the party who left the complaint that they are mistaken and should remove the complaint.

Sellers can draft and submit their own Plans of Action however, it is similar to doing your own tax returns. You may choose to do it yourself, but you might be better off having an attorney draft the document for you.

If the Inauthentic claim was from a rights owner, you will have to resolve the issue directly with them before Amazon will reinstate you. Your letter to the complaining party should clearly demonstrate that they had made an error, and as a result of their error, you are suffering lost profits. If you decide to hire an attorney to assist you with this letter, they will be able to explain to the complaining party that you are entitled to recover lost profits due to their fraudulent complaint. Once a party becomes aware of their mistake, they will often remove the complaint.

The complaining party will need to explain in writing to Amazon that they were mistaken or that the issue has been resolved, and they are subsequently withdrawing the complaint. A copy of this email should be attached to your plan of action to further show that your account was abiding by Amazon's policies and the issue was corrected.

### *How to Avoid Another Suspension?*

Amazon wants you to correct your mistakes and demonstrate how these mistakes will never occur in the future. Amazon does not want you to merely state you will make these changes to your company; they want you to actually do it. You will need to update your training policies. If your issues were with packaging, you need to implement a new procedure to properly package your goods. If your issue was with poor images or poor product descriptions, you need to create a solution so that your items are perfectly described. There are multiple ways to improve your company's practice. For example, there is software that is available for businesses to help better manage a company. By providing to Amazon all of your new procedures and updated software, Amazon will likely reinstate your account because you have demonstrated you took the suspension seriously. To prepare for future inauthentic complaints, you will need to have your invoices properly stored so that you can immediately respond and disprove the claim. Having your account suspended can be a stressful event for a business owner, but there are ways to have your account reinstated and improve your business practice during the process.

## *Used Sold as New Complaints*

Whether you're a new designer or retailer selling on Amazon, or you're a seasoned entrepreneur, you will need to frequently check whether Amazon has updated their policies.

For example, you may believe a new product is new as long as it has not been opened or used. Amazon has a more strict interpretation of what constitutes as "new." In fact, anything that was returned, had damaged packaging, or was opened but not used cannot be labeled as new pursuant to Amazon's conditions policy. This new change is the source of many complaints filed by Amazon customers. Even though the product is brand new and never used, it may have damage to the packaging or have been previously opened and later returned. As a seller, it is your responsibility to make sure you never make this mistake.

If your account is suspended for a used sold as new complaint, your first action should be determining the "root cause" of your problem. Were you unaware of the policy changes? It could be possible that you allowed returned, unopened, and unused items to be resold as new. Or perhaps you had a packaging problem that led customers to believe the product was used before. You will need to evaluate your business practices and make sure there is not a larger, underlying problem. If in fact you are selling clothing products as "new" and they do not meet Amazon's policies, you will need to remove these items from your listings immediately. None clothing items are able to be sold as used.

Next, you will need to compose a plan of action that demonstrates that you identified the reason customers are leaving these complaints on your page, that you removed the listings, and how you plan to avoid this problem in the future.

## *How to Avoid Another Suspension?*

You will need to retrain your staff on all conditions of use guidelines provided by Amazon, and review the definition of “new” which Amazon describes as: “A brand-new, unused, unopened item in its original packaging, with all original packaging materials included. Original protective wrapping, if any, is intact.”<sup>46</sup> Items that do not meet these criteria cannot be sold on Amazon as “new.” Additionally you will need to check listings for any differences between the items you have and your Amazon listings. You must make sure that all product detail page content matches 100% to every item listed. If you use alternative authentic packaging, you should also add photos of them to your listing.

Another way to avoid these claims is to implement new packaging methods. Amazon's Shipment Packaging Requirements demand the use of two inches of cushioning between units on the inside of the box. Other ways to avoid damaged packaging is to provide an extra polypropylene bag to protect the product or to vacuum seal your product.

If you are selling through FBA, it may be in your best interest to implement new Quality Assurance “QA” steps to ensure items are fully as described, packaged in new retail packaging, and not ever opened prior to the dispatch of items to FBA. Products failing to match the listings perfectly should never be sent to FBA.

Amazon’s policies are constantly evolving and as a business, it is your responsibility to make sure you are up to date on these policy changes. If your company receives an email regarding a relevant ASIN change or merge, you need to review your listings to confirm the updated product detail pages match the items you are selling. This is the best way to avoid complaints, unhappy customers, and keep your account active.

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<sup>46</sup> Condition Guidelines , Amazon.com, <https://www.amazon.com/gp/help/customer/display.html?nodeid=1161242>.

## *Business Practices to Incorporate*

You want your company to run smoothly on Amazon. Amazon's policies can make your selling experience chaotic, challenging and difficult. However, the benefit is worth the risk. All Amazon really wants from their sellers is to make the customers happy.

One way to maintain your account on Amazon is to remember, the customers come first. Small efforts will go a long way. Depending on the scale of your business, it may be in your best interest to follow up for each purchase with the customers. This can be accomplished by simply emailing your customers and asking questions like how did they enjoy the products? How can your business improve their overall experience in purchasing your product? Leave contact information on the email so that if they do have any questions, they will be able to easily reach you. Your follow-ups must comply with Amazon's rules. For example, you must only communicate through your authorized business name with the suffix of .com, .net. or .biz. Your communication must be through the Buyer-Seller messaging service and the conversation must always be courteous and appropriate and cannot direct them away from Amazon.

Another personal touch we have personally found to be effective as a customer is personalized orders. For example, consider placing hand-written thank you notes with your product. The note can thank a customer and hope that he/she enjoyed the product. This simple jester stands out.

In this digital age, it seems as though all of our purchases are impersonal. It is refreshing to deal with a business that cares.

Other business practices that you may want to incorporate would be to immediately respond to your customer complaints. If there is an issue with a particular ASIN<sup>47</sup>, stop selling that product immediately until you are able to resolve the underlying issue.

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<sup>47</sup> ASIN stands for Amazon Standard Identification Number. This ID is provided by Amazon and is used for product identification.

Consider having your CEO's personal cell phone number linked to the customer service number and make sure that your policy is to respond to customers within 24 hours. You can also have your CEO use a company called Feedback Genius<sup>48</sup> to help automate and improve the management of your customer feedback.

If you ever do receive feedback<sup>49</sup> of 3 or less, offer your customer a full refund and request more information so that you may identify the issue and correct your business. You should also consider issuing refunds for any customers who leave any A-Z claims.<sup>50</sup> Communication is not just key in your personal relationships; it is key in your business relationships as well. If your customer was dissatisfied, do not fight with them. Ask them what the issue was, and learn how you can correct it. You will accomplish more by treating your customer with respect, and issuing a refund, even if you believe there was foul play on their behalf. Customers have the power to file complaints, and complaints lead to suspension. It is your responsibility to assist the customer in anyway you can and develop good relationships with the people who purchase your products.

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<sup>48</sup> Feedback Genius is a company that provides feedback services on Amazon.com

<sup>49</sup> When a customer leaves a review on your account, they will be able to scale your services based on a rating of one star being bad services, to five stars being the best service.

<sup>50</sup> A-to-Z claims are when a customer contacts the seller after waiting two business days for a response due to a late delivery (3 days past maximum estimated delivery date), damaged item, or failure to refund an item.

# Chapter Seven

## *Conclusion*

As your business grows, always stay humble and stay focused. Remember, your customers are the most important aspect of your business. It is your customers who will take your company to the next level. Running a successful business on the Amazon platform may not be easy, but it is certainly worth it.

Congratulations on completing this book and taking the first step towards running a successful business in the Amazon fashion world. This online platform will allow your business to reach millions of customers and will expand your horizons beyond anything that you believed was possible. Good luck!

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