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Intellectual Property Policy for Sellers - FAQ about Trademarks

A trademark is a type of [intellectual property](#) (IP) that protects words, symbols, and designs used to identify a company's goods or services.

1. What is a trademark?

A trademark is a word, symbol or design, or a combination of the same (such as a brand name or logo) that a company uses to identify its goods or services and to distinguish them from other companies' goods and services. Put another way, a trademark indicates the source of goods or services. Generally, trademark laws exist to prevent customer confusion about the source of goods or services.

Example: "Amazon" is a trademark we use for many of our goods and services. Other Amazon trademarks contain both pictures and words, such as the "Available at Amazon" trademark.



2. How can a trademark owner protect a trademark?

A trademark owner usually protects a trademark by registering it with a country-specific trademark office (such as the United States Patent and Trademark Office). In some cases, a person or company might have trademark rights based on only the use of a mark in commerce, even though the mark was never registered with a country-specific trademark office. Those rights are known as "common law" trademark rights and can be more limited.

3. What does trademark law protect?

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Generally, trademark law protects sellers of goods and services from customer confusion about who provides, endorses, or is affiliated with particular goods or services. A trademark owner might be able to stop others from using a particular mark, or a confusingly similar mark, if using the mark is likely to cause a customer to be confused about whether the product being sold is the trademark owner's product.

4. Where are trademarks displayed on detail pages?

Trademarks are often displayed on Amazon's product detail pages in the form of product and brand names listed on a product detail page. For example, the trademark "Pinzon" appears in the brand name or "byline" portion of the product detail page shown below. The "Pinzon" trademark also appears in the product name portion of the product detail page ("Pinzon Flannel Sheet Set – King, Sage").



The United States Patent and Trademark Office offers resources to [learn more about trademarks](#).

5. Do I always need the rights owner's permission to use a trademark in the creation of a product detail page?

Usually, the unauthorized use of a trademark in the creation of a detail page is infringing only if it is likely to cause confusion as to the source, endorsement, or affiliation of the goods. Just because you are not the owner of a trademark does not necessarily mean that you cannot sell another company's product.

Example: If you are selling a genuine Pinzon sheet set and you are advertising the product as a Pinzon sheet set, you might not be causing confusion as to the source or affiliation of the goods (in other words, Pinzon) and, if not, are not infringing on the Pinzon trademark.

6. As a seller, when can I use someone else's trademark in the creation of a product detail page?

Typically, a seller can use someone else's trademark in the following circumstances:

- a. When selling authentic goods, a seller may use a trademarked name to list those goods. For example, a seller who lists an authentic "Pinzon" product is not necessarily infringing on the owner of the Pinzon trademark because the seller is using the trademark to identify an authentic product.
- b. When using a trademarked word in its ordinary dictionary meaning.
- c. When making truthful statements that a product is compatible with a trademarked product. For example, if you offer a cable that is compatible with the Kindle e-reader, you can use the brand name "Kindle" to indicate that compatibility in the text of your detail page. You cannot use a logo to indicate compatibility, only the brand name. Any statement you make about compatibility must be true. If you want to indicate the compatibility of your product with a product of a different brand in the product title, please build your product title as follows, taking also account of the [Amazon Brand Name Policy](#). If you do not apply this format to your product title, [your](#) listing may be removed as potentially trademark infringing.

Title format for branded compatible products

[Your Product's Brand Name] + [Product Name] + "for"/"compatible with"/"fits"/"intended for" + [Brand of Main Product] + [Main Product Name] + (other product title elements, if applicable)

Examples:

- Xandu USB charging cable, compatible with AmazonBasics
- speaker TonTon Sleeve intended for Kindle Fire

Title format for generic compatible products

"Generic" + [Product Name] + "for"/"compatible with"/"fits"/"intended for" + [Brand of Main Product] + [Main Product Name] + (other product title elements, if applicable)

Example:

Generic Replacement filter for AmazonBasics Waterfilter A3

7. How can I make sure that I am not violating trademark law when

selling on Amazon? When you decide to sell products on Amazon, ask yourself the following questions:

- a. Are the goods I am selling from a reputable distributor?
- b. How did I acquire these goods, and will I be able to prove they are authentic if asked to do so?
- c. Will the way I am describing these goods confuse customers? For example, would something about your product detail page for the generic sheet set cause customers to believe they are purchasing a Pinzon sheet set?
- d. Did I use a brand name or trademark in a non-confusing and truthful manner to describe compatibility (generally allowed) instead of similarity (not allowed)?

The table below shows examples of correctly and incorrectly branded listings under Amazon listing policy:

Listing title	Brand	Status of listing
AmazonBasics Speaker	(blank)	Inactive listing due to incorrect Brand field. Because the Brand attribute is blank (not “AmazonBasics”), the listing title cannot imply that the product is an AmazonBasics product.
AmazonBasics Speaker	AmazonBasics	Active listing, with correct Brand field use and acceptable title.
Six foot USB charging cable, compatible with AmazonBasics speaker	(blank)	Active listing, with acceptable title and Brand field use, IF the charging cable is compatible with AmazonBasics speakers. Title indicates compatibility without implying that this is an AmazonBasics branded product; Brand field may be blank for generic product.

Listing title	Brand	Status of listing
Wireless Speakers with six foot USB charging cable, compatible with AmazonBasics speaker	Wireless Speakers Inc.	Active listing, with correct Brand Field use and acceptable title, IF the charging cable is compatible with AmazonBasics speakers.

What is counterfeiting?

Counterfeiting is a specific type of trademark infringement. A counterfeit is an unlawful total or partial reproduction of a registered trademark or a mark that is very similar to a registered trademark in connection with the sale of a product that does not come from the trademark holder.

Counterfeiting requires the use of a registered trademark on the product or packaging. Registered trademarks can protect the brand name the product is sold under, a logo on the product, or the shape or look of the product itself. **An item that looks like or is identical to a trademarked item is not counterfeit if the item is sold on a separate product detail page and does not improperly use a registered trademark.** However, in cases where a registered trademark protects the shape or appearance of a product itself, identical products may be counterfeit even if they do not feature a brand name or logo. Note: Items that are not counterfeit may nonetheless infringe the intellectual property rights of others. You are responsible for ensuring that you do not list infringing products. You should consult a lawyer if you have a specific question about your IP rights or the IP rights of others.

Read more about [Amazon's Anti-Counterfeiting policy](#).

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