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FLORIDA'S BUSINESS LAW FIRM

BLACK FRIDAY AND CYBER WEEK FOR BRANDS AT AMAZON

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In the US, the holiday shopping season typically means one of two things for businesses – outright chaos as shoppers throng into a store or enough sales to nudge a business onto solid financial footing for the year.

This year, the shopping season for brands and businesses kicked off unusually at Amazon. For about a year, they have allowed manufacturers to work with one of Amazon's designated law firms to apply to register a trademark with the US Trademark Office; once an application had been filed by one of those firms, the business was able to protect it against counterfeiters and infringers via Amazon's Brand Register, located at brandservices.amazon.com. Any mark registered with the US Trademark Office could also be listed in Amazon's Brand Register. Still, it can take a minimum of six months, and as many as six years or longer, for an applied-for mark to vest to registration. That's just how the Trademark Office works.

As of November of 2020, however, Amazon has thrown open the doors of the Brand Register; any pending US Trademark Office application will be given the same clout as a registration, even though a registration provides prima facie evidence of validity and use of the brand. In contrast, a pending application provides no such presumptions. This means that businesses should engage in careful adoption of a trademark, including an availability search and an application with the US Trademark office; the comparatively low financial investment in clearing and protecting a brand now has immediate payoff and benefits through Amazon's Brand Register.

In other words, it is now even more vital for brand owners to take steps to register their marks with the Trademark Office – those they have used for years and those they are considering adopting. Many assume the costs of protecting a mark are considerable, but the costs associated with preserving a brand start at under three thousand dollars. That protection is a metaphorical infringement insurance policy, and Berger Singerman's Intellectual Property attorneys can advise you on the best way to protect your valuable brands, and then have them listed in business-friendly databases such as Amazon's Brand Register and, after registration, the rolls of US Customs.

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