

Brand Protection Program - Toolkit

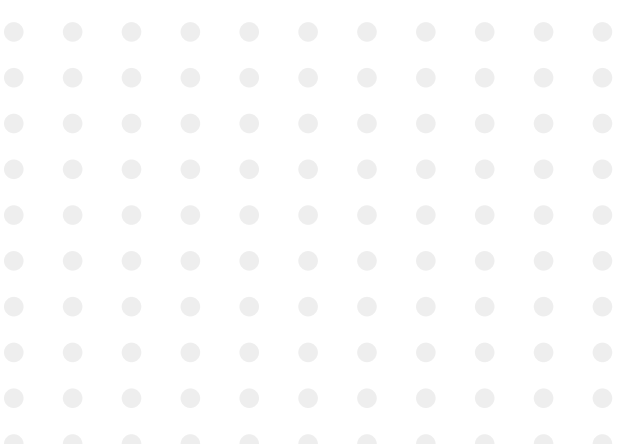
# HOW WE PROTECT INTELLECTUAL PROPERTY AT **MERCADO LIBRE**



mercado  
libre



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“We strive to provide credibility and trust to each person who uses our services.”

## INTRODUCTION

**Mercado Libre is the largest e-commerce and fintech technology platform in the region, operating in 18 countries in Latin America.** With over 20 years of experience, Mercado Libre offers solutions for people and companies to buy, sell, offer, ship, and pay for goods and services over the internet on its Mercado Libre, Mercado Pago and Mercado Envíos platforms.

At Mercado Libre, we work across Latin America to provide tools to rights holders to protect their intellectual property, whether those rights holders are users or not.

Mercado Libre's top priority is to **ensure a safe and reliable shopping experience** for our customers. In pursuit of this goal, we strive to provide credibility and trust to each person who uses our services, maintaining a strong commitment to solving problems related to counterfeit and pirated products on our sites. For 20 years, the intellectual property protection has been one of our main pillars, and that is why we created the Brand Protection Program.

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## ABOUT THE BRAND PROTECTION PROGRAM

The Brand Protection Program (BPP) invites all **rights holders, or their legal representatives, to protect their entire portfolio of intellectual property rights** by reporting any listing on Mercado Libre that allegedly infringe their intellectual property rights. A report may result in the takedown of the listing and sanctions of repeat offenders.



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# WHAT IS INTELLECTUAL PROPERTY?

These are the rights that authors can protect, for example, their trademark, logos, images, literary or artistic works, designs, among others.

In order to become rights holders, individuals or legal entities must meet certain requirements and, in most cases, register their creation with the authorities of each country in which they wish to protect these products.

## There are different types of intellectual property rights



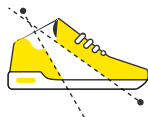
**Trademarks:** protects "signs" that allow buyers to differentiate a product or service from others, such as logos, words, phrases etc.



**Copyrights:** protects creations of authors of literary and artistic works, such as books, computer software, images/photos, courses, video games, videos/movies, music and characters.



**Patents and utility models:** protects a new invention that is novelty and applies to an industry.

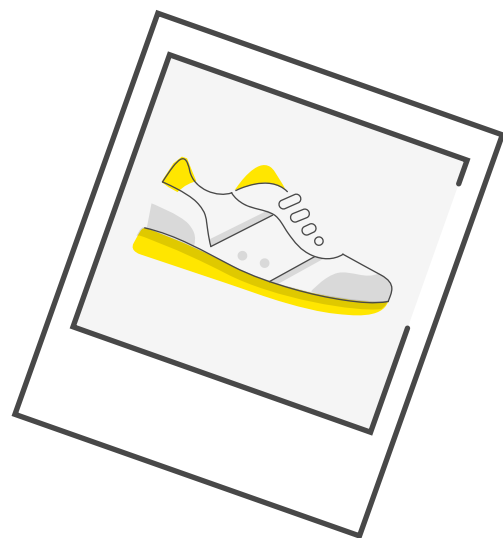
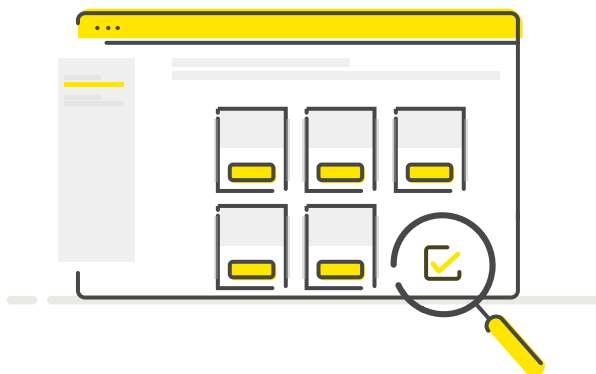


**Models and industrial designs:** protects the **aesthetic form or ornamental** aspect applied to a product, such as its shape or designs.

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## HOW TO LIST WITHOUT INFRINGING THE INTELLECTUAL PROPERTY?

- **Always offer original products:** make sure you list products purchased directly from the brand owner or from its official distributors. We recommend that you always keep your purchase invoices.
- **Create your own content:** do not copy your product description. For example, if you copy the summary of a book in your listing, you may infringe copyrights.
- **Fill out your product specification sheet correctly:** if your product is generic, but compatible with products of recognized brands, make sure to include the word "generic" as the only attribute or the name of the original brand and not of the brand which the product is compatible with. If the product is compatible with other brands, always make this information clear in the title and description by trying to write "compatible with" the corresponding brands.



- **Take your own photos:** do not download photos from the internet for your product, as this may infringe third-party copyrights.
- If you sell branded products, **make sure to include photographs of the packaging and labels** so that your buyers know that your product is original.
- **Avoid offering unauthorized copies:** such as PDF books, manuals, study guides, courses, software, photos, music, movies, among others, without permission of the rights holder.

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## WHAT SHOULD NOT BE DONE?



- **Avoid using words like "similar", "kind of" or "replica"** about your product or mentioning a certain brand if the product does not correspond to it.
- **Do not imply that you are an official distributor** if you do not have the corresponding authorization.
- **Do not use third-party logos or trademarks** outside the product image without proper authorization.

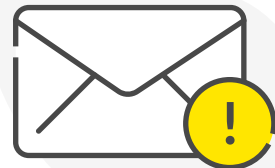
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## HOW DOES THE REPORTING PROCESS WORK?

### 01 The rights holder submits a report

When we receive it, we will notify you by email that we have paused your listing, which will be marked as **"inactive due to report"** in the listings list.

Make sure you reply on time. If your listing receives a report and you do not reply within 4 calendar days, it will be automatically removed.



### 02 Reply the report

Along with your arguments, you may submit documentation that proves you are not infringing any third party rights. For example, purchase invoices proving that the product is original, or an authorization from the rights holder to offer their products.

If you have received a report about the images in your listing, you will also have the option to change and send them as a counter-notice to the rights holder.



### 03 The rights holder reviews the reply

They will have 4 calendar days to review what was sent and reply.

If they accept the reply or do not answer within 4 calendar days, your listing will automatically be reinstated. If they do not accept your reply, your listing will be permanently removed from the site.



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## QUESTIONS THAT MAY ARISE

### **What happens if I answer the report after the deadline?**

If your listing received a report and you did not reply on time, it will be automatically removed.

### **What should I do if the rights holder does not accept my reply, even though it is an original product?**

Always check the reason for the report submitted by the rights holder. There are several types of infringements that your listing may commit that may have resulted in the report. If you still feel the report was made due to a mistake, you can contact the rights holder directly at the end of the reporting process. In case of misunderstanding or if you reach an agreement, the rights holder can contact us directly via the support tab of our program's reporting tool to withdraw his report and request the reinstatement of your listing.

### **Who is responsible for the listing removal due to intellectual property infringements, Mercado Libre, or only the rights holders?**

We always seek to comply with our Terms and Conditions, where it is possible to detect this type of infringement through reports submitted by authorities, internally or through reports submitted by our users.

### **Why was my listing deleted if there are other identical listings?**

It is possible that there is a difference between your listing and similar ones, or maybe the rights holder has simply reported your listing but not the other ones.



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### **What happens if I commit more than one intellectual property infringement?**

Failure to comply with our policies may result in temporary suspension or even the permanent shut down of your account to operate on our site.

### **Can Mercado Libre check my listings when I receive a report?**

The rights holder knows best their rights and therefore we do not interfere in their analysis or during the reporting process. If you have any questions about a rights holder's decision, we recommend you contact them directly.

### **What can I do if my account is suspended at Mercado Libre?**

When facing a problem or suspension of your account, we recommend you follow the corresponding contact flow through the help portal section. This will generate a case for you to follow up so that you can receive the necessary support.

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### **Can I avoid the takedown of my listing in Mercado Libre just by replying to the report?**

No. The arguments, as well as any documentation you submit, will be reviewed by the member who submitted the report and, based on this information, they will make the decision to confirm or dismiss the complaint.

### **What happens to my account if I get an agreement with the member who removed my listing and requests to reinstate it?**

When a member requests the reinstatement through the Brand Protection Program support channel, the listing will be reinstated and any penalty resulting from this report will be deleted from your history.



“The trust of our sellers and buyers is what drives Mercado Libre. We know there is still a lot we can do together, and we are working to make your experience as simple and transparent as possible.”

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**THANK YOU  
FOR READING!**



 [www.brandprotectionprogram.com](http://www.brandprotectionprogram.com)