

The logo for 'MADE IT' consists of the words 'MADE' and 'IT' in a serif font, with each letter on a separate wooden block.

THE HANDMADE
MARKET OPEN ALL
DAY EVERY DAY

ACN 607 853 252

ABN 592 560 56912

Complaints about Copyright or Trade Mark infringement

[last updated October 2015]

Guidelines for complaints about copyright or trade mark infringement

As Australia's premier online buying and selling destination for handmade and independently created items, we want to ensure that sellers feel confident in showcasing items for sale. This also applies to our sister website, Craftumi.com.au.

We will not police your intellectual property rights or launch legal proceedings on your behalf. That is your responsibility. We are not able to become involved in, or give advice relating to, the infringement or possible infringement of intellectual property rights.

It is our policy to respond to complaints about copyright or trade mark infringement in the following way.

- Credible complaint received
- Request offending product be removed from our website within 48 hours
- If product is not removed, we may remove it
- Owner of removed product may submit a counterclaim
- If a counterclaim is submitted and the original complainant takes no further action, the product may be reinstated on our website after 10 working days and we will take no further part in any dispute regarding that product
- If we receive more than 3 complaints about a seller in any 12 month period, we may remove that seller from our website

We will consider complaints whether they are received from other sellers on our website, or from someone who does not sell items through our website.

IMPORTANT: Keep in mind that we are not lawyers and do not make any judgment about your legal rights. We will also only look at activity that occurs on our websites – madeit.com.au and craftumi.com.au – and will not consider anything happening outside our websites.

Please note that you may be liable for damages (including costs and legal fees) if you materially misrepresent that a product or activity is infringing your rights. If you are not sure about your legal rights, we recommend that you contact a lawyer before you make a complaint to us.

We don't make any judgment about whether or not a product infringes upon the rights of any other person. We request that a product be removed if we receive a complaint that meets the criteria we have set out below.



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Some information about copyright and trade marks

- Ideas are not protected by copyright. You might have been the first person to sell baby bibs via our website, but that does not mean you are the only person who can.
- Copyright protection is automatic upon creation of a copyright work. No one has to use the © symbol to protect their products.
- If your product looks very similar to someone else's, you may be infringing upon copyright.
- The words in brand names are unlikely to be protected by copyright, but might be protected by trade mark registration.
- There are many myths and misconceptions about copyright, for further information have a look at these resources:

<http://copyright.com.au/about-copyright/copyright-myths/>

An Introduction to Copyright in Australia - <http://tinyurl.com/np4avsg>

<http://www.ipaustralia.gov.au/get-the-right-ip/trade-marks/trade-mark-basics/>

Making a complaint

If you wish to make a complaint about another seller's product, please email us support@madeit.com.au with the subject 'Complaint – copyright/ trade mark'.

You will need to send us the following information:

- Your full name and best contact details - We will need to verify your complaint. If we cannot contact you, we cannot consider your complaint.
- Your username or trading name
- Your product (by website link or other format) and what rights you believe you have with regard to that product – Copyright, Trade Mark or other. We may ask you to substantiate those rights by, for example, providing a trade mark registration number.
- A website link or links for the product being complained about.

When you write to us, we ask you to confirm and include the following statements:

I make this complaint with in good faith with the belief that use of the product described in this complaint as allegedly infringing my rights is not authorised by the copyright/ trade mark owner, its agent, or the law.

I understand the penalties for perjury (making false statements) and swear that the information in this complaint is accurate and that I am the rights owner or authorised to act on behalf of the owner of an exclusive right that is alleged to have been infringed.

I hereby indemnify and hold harmless Madeit.com.au against any claim or demand made against Madeit.com.au as a result of any act or omission made by them as a result of this complaint.

The logo for 'MADE IT' consists of the words 'MADE' and 'IT' in a dark, serif font, each letter placed on a separate, light-colored wooden block. The blocks are arranged in a row and are slightly offset from each other, giving a three-dimensional effect.

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My full name stated in this email is to be treated as my electronic signature and have the same binding effect as if I had signed a written document in person.

Once we receive a complaint that meets the above criteria, we will contact the person who has posted the product complained about.

Complaints that we act upon will be kept on file and may be made available to the public or sent to third parties who may make it available to the public. Your complaint is not private or confidential.

How we manage a complaint about copyright or trade mark breach

Complaints may be received from other sellers on our website, or from someone who does not sell items through our website.

When we receive a complaint that includes all the details we have requested above, the first thing we will do is contact you for your response. Our notice to you will be something like this:

We have received a complaint about your product [\[include link\]](#). Please note that Madeit.com.au or Craftumi.com.au has not tried to determine whether the product complained about does indeed infringe upon the Claimant's intellectual property rights (we are not lawyers). We are contacting you on the basis that the complaint was made in good faith and appears legitimate.

Within a forty-eight (48) hour period we will need you to remove or disable access to your product via our website, or we will disable access. A copy of the substance of original complaint is set out below.

[\[Complaint received\]](#)

If you believe that there is an error in the complaint, you may respond with a counterclaim.

If you do not remove the product within 48 hours, we will.

Making a counterclaim

- Your full name and best contact details - We will need to verify your counterclaim. If we cannot contact you, we cannot consider your counterclaim.
- Your username or trading name
- Your product (by website link or other format) and what rights you believe you have with regard to that product – Copyright, Trade Mark or other. We may ask you to substantiate those rights by, for example, providing a trade mark registration number.

When you send us your counterclaim, we ask you to confirm and include the following statements:

I believe in good faith and understanding the penalties for perjury (making false statements) that the complaint was made, or my product was removed or disabled, as a result of mistake or misidentification of the product to be removed or disabled.

The logo for 'MADE IT' consists of five wooden blocks, each with a letter: M, A, D, E, and I, followed by a space and then T. The blocks are arranged in a slightly staggered, 3D perspective.

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I agree to accept service of legal process filed in an Australian Federal Court from the person who made the original complaint, or their agent. My street address for service is ...

I hereby indemnify and hold harmless Madeit.com.au against any claim or demand made against Madeit.com.au as a result of any act or omission made by them as a result of this counterclaim.

My full name stated in this email is to be treated as my electronic signature and have the same binding effect as if I had signed a written document in person.

If we receive a counterclaim that fulfils the above criteria, we will refer that to the original complainant for their attention and your product must remain off our website for a period of 10 working days. The Complainant can notify us whether or not they have commenced legal action in that time. If we do not hear from the Complainant again, your product can then be restored to our website.

What to do if you are not satisfied with our actions

We will not police your intellectual property rights or launch legal proceedings on your behalf. That is your responsibility. You must seek independent legal advice.

We will act consistently with this policy. You agree to indemnify Madeit.com.au against any claim or demand made against us as a result of any act or omission made by use as a result of removing the product complained about from our website, or restoring it to our website.