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Third Party Intellectual Property Rights Policy and Complaints Handling Process

Sellers must not sell products or display listing content on Woolworths MarketPlus platforms that infringe on intellectual property rights of other parties. Sellers who breach this policy may have their products removed, or seller accounts suspended or terminated.

Sellers can find some general information below related to this policy, but for more information on what constitutes infringement of intellectual property rights, sellers should seek legal advice. Sellers can also find general information on [IP Australia](#) website.

There are two main types of infringements that typically occur on marketplaces:

Copyright infringements

Copyright protects original works, and vests automatically in the author or owner of the work on creation. Multiple components of an individual product, its packaging and sales and marketing materials are protected by copyright. This typically includes things such as official images of the product, its descriptions and graphics or artworks on packaging or products. Copyright infringements by sellers typically occur where they publish listing content they do not have permission to publish, such as product images taken from another source (eg. a brand website or third party retailer website, Google images) or product descriptions copied from brand or third party websites, or product packaging.

Trade mark infringements

Trade marks are registered signs, words or logos brands use to distinguish their products or services from those of others. Infringements can occur where sellers use a registered trade mark on their goods without the permission of the registered owner of the trade mark. For example, sellers may breach a trade mark if they sell

unauthorised copies or counterfeit goods, or if they use registered brand names in product descriptions for different or unbranded products.

Other types of infringements

Patent infringements

A patent protects an original invention, and must be registered to be protected. Certain products, or components of products may be protected by patents. If a seller is unsure of whether or not a patent applies to their product and if they can sell it, they should seek legal advice.

Registered designs

Some product's industrial designs may also be registered, meaning products that replicate those designs can breach them. A design is the shape, configuration, pattern or ornamentation of the product. Like a patent, it must also be registered to be protected.

Misleading conduct or passing off

Even where rights are unregistered, it may still breach other laws or rights if your products too closely replicate other products or other components of them (like packaging, images or descriptions).

What happens when a complaint is received?

If we receive a complaint about a seller product which alleges intellectual property rights infringement, we will make an initial assessment of the complaint.

- If we believe there is a potential rights infringement or that action may be taken against us, we will remove the product listing and notify both the seller and the rights holder that the product has been removed because of the complaint. We will then provide the seller the details of the complaint along with the contact details of the rights holder, and the rights holder with the seller contact email to contact them about the complaint.
- In all other circumstances we will notify the seller of the complaint and provide them with a copy of the rights holder's details, unless we believe the complaint is unjustified or not related to breach of an intellectual property right.

We will not relist a removed product until we receive confirmation that the complaint has been resolved, but in all circumstances maintain the right to refuse listing of a product we believe may breach third party rights.

If a seller infringes third party rights or breaches this policy, we may take actions against their account including suspension or termination. We may also seek further remedies open to us under our [Seller Terms and Conditions](#).

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