

## **Counterfeit Goods / Intellectual Property Infringement - Issuer Reporting Process**

An Issuer that wishes to report a purported infringement by a Merchant of intellectual property rights to Mastercard must do so in accordance with the instructions set forth in this document. An Issuer may report a purported infringement regardless of whether the Issuer has or is considering charging back the related Transaction. A report of a purported infringement of intellectual property must be submitted to Mastercard by email to [ipinquiries@mastercard.com](mailto:ipinquiries@mastercard.com). The emailed report must include supporting documentation (see below).

A report generally is of greater value and more actionable if submitted as soon after the potential infringement as possible.

A report must conform to the following guidelines:

### **Counterfeit Goods**

“Counterfeit” means that the goods offered for sale by the Merchant were not produced by an authorized manufacturer of the goods and therefore infringe on intellectual property rights.

### **Reporting / Chargeback Condition**

The Cardholder states that the goods were purported to be genuine, but were counterfeit.

### **Cardholder Complaint to Issuer**

The Cardholder contacted the Issuer and asserted both of the following:

- The Cardholder engaged in the Transaction.
- The goods were purported by the Merchant to be genuine, but were counterfeit.

### **Supporting Documentation (both of the following):**

1. A Cardholder letter, email, or Dispute Resolution – Cardholder Dispute Chargeback (Form-1221) describing the Cardholder’s complaint in sufficient detail to enable a reasonable person to understand the nature of the dispute and the disposition of the goods. Examples of disposition include but are not limited to:
  - The goods are in the possession of a governmental agency, such as customs
  - The goods are in the possession of the Cardholder
  - The Cardholder discarded the goods
  - The Cardholder returned the goods to the Merchant
2. One of the following:
  - Documentation provided by a person purporting to be the owner or authorized representative of the owner of intellectual property rights for the goods purported to be counterfeit (which documentation may be available from a website) substantiating that the goods purchased are counterfeit.
  - Documentation substantiating that the Merchant that sold the purported counterfeit goods was closed by a governmental agency for selling counterfeit goods now purported by the Cardholder to be counterfeit.
  - Documentation from a bona fide expert substantiating that the disputed goods are counterfeit, which documentation is on the expert’s letterhead or validated by other information demonstrating that the opinion expressed is that of an expert.

Note: Information relevant to the case must be in English or the original non-English documentation must be accompanied by an English translation.

### **Dispute Resolution Process**

Standards pertaining to chargebacks are set forth in *Mastercard Chargeback Guide*.