



Amazon.com Sued for Bait and Switch

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In an important case for all companies whose products are sold on Amazon.com, the Ninth Circuit Court of Appeals overturned a district ruling yesterday that Amazon could not be sued for trademark infringement when it presented the goods of one watch maker in response to a search for another brand of watches. In *Multi Time Machine Inc. v. Amazon.com Inc.*, Case No. 13-55575, the Ninth Circuit (in a 2-1 decision) ruled that Amazon's practices could confuse consumers into believing the watches displayed in the search results are put out by a company related to the manufacturer of the searched-for watches.

This is an important result for all vendors of branded goods who believe they are losing business to competitors due to Amazon's failure to tell users of its website that the goods for which the customer is searching are not available on Amazon.com. The court noted that Amazon's competitors - such as Buy.com and Overstock.com - inform customers when the goods in their search terms are not sold on those websites.

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