

# Seller Blacklisting Module

Amended on 2nd Jan 2016

For sellers to perform well on the platform, they must adhere to Constructionwale.com selling guidelines, not indulge in illegal practices and unethical business tactics. The Seller Blacklisting Module has been designed to maintain the said standards and ensure consistent quality at Constructionwale.com.

In addition, the Policy is also applicable in cases related to behavioral issues (personal or company level) or violation of specific policies listed out by Constructionwale.com.

The following reasons would lead to blacklisting of a seller:

## Selling Fake Products:

Sellers must ensure that all the listed items are genuine. If the seller attempts to sell fake products on the website he/she will be blacklisted. Constructionwale.com is against the sale of replicas, counterfeit products, products infringing trademark or copyright, imitations of the original product or unauthorised materials. An attempt to sell any of these will lead to blacklisting.

**Trademark:** A trademark is any word, name, symbol or other device used to identify one's goods and distinguish them from goods or services offered by others. A trademark identifies a business and links it to the quality, credibility, experience, goodwill, and reputation of the manufacturer.

## Examples:

- "APPLE" is a trademark of Apple, Inc.
- "XEROX" is a Trademark of Xerox, Inc. (not a synonym for a Photocopier)
- "E & Y" is a service mark

You must refrain from doing the following:

- Using a trademark/ logo, whether on a product or in any other manner that you don't own or have acquired the licence in respect of or have authority to affix/ emboss on your private label product
- Using the name of a brand that you don't own or have the authority to use in the title of your product or in the listing attribute "Brand" or as your Seller Display name
- Using the name of another brand as a search query for your private label product

- Listing a compatible accessory as a branded accessory (Ex: charger compatible for Apple iPhone should not be represented as an Apple charger). In such a case using the words "compatible with" is necessary

#### Copyright:

A right held by the creator in certain creative works such as literature, artistic works, paintings, music, computer programs, sound recordings and films. A copyright gives the creator of an original work exclusive rights to it and to license it to others.

#### Examples:

- The images uploaded by a seller for a product is a copyright image owned by that seller and cannot be used by another seller without permission. (A suggestion can be given to sellers that instead of using original copyrighted images for product listings, they need to photograph the product at their end and may use those photographs for listing their products)
- Image available on Google Search is owned by third parties and permission will be required to use the same
- A music composition in an advertisement is a copyright
- A software is subject to third party copyright
- A film is subject to third party copyright and reproduction by any means requires permission from the owner

Failure to adhere to the above can lead to blacklisting of your account. In the event of any legal disputes initiated via any authority/ Court or intimation of infringing actions on your part, we may have to disclose your particulars to the authority concerned for the purpose of legal compliance. Any use of illegal materials on our platform will be in violation of our Terms and Conditions and you will be liable for legal action.

#### Poor Performance:

A seller will be blacklisted if the seller has poor performance based on the following criteria:

- High returns
- High returns due to mis-shipment, missing items, damaged products or poor quality products
- Returns due to used/ expired products or products not covered by warranty
- Poor seller ratings and negative reviews
- Repeated violation of seller performance policy thresholds

- Copyright/ trademark infringement
- Price/ Discount abuse
- Abusive behavior
- Using packaging materials of competitors
- Any attempts at fraudulent activity that will affect customers, other sellers or Constructionwale.com
- Physical audit results
- Mystery shopping results
- Multiple customer escalations

The seller may be blacklisted due to poor performance on a single criteria or a combination of the aforementioned factors.

#### Fake claims:

If a seller is found making false claims in order to earn a benefit under the Seller Protection Fund, he/she will be blacklisted.

#### Breach of Contract:

In situations where the seller has entered a separate contractual agreement with Constructionwale.com under which they are obligated to perform in a certain manner or pay against the deliverables provided by Constructionwale.com and the seller is found in breach of the said contract, she/he would be delisted with immediate effect and notified of the same. Under this situation, the entire portfolio of the seller is subject to being delisted and not just the products for which the contract was executed.

#### Prohibited products:

As a registered seller, you may list item(s) for sale on the website in accordance with the policies which are incorporated by way of reference in the ToU. You must be legally able to sell the item(s) you list for sale on the website, failing which, you will be blacklisted.

#### Disputes:

Sellers who have a high number of disputes raised against them by buyers will be blacklisted.

#### Negative Feedback:

If a seller consistently receives negative feedback from buyers, he/she will be blacklisted.

#### MRP Breach:

A seller found breaching the MRP Policy by quoting a higher price than that mentioned on the product's MRP declaration label will be blacklisted.

#### Threat & abuse:

Constructionwale.com expects its sellers, as our business partners, to be courteous, professional and respectful while interacting with us via email or any other form of communication. Failing to do so, a seller will be given two initial warnings and will then be blacklisted. The following will be considered as threat & abuse:

- Threat of bodily harm via email/phone or chat
- Misuse of Constructionwale.com's system
- Offers to buy or sell outside the website

Threats of physical harm via email, phone calls or public message boards will be dealt with seriously.

Failure to take correct measures will lead to blacklisting of the seller.

#### Fake Reviews/Ratings:

If a seller is found or reported to be posting fake reviews or ratings on the website for their products or someone else's, either to increase or diminish sales, his account will be blacklisted.

#### Missing Products/Irrelevant Material:

If a seller is found shipping empty boxes or boxes filled with irrelevant material (example: Stones, pebbles, garbage etc) instead of the actual product to the buyer, he/she will be blacklisted.

#### Fraud:

Wilful intention to commit fraud against fellow sellers, buyers or Constructionwale.com platform will lead to blacklisting.

#### Packaging issues:

Repeated use of poor quality packaging/ using Constructionwale.com's competitors packaging will lead to blacklisting.

Associate behaviour for drop-ship:

Any misbehaviour of associates towards buyers in the drop-ship model will lead to seller account being blacklisted.

Linked accounts:

If a seller holds multiple accounts, all the accounts will be blacklisted as per the blacklisting policy.

Shipping products of incorrect weight:

If the weight and dimensions of the actual package of the Product is found to be greater than the weight and dimensions of the Product mentioned in the Product listing, Constructionwale.com shall have the right to take necessary action against the Seller, including but not limited to blacklisting of the Seller.