

ATV STORE (ALLTHINGSVINYL STORE)

ATV STORE OF UNIT 3M/8 HALAS INDUSTRIAL ESTATE

FORGE LANE BIRMINGHAM B62 8EB are the registered trademark holders of the brand names "atv store" and "Allthingsvinyl store" in respect of protectors for a wide range of collectibles. ATV STORE strictly regulates the design, manufacture, advertising, distribution and sale of its products.

Our products are supplied through a tightly controlled distribution chain to atv store outlets only. It is illegal to import, manufacture, offer for sale, sell, advertise or distribute counterfeit or Infringing ATV products. These activities are in violation of the law and can carry both criminal and civil penalties.

ENFORCEMENT

ATV employs a dedicated Security team and brand enforcement investigators to ensure that their trademarks are not violated.

ATV adopts a pro-active approach to counterfeiting of our products and is actively targeting individuals, markets and any business premises where counterfeit copies of our products are manufactured, distributed, possessed or sold.

ATV works closely with the Police, Trading Standards and HM Customs and Civil Recovery Organizations and will not hesitate to commence criminal and or civil proceedings against any individual or business contravening the Trademarks Act 1994.

FREQUENTLY ASKED QUESTIONS

Q: Why has my auction been removed?

A: ATV is committed to the strict enforcement of its trademarks and other intellectual property rights. We have requested the removal of your auction because ATV and its agents have a good faith belief that the merchandise you were offering for sale is counterfeit or otherwise infringes our trademarks and thus is in violation of the law. Please note that the offer of genuine goods for sale in certain countries where they are not authorized to be sold by the trademark owner still constitutes trademark infringement.

Q: How did ATV store determine that my auction offered for sale goods that were counterfeit or otherwise infringing?

A: Due to the nature of eBay and the Internet, this determination was based upon the photograph(s), title of the auction and the description of the goods that you have provided. If your auction was terminated upon our request, we are satisfied with our determination that this item is not authentic.

Q: Why was I allowed to post my auction if it violates the law?

A: The ability to post such auctions of infringing merchandise DOES NOT mean that the sale of such merchandise is legal, authorized or that it does not infringe our trademarks.

Q: Why was my auction removed while many other auctions offering “ATV Store or Allthingsvinyl store” items for sale remain up?

A: Due to the nature of eBay, it is impossible to address every auction related to our brand.

This,

however, does not mean that because some auctions are not removed, they are not also breaking the law. If you wish to send us auctions that you believe infringe our trademarks, we invite you to do so.

Q: Why was I not informed directly by ATV Store before I was reported to eBay?

A: In many cases where an individual is offering multiple infringing products for sale then we try to send a warning e-mail at the same time as requesting withdrawal of your auction. Given the volume of auctions dealing with ATV Store related products; it would be both impractical and inefficient for us to contact each seller individually in every case.

Q: Can I use the word “ATV Store or Allthingsvinyl Store” in an auction heading even if I am not selling an ATV Store item?

A: NO. ATV Store maintains a registered trademark in its name, including its use for retail services, and this prohibits the use of our name in relation to goods that do not originate from ATV Store. Therefore, it is both misleading and infringing to use the trademark “ATV Store” in an auction title or description because such use may attract buyers who are searching for authentic ATV Store goods. Additionally, courts have held that this confusing practice of enticing buyers, referred to as “initial interest confusion”, is a form of trademark infringement, even though consumers may ultimately realize the goods offered for sale in an auction do not originate from ATV Store. This practice is an attempt to exploit the goodwill associated with our trade names and will not be tolerated.

Q: I believe that the item I am offering for sale is authentic ATV Store merchandise, how can I tell?

A: ATV Store is not willing to disclose the specifications of genuine merchandise so as to prevent this information from reaching manufacturers of counterfeit merchandise. We can assure you, however, that all authentic ATV Store products are made using superior materials, quality and workmanship. The ONLY way to ensure that you have purchased an authentic ATV Store product is to purchase it directly from an ATV Store website.

Q: Why is ATV Store concerned with my sale of a single piece of unauthorized product?

A: ATV Store takes all matters of infringement seriously regardless of the quantity of items listed for sale. We cannot grant exceptions to anyone simply because the infringement concerns only one or two items.

Q: Can I post an auction that expressly states that the Item is “NOT GENUINE ATV Store or Allthingsvinyl store”?**Or refer to it as “ATV or ALLTHNIGSVINL INSPIRED” or any similar phrase?**

A: NO. A disclaimer regarding the lack of authenticity of the goods, such as “fake”, “faux”, “All Saints-Style”, “ATV Store-like”, etc., is illegal under laws which prohibit the sale of counterfeit/infringing merchandise. These products are still in violation of our trademark rights and ATV Store will enforce these rights with the same force as those which claim to be authentic.

Q: I would like to have an item I purchased from eBay verified for authenticity by All Saints, can I bring this item to an authorized store for verification? **May I list my item as authenticated by ATV Store? **

A: NO. Because ATV Store performs its authenticity determinations with great care and attention, it is not feasible to offer this service to the general public. In addition, though our sales people are professionals who are very knowledgeable about our product line, they are not able to make authenticity determinations. The only way to be assured that you have purchased an authentic ATV Store product is to purchase it directly from one of our online ATV Store platforms otherwise authenticity cannot be guaranteed or verified by ATV Store.

Q: What if I was unaware that the merchandise, I was selling was not authentic ATV Store merchandise?

A: Ignorance of the law or innocent intent is not a defense to trademark violations. The law maintains that it is YOUR responsibility to ensure that your activities do not in any way violate the intellectual property rights of others; otherwise you will subject yourself to liability which cannot be avoided by claiming ignorance.

Q: **I believe that the item ATV Store reported is authentic "ATV Store" merchandise.**How can I get my auction reinstated?

A: If you believe that your auction was erroneously reported to eBay, please send an email to the contact person that eBay has provided you. In your email, you must include the following: (1) the auction number, (2) the exact title used in the auction, (3) the exact description used in the auction, (4) your eBay seller ID, and (5) attach the pictures of the item that were posted in the removed auction. We may also require you to submit further high-quality pictures of parts of the product that we specify. If ATV Store agrees that it erroneously reported your auction, we will send an email to eBay, with a request to reinstate the auction