

BURBERRY

BURBERRY CANCELS HUNDREDS OF EBAY AUCTIONS ON A DAILY BASIS. THE FOLLOWING INFORMATION MAY HELP YOU UNDERSTAND WHY YOUR AUCTION HAS BEEN REMOVED. It is illegal to manufacture, import, offer for sale, sell, advertise or distribute counterfeit or infringing BURBERRY products. These activities carry both criminal and civil penalties, are expressly prohibited by eBay (see eBay's user agreement: http://pages.ebay.co.uk/help/policies/user-agreement.html?ssPageName=f:f:UK&_trksid=m40) and will result in your auctions and user account being cancelled. The “BURBERRY CHECK”, “BURBERRY” word mark and “EQUESTRIAN KNIGHT DEVICE” are all Trade Marks belonging to Burberry Limited and are registered worldwide. The use of any of these Trade Marks without Burberry's permission is Trade Mark infringement. The only way to ensure that your Burberry items are genuine is to purchase them from a Burberry store, authorised stockist or online from www.burberry.com.

FREQUENTLY ASKED QUESTIONS

*Q: **Why has my auction been removed? ***

A: Burberry is committed to the strict enforcement of its trade marks and other intellectual property rights. We have requested the removal of your auction because Burberry has a good faith belief that the merchandise you were offering for sale is counterfeit or otherwise infringes Burberry's trade marks and/or other intellectual property rights. Please note that the offer of genuine goods for sale in certain countries where they are not authorised to be sold by the trade mark owner constitutes trade mark infringement.

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

A: Due to the nature of eBay, this determination was based upon the photographs (style, fabrics, labelling & packaging), title of the auction and the description of the goods that you provided.

*Q: **Why was I allowed to post my auction if it is illegal? ***

A: EBay maintains that it cannot conduct a comprehensive pre-screening process to account for such violations. Therefore, the ability to post such auctions of infringing merchandise DOES NOT mean that the sale of such merchandise is legal.

Q: Why was my auction removed while many other auctions offering “BURBERRY” items for sale remain up & why are you picking on me?

A: Burberry cancels hundreds of eBay auctions worldwide on a daily basis and your auction was merely one of many cancelled during a routine search. However, due to the volume of items offered and the way eBay works, it is impossible to cancel every infringing Burberry auction.

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

A: If you believe that your auction was incorrectly reported to eBay, please send an email to:

Europe - ebay.infringements@burberry.com

North America - us.infringement@burberry.com

with the following:

- Your seller ID & auction number;
- the exact title & description used in your auction;
- clear pictures of the item that were posted in the auction including all labelling and packaging.

If your item was incorrectly reported Burberry will inform eBay so you can reinstate your auction.

Q: **Why was I not informed directly by Burberry before I was reported to eBay?***

A: Due to the nature of eBay and volume of auctions it is impractical for Burberry to contact each seller regarding their auction. Burberry uses the VeRO program as the most efficient method of reaching its primary objective on eBay which is to decrease the volume of infringing merchandise offered.

Q: **Can I use the word “BURBERRY” in an auction heading even if I am not selling a BURBERRY item?***

A: No, this is a direct violation of eBay’s listing policies (<http://pages.ebay.co.uk/help/policies/misleading-titles.html>). Burberry maintains a registered Trade Mark in its name, including its use for retail services, which prohibits the use of Burberry in relation to goods that do not originate from Burberry. It is both misleading and infringing to use the “BURBERRY” Trade Mark in an auction title or description because such use may attract buyers who are searching for authentic Burberry goods.

Q: **Can I post an auction that expressly states that the Item is “NOT GENUINE BURBERRY” or refer to it as “BURBERRY-STYLE”, “BURBERRY INSPIRED” or any similar phrase?***

A: No, this is a direct violation of eBay’s listing policies (<http://pages.ebay.co.uk/help/policies/replica-counterfeit.html>). A disclaimer regarding the lack of authenticity of the goods, such as “fake”, “faux”, “BURBERRY-Style”, “BURBERRY-like”, etc., is illegal under laws which prohibit the sale of counterfeit/infringing merchandise. These products are a violation of Burberry’s trade mark rights and Burberry will enforce these rights with the same force as those which claim to be authentic. It is also a violation of eBay’s listing policies.

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

A: Burberry does not disclose the specifications of genuine Burberry merchandise so as to prevent this information from reaching manufacturers of counterfeit merchandise. All authentic Burberry products are made using superior materials, quality and workmanship. The ONLY way to ensure that you have purchased an authentic Burberry product is to purchase it directly from a Burberry store, www.burberry.com or an authorised retailer.

*Q: **Why is Burberry concerned with my sale of a single piece of unauthorised Burberry product? ***

A: Burberry 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: **I would like to have an item I purchased from eBay verified for authenticity by Burberry, can I bring this item to a Burberry store for verification? **May I list my item as authenticated by Burberry?***

A: No. Burberry performs its authenticity examinations with great care and attention and 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 trained to make authenticity examinations. The only way to be assured that you have purchased an authentic Burberry product is to purchase it directly from one of our Burberry stores, www.burberry.com or from an authorised retail store otherwise authenticity cannot be guaranteed or verified by Burberry.

*Q: **What if I was unaware that the merchandise I was selling was not authentic BURBERRY merchandise? ***

A: 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. Ignorance of the law or innocent intent is not a defence to trade mark violations.

*Q: **Why was my auction removed when I have not made any reference to “BURBERRY” in my title or description? ***

A: In this case, you have most likely offered for sale an item, fabric for example, that displays an identical or confusingly similar version of the BURBERRY CHECK Trade mark. Any item which is not authentic Burberry merchandise that incorporates a check that is either identical or confusingly similar to the BURBERRY CHECK is Trade Mark infringement.

*Q: **If I promise not to sell counterfeit/infringing Burberry products again, will you have Ebay reinstate my account? ***

A: We have no control or influence over Ebay's policies and cannot assist eBay users who have had their user accounts suspended or cancelled. The reinstatement of accounts is entirely at eBay's discretion.