

# Burlen Fuel System Limited

Burlen Fuel Systems Limited of Spitfire House, Castle Road, Salisbury, Wiltshire SP1 3SB are the registered trademark holders of the brand names "AMAL,SU,ZENITH CONCENTRIC, MONOBLOC and BURLEN in respect of Carburettors,Fuel pumps and related parts. Burlen Fuel Systems Limited strictly regulates the design, manufacture, advertising, distribution and sale of its products.

**It is illegal to import, manufacture, offer for sale, sell, advertise or distribute counterfeit or infringing Burlen Fuel Systems Limited products. These activities are in violation of the law and can carry both criminal and civil penalties. Additionally, this activity is expressly prohibited by eBay( see ebay user agreement) and will result in your auctions and user account being cancelled.**

## ENFORCEMENT

Burlen Fuel Systems Limited employs a dedicated Security team and brand enforcement investigators to ensure that their trademarks are not violated.

Burlen Fuel Systems Limited 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.

Burlen Fuel Systems Limited works closely with the Police, Trading Standards and HM Customs and Civil Recovery Organisations 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: Burlen Fuel Systems Limited is committed to the strict enforcement of its trademarks and other intellectual property rights. We have requested the removal of your auction because Burlen Fuel Systems Limited and its agents has 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 authorised to be sold by the trademark owner still constitutes trademark infringement.

Q: How did Burlen Fuel Systems Limited 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: Unfortunately, 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, authorised or that it does not infringe our trademarks.

Q: Why was my auction removed while many other auctions offering “Burlen Fuel Systems Limited” 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 Burlen Fuel Systems Limited before I was reported to eBay?

A: Given the volume of auctions dealing with Burlen Fuel Systems Limited related products; it would be both impractical and inefficient for us to contact each seller individually in every case. For these reasons, eBay has established the VeRO program (<http://pages.ebay.com/help/confidence/programs-vero-ov.html>) to assist us in our brand protection efforts and take additional actions in accordance with its user policies.

Q: Can I use the word “AMAL/SU/ZENITH/CONCENTRIC/MONOBLOC or BURLEN” in an auction heading even if I am not selling a Burlen Fuel Systems Limited item?

A: NO. Burlen Fuel Systems Limited maintains registered trademarks in its name. This prohibits the use of our MARKS in relation to goods that do not originate from Burlen Fuel Systems Limited. Therefore, it is both misleading and infringing to use the trademarks “AMAL/SU/ZENITH/CONCENTRIC/MONOBLOC or BURLEN” in an auction title or description because such use may attract buyers who are searching for authentic Burlen Fuel Systems Limited 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 realise the goods offered for sale in an auction do not originate from Burlen Fuel Systems Limited. 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 Burlen Fuel Systems Limited merchandise, how can I tell?

A: Burlen Fuel Systems Limited 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 Burlen Fuel Systems Limited products are made using superior materials, quality and workmanship.

Q: Why is Burlen Fuel Systems Limited concerned with my sale of a single piece of unauthorised product?

A: Burlen Fuel Systems Limited 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 Burlen Fuel Systems Limited” merchandise?

A: NO. A disclaimer regarding the lack of authenticity of the goods, such as “fake”, “faux”, “Burlen/Amal/SU/Zenith/Concentric/Monobloc”-“Style”, “like” “type” “replica” etc is illegal under laws which prohibit the sale of counterfeit/infringing merchandise. These products are still in violation of our trademark rights and Burlen Fuel Systems Limited will enforce these rights with the same force as those which claim to be authentic.

Q: What if I was unaware that the merchandise I was selling was not authentic Burlen Fuel Systems Limited merchandise?

A: Ignorance of the law or innocent intent is not a defence 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 reported is authentic Burlen Fuel Systems Limited 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 and when and where purchased, that we specify. If Burlen Fuel Systems Limited agrees that it erroneously reported your auction, we will send an email to eBay, with a request to reinstate the auction. However, please note that reinstatement is entirely at eBay’s discretion.