



ColArt Americas, Inc.

Winsor & Newton™, owned and manufactured by ColArt Fine Art & Graphics (ColArt), is the world's leading brand in fine art materials and appears on a wide range of fine art supplies and accessories. The Winsor & Newton brand has enjoyed a reputation for the highest quality and reliability since 1832.

You may re-sell a genuine *Winsor & Newton* product that you bought, in its original, unaltered form in the territory in which you purchased it and you may use *Winsor & Newton* trademarked brand names to describe these items. However, selling an item outside the territory in which you bought it can be hazardous because some countries have differing laws governing the labeling and/or sale of such items. Due to such laws, *Winsor & Newton* items may be produced with different labels for different countries. Some eBay Sellers offer *Winsor & Newton* products intended for distribution in another country; these products may have labels in a different language or lack appropriate seals and warnings.

For example, ColArt manufacture *Winsor & Newton* fine art colours in China only for the Chinese market to give Chinese artists access to colours of higher quality than those traditionally available. The Chinese manufactured colours are not the same formulation or quality as those manufactured in England, which also are sold in China at higher prices. Because they are intended solely for China and use locally sourced pigments, the Chinese manufactured colours are labeled entirely in Chinese with the exception of the *Winsor & Newton* logo and type of colour. There are no English colour names or permanence ratings on the labels and the products have not been certified by the U.S. based Art & Craft Materials Institute. Since they are intended only for China, these colours do not conform to U.S. Federal Health Labeling requirements. These products are not authorized for sale beyond the Chinese market.

ColArt is a member of the eBay VeRO Plus Program and monitors *Winsor & Newton* items for sale on eBay daily, working to ensure that all unauthorized uses of *Winsor & Newton* intellectual property are removed. When an auction that improperly uses *Winsor & Newton* trademarks and/or copyrights comes to its notice, ColArt reviews the listing and takes suitable action. However, because of the high volume of goods for sale on eBay, it is difficult to identify and remove every unauthorized listing. The fact that others are selling products that infringe ColArt intellectual property rights does not give you the right to do so. Likewise, the fact that a product is being sold on eBay is not a guarantee that it is a genuine, authorized *Winsor & Newton* product.

In addition, you cannot use copyrighted written material or photographs of *Winsor & Newton* products to promote the sale of the item. This includes copyrighted text & images that appear on our website, in our printed product literature, advertising, and other support material. You cannot

customize a *Winsor & Newton* product or modify any of its trademarks and offer it for sale. You cannot produce an unauthorized copy of the genuine product and offer it for sale. You cannot use the *Winsor & Newton* logo as a separate element in your listing.

As a seller, you have a responsibility to ensure that your actions do not violate the intellectual property rights of another. Ignorance that it is a violation of any country's trademark copyright laws is no excuse.

NOTE: If your e-mail requests information that is already contained in this About Me page, you will not receive a response. If you have other questions, please send to:

brandguard@colartusa.com and provide us with the eBay item number, which appears in the message sent to you from eBay. We welcome information on the sale of *Winsor & Newton* goods that infringe our intellectual property rights and keep the identity of our informants strictly confidential. For information on authentic *Winsor & Newton* products, please visit www.winsornewton.com.

Frequently Asked Questions

Why was my auction suspended?

If your auction was terminated in response to a request from us, it means that the item or the listing itself infringed our intellectual property rights or that the product's authenticity was in question.

Winsor & Newton products may feature various packaging designed for other countries, which conforms to the laws and regulations of each country. Some sellers offer products intended for distribution in another country. These products will sometimes have labels in a different language. Selling a product outside of its intended market is an unauthorized use of the trademark.

Why hasn't ColArt suspended all auctions selling infringing or questionable products?

ColArt aggressively enforces its intellectual property rights, however given the volume of auctions on eBay, it is possible that some infringing auctions escape our attention. The fact that others may be selling infringing products does not give others the right to do the same and it does not prevent us from ending those auctions of which we do become aware. If you want to report an auction that has not yet been suspended, please include the seller's ID and auction number in an email to brandguard@colartusa.com. Please note that we cannot respond to all inquiries, but we will investigate each complaint.

Why does ColArt care about small sellers on eBay?

ColArt works hard to preserve the integrity of our name, trademarks, copyrights, and logos. The sale of infringing products damages the reputation for quality of the *Winsor & Newton* brand and leads to complaints from customers who do not realize that the product was not an authorized *Winsor & Newton* product. ColArt aggressively protects the goodwill associated with *Winsor & Newton* by using all means available—including, but not limited to, suspension of auctions, reporting repeat violators to eBay for possible account termination, as well as both criminal and civil litigation against those selling unauthorized products bearing our trademarks.

Why didn't ColArt contact me directly before reporting my auction to eBay?

It is not practical to contact individual sellers. In order to safeguard the reputation and image of our *Winsor & Newton* brand, we must work quickly and diligently to stop the sale of infringing products.

Why did eBay allow me to post my auction if it was illegal?

eBay does not pre-screen auctions and it does not verify that sellers have the right to sell a listed item.

I thought the item was authentic when I bought it. Why can't I resell it?

Paying for a product does not automatically give you the right to resell it. The sale of infringing product is illegal and can harm the reputation of the *Winsor & Newton* brand. Knowledge is not required for a seller to be held liable for damages under either the U.S. Federal Trademark Act or the Copyright Act.

Can I list an item if I say that it is "NOT GENUINE", "NOT AUTHENTIC" or similar words?

No. You are selling unauthorized products. A disclaimer regarding the authenticity does not satisfy the laws prohibiting the sale of infringing products.

Can I sell international versions of *Winsor & Newton* products in another country?

No. *Winsor & Newton* has different labels to comply with the regulations of each country. The import or export of those products may violate the laws of your country or another.

What if I didn't realize that I was violating the law or infringing ColArt rights?

Innocent intent is not a defense under U.S. Federal or State trademark law, or under U.S. Federal copyright law. You are responsible to ensure that your actions do not violate someone else's rights. Before auctioning any item, you must ensure that the item is authorized for resale by the trademark owner.

I reported an infringement; can you tell me what happened?

ColArt investigates hundreds of reported infringements. The results of these investigations are confidential, as are the actions taken in response.