

# Eclipse Records, Inc

Eclipse Records is an independent record company founded in 1998 that has focused primarily on loud rock/metal music. We have released products from bands such as Mushroomhead, Scum of the Earth, Disarray, Bobaflex, Fivefootthick, Megahertz, and many many more. You can find out much more information at [www.eclipserecords.com](http://www.eclipserecords.com).

We typically monitor eBay auctions as well as other auctions to make sure that our intellectual property rights and copyrights are not infringed upon. We look out for bootlegs, unauthorized recordings, items designated as promo-only items, and other auctions that we feel violate our legal rights as intellectual property owners. We also hold auctions to sell unique, rare, or limited-edition items that we don't sell through traditional retail channels, as well as items which are out of print or going out of print or we have an overly-excessive amount of inventory on hand.

**Why have I received a notification to withdraw my product from auction from eBay?** Eclipse Records owns the copyrights for all recordings released by us as well as some recordings which we have the exclusive right to release in the future. If you've been notified by eBay that you must withdraw your product from auction and Eclipse Records is referenced in the notification, it's because we believe the items you are auctioning infringe our intellectual property rights and/or the intellectual property rights of our artists, and we firmly believe that it is our lawful responsibility to notify individuals on eBay (through eBay's VeRO Plus program) who are infringing these rights.

**How do I know if a product I wish to list for auction on eBay infringes upon Eclipse's rights?** Following are some guidelines that may help you identify whether or not your product infringes upon our legal rights:

**ADVANCE CDs:** Selling or distributing sound recordings (in any format, CD or digital) before the official release date is prohibited by Eclipse. If you are unsure whether an item is authorized for sale, please contact us.

**UNAUTHORIZED RELEASES:** Many Bootleg and Pirate recordings are factory pressed (non CD-R) outside of the United States and may appear to be legitimate releases but are not. These recordings are often listed as "imports", "outtakes", or "rare". If the quality of the packaging looks unprofessional (perhaps a photocopy or laser/inkjet print), it's most likely illegal. CD-Rs and mp3 files ripped from various Internet web, ftp sites, IRC sites, and other filesharing sites are definitely illegal. In most cases, live recordings are also considered bootlegs and are illegal to produce or sell unless they are released by Eclipse Records. Compact discs that are sold by individuals after digitally copying or "ripping" content to digital storage devices is also considered a violation of our IP rights.

**PROMO ONLY OR "DRILLED" ITEMS:** We send out a limited quantity of promotional samples to media outlets including (but not limited to) radio, press, television, record stores, and journalists. These promotional samples are given to media outlets for promotional use only, and are easily identified by a hole punched or drilled through the barcode on the back of the CD, or a sticker which clearly states "for promotional use only, not to be sold", or fingerprint located somewhere (either on the item or originally sent with the item) which states "For Promotional Use Only". Quite often this sticker is removed from the packaging,

therefore regardless of the sticker's presence if the barcode is defaced in any manner, you are not allowed to sell or re-sell it. Doing so will clearly infringe upon our legal intellectual property rights as well of those of our artists.

Thanks for your cooperation.

If you have a question about the legality of something you want to sell that features an Eclipse Records artist, please feel free to email [ebay@eclipserecords.com](mailto:ebay@eclipserecords.com).