

# Fluidity Enterprises, Inc.

Fluidity is the sole authorized supplier of the highly successful Fluidity Barre System – a patented product that is widely credited with creating the Barre category of fitness. Fluidity has invested extensive time and money in developing the Fluidity Barre product line and owns the intellectual property rights covering the Fluidity Barre in the United States and worldwide.

Fluidity is a member of the eBay VeRO Program and closely monitors eBay auctions to protect these rights including copyright and trademark violations. Fluidity does not authorize the reproduction of its images, graphics or logos for use in any 3rd party auction.

To ensure you are buying a genuine Fluidity Barre product (or parts and accessories) on eBay, you should purchase from **the Fluidity Barre storefront (Direct from Manufacturer)**.

## **How do I know if I am buying authentic Fluidity Barre product?**

Fluidity sells its products in the United States using only a few distinct methods; this assists in our anti-counterfeiting efforts:

- (1) Direct response – i.e., consumers who watch our infomercials or other advertising and call Fluidity directly to order products;
- (2) Direct sales to consumers through the Fluidity website; and
- (3) Direct sales to consumers through dedicated online storefronts such as the Fluidity Barre storefront (Direct from Manufacturer) at eBay.com.

## **BUYER BEWARE**

There are many Fluidity Barre units for auction on eBay as private individuals or others who are not associated with or authorized by Fluidity may list these items. Therefore, we **CANNOT BE RESPONSIBLE FOR THE AUTHENTICITY OR QUALITY OF THESE FLUIDITY BARRE PRODUCTS NOR CAN WE HONOR THE PRODUCT WARRANTY IF SOLD THROUGH ANY SOURCE OTHER THAN FLUIDITY DIRECTLY**. We are committed to the safety and quality of our products, but are not able to control these important factors when our products are sold through an unauthorized source.

## **Frequently Asked Questions (FAQ)**

**Q: Can I use Fluidity's images from its website at [www.fluidity.com](http://www.fluidity.com) or anywhere else I may find them online?**

**A:** No. Fluidity closely controls the use of its copyrighted images and does not authorize the reproduction of its images, graphics or logos for use in your auction or anywhere else.

**Q: Why was my auction terminated?**

**A:** Your auction was terminated because we have a good faith belief the item being sold was a counterfeit Fluidity Barre product or included an infringement of one or more of Fluidity's trademarks. We base our decisions upon many factors, including the product description and photograph(s) among other things.

**Q: Can Fluidity explain to me exactly how it came to the conclusion that the item I listed was counterfeit?**

**A:** We cannot share detailed information on how to differentiate between authentic and counterfeit Fluidity Barre product as this information is highly sensitive and could be used by counterfeiters to improve their counterfeiting efforts.

**Q: I see many other listings of “Fluidity Barre” or “Fluidity Bar” products that look just like mine; why are those auctions allowed to continue?**

**A:** While we vigorously enforce our intellectual property rights, and strive to identify and terminate every auction offering counterfeit Fluidity Barre product, due to the high volume of new listings being added on a constant basis, some auctions featuring counterfeit/infringing items are completed before we are able to take action. Nevertheless, this does not change the fact that the sale of counterfeit/infringing goods is against the law.

**Q: Why didn't Fluidity contact me before terminating my auction?**

**A:** Due to the large volume of matters we investigate, we must act decisively and expeditiously, and it is simply not possible for us to contact each and every seller prior to enforcing our intellectual property rights. However, we do our best to ensure that only counterfeit/infringing Fluidity Barre merchandise is removed.

**Q: What if I was unaware that the product I was selling was not authentic Fluidity Barre product?**

**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 its owners. Ignorance of the law or innocent intent is not a defense to trademark or copyright infringement.

For more information about authentic Fluidity Barre products or if you have any questions, please feel free to contact us at [info@fluidity.com](mailto:info@fluidity.com).