

Gaylord Entertainment Company

Gaylord Entertainment Company (Gaylord), by itself or through one or more of its subsidiaries, is the owner of the trademarks, copyrighted material and the other intellectual property associated with the Grand Ole Opry radio program, which has been broadcast continually since 1925; the Ryman Auditorium, located in Nashville, Tennessee; WSM-AM radio; and the Hee Haw television program.

FREQUENTLY ASKED QUESTIONS

I. For Information About Auctions Generally

II. For Information About Merchandise and Crafts

III. For Information About Photos, Videos, DVDs, Audiotapes, CDs, and MP3s

IV. For More Information About Gaylord

I. INFORMATION ABOUT AUCTIONS GENERALLY

Q. Why was my auction suspended?

A. If your auction was terminated in response to a request from Gaylord, it means that the item you were selling or the listing itself infringed an intellectual property right owned by Gaylord. Some of the factors that help to identify infringing merchandise are described below.

Q. Is there an easy way to identify infringing Gaylord products?

A. Sometimes a seller will use terms like bootleg, copy or cannot guarantee authenticity. The unauthorized Gaylord products most frequently sold on eBay include apparel, crafts or home-made items (including artwork using the Grand Ole Opry or Hee Haw name or logo(s)), pirated or bootleg cassettes, CDs or MP3s of Grand Ole Opry performances, pirated or bootleg videos or DVDs of the Hee Haw television program, and other materials that were not sold or distributed for resale by Gaylord.

Q. Why hasn't Gaylord suspended all auctions selling infringing products?

A. Gaylord vigorously enforces its intellectual property rights. It is possible that some infringing auctions escape Gaylord attention. The fact that others may be selling products that infringe Gaylord intellectual property rights does not give others the right to do so nor does it prevent Gaylord from ending those auctions about which it does become aware.

If you want to report an infringing listing regarding the Grand Ole Opry that has not been suspended, please send us the information along with the seller name and the eBay item number to bcolladay@opry.com.

If you want to report an infringing listing regarding Hee Haw that has not been suspended, please send us the information along with the seller name and the eBay item number to sliles@gaylordentertainment.com.

Q. Why does Gaylord care about small sellers on eBay?

A. Gaylord works hard to preserve the integrity of its name and its copyrights, trademarks and logos. For example, the Grand Ole Opry continues to enjoy widespread popularity because of the management that Gaylord has used to govern the use of its copyrights and trademarks. The auction of infringing merchandise, which is often not of the same quality required of a Gaylord product, damages Gaylord reputation and leads to complaints from consumers and internet users about this poor quality. Consumers may attribute to Gaylord the inferior quality of unauthorized products purchased over eBay. Gaylord must be vigilant in protecting the goodwill associated with its trademarks and copyrights and will take action to insure that online auctions of counterfeit goods and unauthorized audio and video recordings are ended. In addition, the rights of other artists who perform on the Grand Ole Opry and on Hee Haw are violated when unauthorized copies of such materials are sold.

Q. I reported an infringement. Can you tell me what happened?

A. Gaylord investigates hundreds of reported infringements each year. The results of those investigations are confidential and Gaylord does not report back to third parties concerning the actions taken in response to reported infringements.

II. INFORMATION ABOUT MERCHANDISE AND CRAFTS

Q. Why can I sell craft items that use Gaylord intellectual property (such as the Grand Ole Opry or Hee Haw names or logos)?

A. While the creation of craft items using Gaylord copyrights or trademarks is infringing, Gaylord does not generally dispute craft items made by fans for their personal use. Where, however, those items are listed for sale on eBay, the user is seeking a commercial benefit from his or her infringing conduct.

Q. What if I use artwork that is in the public domain?

A. Gaylord trademarks and logos are not in the public domain. Some operate under the mistaken belief that, if they can download an image from the Internet, that the image is public domain. This is not true. Public domain exists for trademarks if the trademark owner has not elected to assert trademark ownership. This is not true with respect to Gaylord trademarks.

Q. Why did eBay allow me to post my auction if it is against the law?

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

Q. I thought the item was authentic. Why can't I resell it on eBay?

A. Infringing product is illegal and can cause harm to Gaylord, as owner of the intellectual property, and to consumers who are deceived. Both are victims, even when the seller didn't know. Knowledge is not required for a seller to be liable for damages under either the Trademark Act or the Copyright Act.

Q. Can I sell unauthorized product if I warn buyers that the product isn't real?

A. No. Even if you are not deceiving a buyer, a later purchaser might be deceived. Even if the infringing product is not resold, the product itself communicates a wrong impression about the quality and characteristics of authentic merchandise. Deception of the purchaser is not required for a seller to be liable for damages under either the Trademark Act or the Copyright Act.

Q. Can I use Gaylord trademarks, artwork or music to make my listing more appealing?

A. No. The use of trademarks, logos, trade names, artwork or music owned by others, including Gaylord, may wrongly imply that your listing is authorized, sponsored or approved by that third party and it may dilute the value of those intellectual property rights, in violation of both state and federal law. The use of trademarks as keywords to drive traffic to your listing may violate trademark laws as well as eBay own policies: <http://pages.ebay.com/help/policies/trademark.html>.

III. INFORMATION ABOUT PHOTOS, VIDEOS, DVDS, AUDIOTAPES, CDS AND MP3S

Q. Can I sell videos or DVDs not related for sale by Gaylord in the United States?

A. If the video or DVD is an authorized copy Gaylord released for sale in the United States, then you can re-sell your used video or DVD.

Q. What about legitimate Gaylord videos or DVDs released outside the United States?

A. You cannot sell videos, VCDs or DVDs that were released for sale in other markets. These are called parallel imports, and it is a violation of federal law to import or sell product in the United States that was released for sale in other markets.

Q. Can I sell audiotapes, CDs or MP3s of performances by artists on the Grand Ole Opry not released for sale by Gaylord in the United States?

A. No. These performances are copyrighted materials of Gaylord and may not be sold on eBay. Such sales would infringe upon the rights of the artists as well.

Q. Aren't my taped performances of artists on the Grand Ole Opry in the public domain?

A. No. If we suspended your auction, the performances contained on your item are not in the public domain. For copyrighted materials such as these performances, such materials are only in the public domain if either (i) the applicable copyright term has elapsed or (ii) the copyright owner has not elected to assert copyright ownership. Neither is true with respect to such copyrighted materials.

Q. Can I sell camcorderd videos or still pictures that I or someone else took of artists performing on the Grand Ole Opry?

A. No. This would be infringing on Gaylord rights and the rights of the artists pictured. No sales of camcorderd videos or DVDs or pictures are permitted of any performance on the Grand Ole Opry.

Q. Can I sell copies of television shows that I taped from broadcast or cable television, like Hee Haw or Grand Ole Opry Live?

A. No. Only original videos distributed by Gaylord for resale can be sold on eBay. Any copy of a television show, even if it was originally broadcast on an over-the-air network, is an infringing copy, and any listing offering such product may be suspended.

Q. Can I list scripts or props?

A. No. As a general rule, scripts and many other elements used in producing motion pictures and television shows remain the property of the producer. You should be very careful before listing or buying any props or other elements, such as scripts, which are stated to have been used in production.

IV. MORE INFORMATION ABOUT GAYLORD ENTERTAINMENT COMPANY

Gaylord's address is Gaylord Entertainment Company, One Gaylord Drive Nashville, TN 37214

For Grand Ole Opry-related questions, please e-mail: bcolladay@opry.com

For Hee Haw-related questions, please e-mail: sliles@gaylordentertainment.com

For all other questions, please e-mail: slynn@gaylordentertainment.com

Due to the large number of messages we receive, we cannot respond to emails that ask questions already answered in this About Me page. We may take a couple of weeks to answer questions not addressed above.

We welcome any information on the sale of infringing Gaylord merchandise, which can be sent to the addresses noted above.