

D. Gottlieb & Co.®

Gottlieb®

Premier®

Gottlieb Development LLC

Gottlieb Development LLC (“Gottlieb”) is the owner of the trademarks, Gottlieb®, D. Gottlieb & Co.®, and Premier®, USA nos. 1403592, 2292766, 3288024, and 3662840 (and other numbers in other countries), related copyrights, and other associated intellectual property, including, but not limited to, artwork, trade dress and designs, all pertaining to Gottlieb® products (collectively the “Gottlieb Marks”). Besides the word mark “Gottlieb®,” above are some representations of the ways our registered trademarks are used.

GOTTLIEB REPORTS INFRINGEMENTS OF THE GOTTLIEB MARKS TO EBAY THROUGH EBAY’S VERO PROGRAM. THE PURPOSE OF OUR PARTICIPANT PROFILE PAGE IS TO PROVIDE INFORMATION THAT MAY HELP CONCERNED MEMBERS UNDERSTAND WHY THEIR AUCTIONS MAY HAVE BEEN REMOVED.

Gottlieb's official website is www.gottliebpin.com.

Gottlieb is a member of eBay's VeRo program. Gottlieb zealously polices the Gottlieb Marks. Gottlieb and its licensees have the exclusive right to use the Gottlieb Marks, which are protected under United States and international trademark and copyright laws. Any use of the Gottlieb Marks without the express written permission of Gottlieb will be subject to prosecution for trademark infringement. Similarly, textual, photographic and audiovisual works produced and published by Gottlieb or its licensees in any format are protected under United States and international copyright laws. Any production, copying, distribution, or display of copyrighted materials owned by Gottlieb without Gottlieb's express written permission will be subject to prosecution for copyright infringement. Gottlieb regularly monitors the Internet, including eBay and other auction sites, in order to protect the Gottlieb Marks. Gottlieb will notify eBay of any authorized use of the Gottlieb Marks on the eBay platform. Please understand that it is illegal to manufacture, import, offer for sale, sell, advertise, or distribute counterfeit or infringing goods bearing the Gottlieb Marks. These activities carry both criminal and civil

penalties, are expressly prohibited by eBay, and may result in your auctions and user account being cancelled.

In Gottlieb's opinion the applicable law requires the following:

Items that bear Gottlieb's brand names or logos can be listed as long as the products were lawfully made by, for, under license from, or with the consent of Gottlieb.

Gottlieb doesn't allow replicas, counterfeit items, or unauthorized copies to be listed on eBay. Unauthorized copies may include things that are bootlegged, illegally duplicated, or pirated. These kinds of things infringe the Gottlieb Marks. Do not list counterfeits, fakes, or replicas of items bearing the Gottlieb Marks.

Do not list counterfeit replacement parts or consumables that are labeled with the Gottlieb Marks.

Please make sure your listing conforms to these guidelines.

FREQUENTLY ASKED QUESTIONS

Q: Why has my auction been removed?

A: Gottlieb is committed to the strict enforcement of the use of the Gottlieb Marks. Gottlieb likely requested the removal of your auction because Gottlieb has a good faith belief that the merchandise you were offering for sale is counterfeit or otherwise infringes the Gottlieb Marks. Please note that the offer of genuine goods for sale in certain countries where they are not authorised to be sold by the trade mark owner may constitute trademark infringement.

Q: How did Gottlieb determine that my auction offered for sale goods that were counterfeit or otherwise infringing?

A: Due to the nature of eBay, this determination was likely based upon the photographs, title of the auction, or the description of the goods that you provided.

Q: Why was I allowed to post my auction if it is illegal?

A: We understand that eBay 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.

Q: Why was my auction removed while many other auctions offering "Gottlieb" items for sale remain up and why are you picking on me?

A: Gottlieb requests the cancellation of numerous eBay auctions worldwide and your auction was merely one of many cancelled during a routine search. However, due to the

volume of items offered and the way eBay works, it is impossible to cancel every infringing Gottlieb auction as soon as it is listed.

Q: Why was I not informed directly by Gottlieb before I was reported to eBay?

A: Due to the nature of eBay and volume of auctions it is impractical for Gottlieb to contact each seller regarding their auction. Gottlieb uses the VeRO program as the most efficient method of reaching its primary objective on eBay, which is to decrease the volume of infringing merchandise offered.

Q: Can I use the word “Gottlieb” in an auction heading even if I am not selling a Gottlieb item?

A: No. Gottlieb maintains registered trademarks in its name, which prohibits the use of the Gottlieb Marks in relation to goods that do not originate from Gottlieb. It is both misleading and infringing to use the Gottlieb Marks in an auction title or description because such use may attract buyers who are searching for authentic Gottlieb® goods.

Q: Can I post an auction that expressly states that the item is “NOT GENUINE Gottlieb” or refer to it as “Gottlieb-STYLE”, “Gottlieb INSPIRED” or any similar phrase?

A: No. A disclaimer regarding the lack of authenticity of the goods, such as “fake”, “faux”, “Gottlieb-Style”, “Gottlieb-like”, etc., is illegal under laws which prohibit the sale of counterfeit/infringing merchandise. These products are infringe upon Gottlieb's trademark rights and Gottlieb will enforce these rights.

Q: I believe that the item I am offering for sale is authentic Gottlieb merchandise, how can I tell?

A: Gottlieb does not disclose the specifications of genuine Gottlieb merchandise so as to prevent this information from reaching manufacturers of counterfeit merchandise. All authentic Gottlieb products are made using superior materials, quality, and workmanship. The ONLY way to ensure that you have purchased an authentic Gottlieb product is to purchase it directly an authorized retailer.

Q: Why is Gottlieb concerned with my sale of a single piece of unauthorized Gottlieb product?

A: Gottlieb 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: What if I was unaware that the merchandise I was selling was not authentic Gottlieb merchandise?

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 others. Ignorance of the law or innocent intent is not a defense to trade mark violations.

Q: Why was my auction removed when I have not made any reference to “Gottlieb” in my title or description?

A: In this case, you may have offered for sale an item that displays an identical or confusingly similar version of one of the Gottlieb Marks. Any item which is not authentic Gottlieb® merchandise that incorporates an image that is either identical or confusingly similar to the Gottlieb Marks is trademark infringement.

Q: If I promise not to sell counterfeit/infringing Gottlieb® products again, will you have eBay reinstate my account?

A: We have no control or influence over eBay’s policies and cannot assist eBay users who have had their user accounts suspended or cancelled. The reinstatement of accounts is entirely at eBay’s discretion.

You should contact eBay directly should you have any queries relating to eBay’s VeRo Program.