

# Harley-Davidson Motor Company

Welcome to the VeRO Profile page of Harley-Davidson Motor Company (Harley-Davidson).

Our goal on this page is twofold: (1) to help eBay sellers avoid having their auctions terminated at Harley-Davidson's request due to trademark infringement and (2) to help buyers and resellers of goods avoid being victimized by counterfeiters. We feel we can best accomplish this by making sure you:

- Know the Law;
- Know Your Rights;
- Know How Genuine Harley-Davidson® Goods are Distributed;
- Know What to Look For; and
- Know Whom to Ask

**NOTE TO EBAY SELLERS:** Due to the overwhelming volume of counterfeit and infringing listings and the time involved in obtaining seller contact information, Harley-Davidson has had to discontinue the practice of communicating directly with sellers prior to requesting a takedown of infringing listings. We regret the necessity of this action, but the need to keep counterfeit products off of eBay must be given greater priority.

## **A Word About Trademarks**

Trademarks – such as brand names and logos – sometimes are used in a decorative manner, but they are not mere decorations. Among other things, they tell consumers the source (i.e., the manufacturer) of the goods they buy and who they may be able to turn to if the goods don't perform properly.

Generally, when we talk about Harley-Davidson's trademarks on this page, we are referring to HARLEY-DAVIDSON and our world-famous "Bar & Shield" logo (seen above). However, Harley-Davidson also has trademark rights in many other trademarks and logos, including HARLEY (by itself), HD, H-D, BUELL, MOTORCLOTHES, and all of our motorcycle model names, such as SOFTAIL, FAT BOY, ROAD KING, etc.

"Harley" and "Harley-Davidson" are company-specific brand names that are properly used only in connection with products actually made or licensed by Harley-Davidson. Use of these terms in connection with the products of others misleads consumers and infringes Harley-Davidson's valuable trademark rights.

## **Know the Law**

It is illegal (and in most states a criminal act) for anyone to create trademark-bearing goods intended for sale without written permission directly from the trademark owner. There are no exceptions. It is also illegal to resell such goods, even when they have

been purchased in good faith from someone else. Therefore, if you are purchasing goods for resale, you should make sure that you can legally resell them, beyond merely taking the word of the person you purchased them from. Your seller may not know that the goods are counterfeit, but even if the seller does know, he or she could have a vested economic interest in misleading you.

Note that making minor changes to the shape of a logo or changing the words inside of a logo does not change this. There is no “X% of change” that creates a safe harbor for the unauthorized use of trademarks.

## **Know Your Rights**

**You do** have the right to use word trademarks (such as HARLEY-DAVIDSON) in truthful, informational statements descriptive of what you are selling. So, if you sell parts and accessories that fit Harley-Davidson® motorcycles but were not made by Harley-Davidson, you may call them “Parts for Harley-Davidson® motorcycles” (but not “Harley-Davidson Parts”).

**You do** have the right to resell, without the need for a license or other permission, genuine, authorized goods obtained legally.

**You don’t** have the right to display Harley-Davidson’s logo for any purpose, including in auctions where genuine goods are being offered. Only Harley-Davidson’s authorized motorcycle dealers and licensees have the right to use our logo in advertising. (Note that this refers to the display of our logo other than it appears on product. Logos that are legitimately part of product design can be shown in photos of the product).

**You don’t** have the right to apply Harley-Davidson® stickers, decals, patches, and scrapbooking materials to new goods made by someone else when you intend to sell them. These items are sold solely so that enthusiasts can decorate their already-owned personal property. The application of a patch or decal does not turn the entire item into a “Harley-Davidson” item, and items so decorated may not be represented as such.

**You don’t** have the right to use genuine, licensed HARLEY-DAVIDSON products to create completely new and different items. Examples: You may not use a licensed HARLEY-DAVIDSON tin sign as the face of a clock, use licensed HARLEY-DAVIDSON guitar picks to create jewelry, or turn a HARLEY-DAVIDSON license plate into a lamp or wind chimes. The presence of our trademarks on any goods offered for sale tells prospective purchasers – even if you don’t say so in so many words – that the entire object came from Harley-Davidson. Disclaimers are not an acceptable way to avoid this rule. **NOTE: There is no such thing as "authorized Harley-Davidson fabric" from which you are free to make articles of your own design intended for sale. Harley-Davidson does not sell and has never sold "fabric" (in the sense of sewing fabric, sold by the yard from a bolt). We sell only finished products with specific intended uses, some of which happen to be made of fabric, such as bed linens. Be aware that any "fabric" you see offered is either counterfeit or merely a piece**

**cut from a bed sheet, none of which may be used to make things intended for sale.**

**You don't** have the right to alter licensed product when you intend to sell the result. For example, you may not take a licensed T-shirt apart to create a completely new design (such as a halter top) or replace the sleeves or other parts of the shirt with fabric of your own choice. Trademarks owners have a very basic right – and an obligation -- to control what goods bearing their marks look like, what they're made of, the quality of all the component parts, and the labor practices employed in their manufacture. As long as our trademarks remain on the goods, they may only be resold in essentially the same form in which they were originally licensed.

**You don't** have the right to use Harley-Davidson's trademarks (such as HARLEY-DAVIDSON or HARLEY) in the title of your listing if the entire product offered does not actually come from Harley-Davidson. Our trademarks may not be used to attract potential customers to your listings merely because what you are selling can be worn while on a motorcycle, is in the shape of a motorcycle, has a motorcycle image on it, or just might be of interest to people who ride motorcycles.

**You don't** have the right to reproduce HARLEY-DAVIDSON or BUELL technical publications for any purpose; reproduction for profit is especially problematic.

### **Know How Genuine HARLEY-DAVIDSON® Goods are Distributed**

Harley-Davidson sells its motorcycles, motorcycles parts & accessories, and MOTORCLOTHES brand clothing and collectibles *only* through its authorized Harley-Davidson® motorcycle dealerships.

In addition, many of our licensees – including those for T-shirts, decals, and jewelry (except Franklin Mint) – are permitted to sell only to Harley-Davidson® motorcycle dealers. Furthermore, our licensees who do sell outside the dealer network (such as our footwear provider) are not permitted to sell to jobbers, brokers, and other *wholesale* sources, or to people who sell solely on the Internet. Genuine HARLEY-DAVIDSON products are not generally available at trade shows and are rarely found in flea markets, especially in any quantity greater than a handful. Therefore, there are very few products available at wholesale to non-dealers, and you should be suspicious of an offer to sell so-called “Harley-Davidson” goods to you at wholesale. Before you invest a lot of money in inventory you won't be permitted to sell, *investigate the source*. Keep in mind at all times that the people trying to sell you goods are highly motivated to make the sale and do not have your best interests foremost in their minds. Don't merely take their word that the goods are claimed to be authorized.

### **Know What to Look For**

There is no single piece of information that will help you avoid being deceived by counterfeit goods. A little common sense, however, will go a long way. First, visit a

Harley-Davidson dealership and become familiar with the look and feel of our labels, packaging, and hang tags. Genuine goods are rarely sold loose and without packaging and/or hang tags of some sort. Look for our logo on labels inside garments. Keep in mind that something that appears too good to be true – such as “Harley-Davidson” leather jackets for prices far less than those offered in dealerships – probably *is* too good to be true. Since Harley-Davidson dealers are the only ones who can buy direct, they’re also generally the only ones who can give you a true “bargain.”

Other points to keep in mind:

1. **There is no source in Asia authorized to make HARLEY-DAVIDSON goods for sale to anyone other than Harley-Davidson itself or one of its licensees.** If you are buying (or reselling) goods that will be “shipped direct from Asia” to you or your customer, the goods are counterfeit, no matter what they look like or what you are told.
2. **No authorized HARLEY-DAVIDSON jewelry is made in Mexico.**
3. **The only companies authorized to make HARLEY-DAVIDSON body jewelry and Italian charms are Stamper Black Hills and MOD Jewelry.** You can see Stamper’s officially-licensed jewelry at [www.stamperbhg.com](http://www.stamperbhg.com). and MOD’s products at [www.modjewelry.com](http://www.modjewelry.com). All other body jewelry and Italian charms bearing Harley-Davidson’s trademark are counterfeit.
4. **There is only one legitimate source for neon Harley-Davidson® Signs,** which is Ace Product Management Group. Their offerings can be seen at [www.roadhousecollection.com](http://www.roadhousecollection.com). Currently, there are only two authorized neon Harley-Davidson® signs, and both are relatively small wall decorations.
5. **The purchase of a CD containing logos in a format suitable for driving embroidery, engraving, and vinyl cutting machines does not give you the right to use those logos on goods intended for sale, irrespective of what the seller of the CD tells you (or does not tell you).** The only way to legally apply trademarks to goods intended for sale is to get written permission directly from the owner of the trademark.
6. **The presence of a ® symbol next to our trademark is not a guarantee that the goods are genuine.** Many counterfeiters go to great lengths to deceive, and they commonly use this symbol to do that.
7. **The appearance of any words other than “Harley-Davidson Motor Cycles” inside our logo (such as the names of other motorcycle manufacturers, rally and event names, or general sentiments) is a dead giveaway that the goods are unauthorized.**

The only way to be certain that the (new) goods you are purchasing are genuine HARLEY-DAVIDSON goods is to purchase them from a Harley-Davidson dealership or licensee. In almost any other situation, you are at risk.

### **Know Whom to Ask**

Harley-Davidson is happy to answer questions concerning the use of its trademarks or to assist you in determining whether something you're interested in buying is genuine or counterfeit. We can be reached by e-mail at [TrademarkEnforcement@harley-davidson.com](mailto:TrademarkEnforcement@harley-davidson.com).

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