

Evel Knievel

Welcome to the VeRO Profile page of K&K Promotions, Inc. DBA Evel Knievel Brand. Our goal on this page is to help eBay sellers avoid having their auctions terminated due to trademark infringement, and to help buyers and resellers of goods avoid being victimized by counterfeiters.

NOTE TO EBAY SELLERS: Due to the overwhelming volume of counterfeit and infringing listings and the time involved in obtaining seller contact information, Evel Knievel does not communicate directly with sellers prior to requesting a takedown of infringing listings.

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 trademarks, and Right of Publicity, we are referring to "Evel" "Evel Knievel" "V" "EK" as well as the name, image, likeness, voice, signature and trade dress thereof – "The Evel Knievel Intellectual Property."** Trademarks are properly used only in connection with products actually licensed by Evel Knievel. Use of these terms in connection with the products of others misleads consumers and infringes upon Evel Knievel'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 i.e., a written licensing agreement. 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. Your seller may not know that the goods are counterfeit, or he or she could be misleading you.

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

You do not have the right to display Evel Knievel Intellectual Property for any purpose, including in auctions where genuine goods are being offered unless licensed. Only licensees have the right to use logo(s) in advertising. Note that this also refers to the display of all our Intellectual Property other than as it appears on any specific product. Logos that are legitimately part of product design can be shown in photos of the product.

You do not have the right to apply Evel Knievel Intellectual Property to stickers, decals, patches, and/or scrapbooking materials to newly created goods whether made by us, authorized licensees, yourself or someone else when you intend to sell them. These add on 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 new "Evel Knievel" item, and items so decorated may not be represented as such. Be aware that making minor changes to the shape of a logo or altering the words of a logo does not change

enforceability of Intellectual Property rights. There is no amount of “small” alteration that creates a safe harbor for the unauthorized use of trademarks.

You do not have the right to use genuine, licensed Evel Knievel products to create completely new and different items. Example, you may not use a licensed Evel Knievel tin sign as the face of a clock, use licensed Evel Knievel guitar picks to create jewelry, or turn a Evel Knievel license plate into a lamp or wind chime. 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 Evel Knievel. Disclaimers are not an acceptable way to avoid this rule. NOTE: There is no such thing as Evel Knievel “stuff” from which you are free to make articles of your own design intended for commercial sale. (Someone even made a chainsaw sculpture of Evel Knievel and tried to sell it.) Nor do you 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 to control what goods bearing their marks look like, what they’re made of, the quality of all the component parts, and the right to approve the final result, it’s packaging and advertising. As long as our trademarks remain on the goods, they may only be resold in essentially the same form in which they were originally purchased.

You do not have the right to use Evel Knievel trademarks in the title of your listing if the entire product offered does not actually come from Evel Knievel. Our trademarks may not be used to attract potential customers to your listings just because the item might be of interest to people who ride motorcycles, or fancy themselves daredevils, or for any other reason.

Know How Genuine Evel Knievel® Goods are Distributed. Evel Knievel sells products only through licensed sellers. Evel Knievel sells its’ own products through its own website. Therefore, there are very few products available at wholesale to the general public and you should be suspicious of an offer to sell so-called “Evel Knievel” 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 that the people trying to sell you goods may be unlicensed, unethical, criminal fraudsters. Don’t merely take their word that the goods are claimed to be authorized. There is no single piece of information that will help you avoid being deceived by counterfeit goods. Common sense and fact checking will go a long way.

Visit www.evelknievel.com/merchandise 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 “Evel Knievel” leather jackets for prices far less than similar jackets offered in Harley-Davidson dealerships – probably is too good to be true. Since authorized licensees are the only ones who can buy direct, they’re also generally the only ones who can give you the best price.

There is no source in Asia authorized to make Evel Knievel goods for sale to anyone other than Evel Knievel 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. No authorized Evel Knievel products are made in Mexico, Vietnam, or the Philippines, etc.

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.

No independent artists are authorized.

No such thing as “fair use” “tribute” or “replica.”

The only way to be certain that the (new) goods you are purchasing are genuine Evel Knievel is to purchase them from an authorized licensee listed at the merchandise section of www.evelknievel.com. In almost all other situations you are at risk.

Know Whom to Ask. Evel Knievel 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 at info@evelknievel.com

FAQs

Q: Why was my auction removed?

A: Possible reasons for termination include the sale of counterfeit Evel Knievel merchandise, use of images without permission, or misuse of a registered trademark. Evel Knievel regularly monitors the Internet for violations of its Intellectual Property rights. Evel Knievel notifies eBay of auctions which violate our Intellectual Property rights. eBay then takes the necessary action to comply with our notice, including removing the auction from eBay.com without prior notice.

Q: Why was my auction removed while many other auctions offering similar Evel Knievel products for sale remain active?

A: Be assured that you have not been singled out. However, due to the high volume of Evel Knievel products being offered on eBay, it is difficult to remove every infringing auction. If you find auctions violating Evel Knievel’s rights or eBay’s policies, please report to us at info@evelknievel.com.

Q: May I use Evel Knievel images, from www.evelknievel.com or from an authorized seller’s site or just grab them off the internet?

A: No. Evel Knievel’s name, image, persona, voice, signature, trade dress and trademarks are protected by Federal and Nevada Law and may not be reproduced. Evel Knievel does not authorize their use to unaffiliated third parties.

Q: Can I legally sell a counterfeit product if I identify the product as “Replica,” “Evel Knievel Inspired,” “Fake,” “Knock Off,” “Fair Use” or “Tribute?”

A: No. The manufacture, distribution, advertising for sale or sale of unlicensed or counterfeit goods is illegal, and carries criminal penalties and civil liability in the U.S. and other countries. A disclaimer about the authenticity of goods does not shield you from liability.

Q: Why does Evel Knievel care if I sell a single unlicensed or counterfeit product?

A: Because Evel Knievel did not break his bones and spill his blood so other people could make money. Evel Knievel has a zero-tolerance policy for the sale of unlicensed or counterfeit products. The sale of unlicensed or counterfeit products causes monetary and reputational damage, and erodes the authentic value of the Evel Knievel Brand. Further, unlicensed or counterfeit products are of an inferior quality and do not come with the same warranties and guarantees as authentic products.

Q: What if I did not know that my item was unlicensed or counterfeit?

A: As a seller, it is your responsibility to ensure that the items you list for sale are authentic. As a buyer shame on you.

Q: Can Evel Knievel verify the authenticity of my product?

A: Evel Knievel is unable to verify the authenticity of any product not purchased directly from www.evelknievelswag.com or from an authorized licensee. Authorized licensees can be verified at www.evelknievel.com/merchandise.

Q: I believe I purchased counterfeit Evel Knievel merchandise on eBay. What should I do?

A: First, contact the seller directly and ask for the appropriate resolution i.e., a complete refund. Second, immediately review eBay's dispute resolution policies and proceed with dispute resolution and fraud report.