



## **About Kirby**

The Kirby company designs, develops, manufactures, and sells a range of Kirby branded floorcare products around the world. Kirby invests significant resources into the development of its products and owns numerous intellectual property rights in respect of its brand and technologies, including patents, design rights, trademarks, and copyrighted materials.

Kirby is an active participant in the eBay VeRO program for the purposes of protecting consumers, protecting the Kirby brand and its investments in the development of its technologies, and protecting the integrity of Kirby's network of authorized distributors.

We have developed this page to help educate eBay users about listings which infringe Kirby's intellectual property rights and to explain why we may have taken action to remove a listing.

## **Counterfeit products**

We're aware that there are counterfeit versions of a small number of Kirby machines, where fake vendors are ripping off technology that has taken years to develop and rigorously test. Counterfeit Kirby products haven't been tested to Kirby's usual high safety standards, so they may not be safe to use. For further information on counterfeit Kirby products, please see [contact us](#) at Kirby.com

## **Frequently Asked Questions**

### **Q: Why was my listing cancelled?**

A: Kirby has determined that your listing (either the product you were selling, or the content of the listing itself) infringes Kirby's trademarks, copyright, registered designs, or patents. Alternatively, we may have identified the product you were selling as a counterfeit product.

### **Q: Can I use the Kirby logo or Kirby's imagery in my listing (for example, images I found via a google search)?**

A: No. This applies even if you are selling genuine Kirby products.

The Kirby logo and the text, imagery, and other promotional materials we use to advertise and promote our products are protected by copyright laws around the world. Examples of those materials can be found on Kirby.com. Unauthorized use or reproduction of those materials is prohibited (and constitutes copyright infringement). This is the case even though some of our promotional materials are available online (for example, on our website or in search engine results).

### **Q: I'm not selling Kirby products, but I am selling spare parts and accessories for Kirby products. Why has my listing been cancelled?**

We prevent the sale of aftermarket spare parts and accessories which:

1. (a) are copies (or close copies) of one of Kirby's registered designs
2. (b) make unlawful use of a Kirby trademark in a listing for a non-genuine "generic" product. For example, where the trademark is used in a way which is likely to confuse consumers into thinking the products are genuine Kirby spare parts. We do not take action where Kirby's trademarks are used in text *to describe* the products on sale (for example, "compatible with Kirby") provided this is done in a way which is not likely to cause confusion.

**Q: Why did Kirby single out my listing for removal when I can find other similar listings that infringe Kirby's rights?**

A: Kirby has measures in place to identify infringing listings and takes action to address infringements as soon as we are aware of them. However, due to the volume of products added each day to eBay and other ePlatforms around the world, it can take time to identify listings, and for eBay to remove them once they have been reporting.

**Q: Why did Kirby not contact me directly, prior to my listing being shut down?**

A: Due to the volume of new Kirby listings added to eBay and other ePlatforms, it is not efficient or feasible for us to contact sellers directly.

**Q: If I assure Kirby that I will not infringe Kirby's rights again, will Kirby retract its VeRO request?**

A: No. Kirby does not retract VeRO notices where there has been infringement of its intellectual property rights.

**Q: Can I list my product as a "Kirby alike" or "Kirby dupe" product (or something similar)?**

A: No. Disclaimers about the authenticity of product do not negate trademark infringement. Such statements may confuse consumers into thinking products are of the same quality or provenance as Kirby's products, which is often not the case.

**Q: What can I do to ensure listings don't infringe Kirby's rights?**

A: Comply with all the following rules:

1. do not sell counterfeit products
2. do not sell products which are infringing copies of Kirby's products, or which otherwise infringe Kirby's intellectual property rights
3. do not use the Kirby logo or Kirby's promotional imagery or text in your listing – you should use photographs that you have taken yourself, and descriptive text which you have written, not copied from elsewhere
4. do not use Kirby's trademarks in a misleading manner
5. only use the word "Kirby" (or our trademarked product names) for genuine Kirby products or to describe compatibility with Kirby products.