

Mad Dogg Athletics, Inc.

Mad Dogg Athletics, Inc. (MDA) is a member of the eBay VeRO Program and owns many trademarks, logos, service marks and copyrighted materials worldwide in connection with the Spinning program and our line of Spinning branded clothing, accessories, stationary bicycles, tools, videos and DVD's, music, nutritional products, water, sports drinks, bicycles (outdoor), maintenance products, personal care products, and educational products and programs. In addition to the trademark Spinning, the company also owns the trademark Spinner in connection with exercise bikes and equipment and Spin in connection with educational programs and exercise bicycles. MDA has a legal responsibility to enforce its trademark and copyright rights. Accordingly, MDA provides this page to educate eBay users about auctions that infringe the intellectual property rights of our company.

MDA and its licensees have the exclusive right to use its copyrighted works and trademarks. MDA's trademarks, logos and service marks are protected under United States and international trademark laws. Anyone who uses MDA's marks, without MDA's permission, is liable for trademark infringement. Similarly, textual, photographic and audiovisual works produced and published by MDA or its licensees are protected under United States and international copyright laws. Anyone who produces, copies, distributes or displays MDA's copyrighted materials, without MDA's permission, is liable for copyright infringement.

Please note that the manufacture, distribution and/or sale of counterfeit Spin, Spinning and Spinner merchandise is illegal and carries criminal penalties.

Frequently Asked Questions (FAQ)

Q: Why was my auction terminated?

A: Most likely, your auction was removed from the eBay website because it displayed unauthorized reproductions of copyrighted images owned by MDA or because it offered for sale counterfeit merchandise featuring one of MDA's trademarks. MDA regularly monitors the Internet, including auction sites, in order to protect its intellectual property rights. MDA will notify eBay of auction listings containing unauthorized uses of MDA's copyrights, logos and trademarks, or of auction listings reasonably believed to offer for sale counterfeit merchandise. eBay, in turn, will take the necessary action to comply with its user policies, which include removing the auction from the eBay website.

Q: Why was my auction singled out when there are other auctions on eBay that infringe MDA's intellectual property rights?

A: MDA works diligently to ensure that all unauthorized uses of its intellectual property are removed from the eBay website. Given the high volume of merchandise for sale on eBay, however, it is difficult to identify and remove every counterfeit and unauthorized item. In the event that MDA does not proceed against an infringing auction, this does not affect the fact that the auction violates United States and international laws.

Q: I scanned an image of Spinning or Spinner merchandise from the Spinning or related website and pasted the image onto my eBay auction. Is this permissible?

A: No. Any unauthorized reproduction, display or distribution of MDA's copyrighted images is against the law.

Q: If I purchased a legitimate item of Spinning merchandise, can I re-sell the item on eBay?

A: Yes. It is legal to re-sell a genuine, item that you purchased, in its original, unaltered form. Please note, however, that you cannot use MDA's copyrighted photographs to promote the sale of the item. Similarly, you cannot use MDA's trademarks and logos to make your auction more appealing. In addition, you cannot produce an unauthorized copy of the legitimate merchandise and offer it for sale.

Q: Can I list an item if I expressly say that it is "NOT GENUINE", "FAKE", or a "KNOCK OFF"

A: No. The manufacture, distribution and/or sale of unlicensed, counterfeit goods is illegal and carries criminal penalties. A disclaimer regarding the authenticity of goods does not serve to relieve a seller from liability.

Q: Can I use the Spinning logo or other logos or properties owned by MDA to make my auction listing more appealing?

A: No. Use of these logos wrongfully implies that your auction is authorized, sponsored, or approved by MDA, and dilutes the value of these logos in violation of state and federal trademark laws.

Q: Can I use MDA's Spinning or other logos or properties owned by MDA to create homemade products such as clothing apparel, accessories or bikes?

A: No. Only MDA and its licensees may use the Spin, Spinning, and Spinner trademarks and copyrighted material in connection with the manufacture, offer for sale, and/or sale of goods or services related to indoor cycling. Therefore, the sale and/or offer for sale of any such homemade products is not permitted.

Q: What if I did not realize that I was infringing MDA's intellectual property rights?

A: Innocent intent does not negate liability under United States copyright or trademark laws. You have a responsibility to ensure that your actions do not violate someone else's intellectual property rights. Before commencing an eBay auction, you must take affirmative steps to ensure that your auction does not violate the rights of any copyright or trademark owner.

Q: How can I determine whether an item for sale on eBay is authentic Spinning merchandise?

A: The only way to ensure that you are purchasing authentic Spinning merchandise is to purchase the goods directly from an authorized Spinning retailer or from the spinning.com website.

Q: Can MDA verify the authenticity claims of merchandise for sale on eBay?

A: MDA is unable to guarantee the authenticity of any items for sale on eBay. Similarly, MDA cannot compensate a dissatisfied buyer who purchased counterfeit merchandise from an eBay seller who made false claims of authenticity, nor can MDA replace the counterfeit merchandise with genuine merchandise. If you believe that an eBay member is selling

counterfeit Spinning merchandise or Spinner bikes, you may send an email to eBay user "spinspinning" identifying the seller and the particular auctions in question for MDA's review.