

Mars, Inc.

Since 1911, Mars has been extensively engaged in the manufacture and sale of candy and other products. Mars was founded on quality: quality ingredients, quality products, and quality people. Quality continues to drive Mars' success in the market place.

Mars expends numerous resources to maintain its reputation for quality. One important way this is accomplished is by protecting its valuable intellectual properties, including its famous trademarks and copyrights. Mars vigorously pursues infringing and diluting uses of its trademarks and copyrights, which are some of Mars' most valuable assets. Mars' trademarks symbolize the high quality of its products, goodwill and reputation it has developed for almost a hundred years. By stopping the advertising and sale of unlicensed, infringing and counterfeit merchandise on eBay, and by requesting that its trademarks and copyrighted material be properly used and identified, Mars strives to protect consumers from being deceived or confused into believing they are purchasing authentic Mars products or Mars licensed products.

MARS, INC.'S TRADEMARKS

Mars owns numerous federally registered trademarks for a wide variety of goods. Some of these world-famous marks include:

M&M'S®; M®; M&M'S® Characters (the images of Blue, Green, Brown, Orange, Red, and Yellow); M&M'S WORLD®; KUDOS®; MILKY WAY®; SNICKERS®; TWIX®; 3 MUSKETEERS®; MARS®; COLORWORKS®; DOVE®; ETHEL M®; UNCLE BEN'S®; COMBOS®; PEDIGREE®; SHEBA®; CESAR®; TEMPTATIONS®; WHISKAS®; NUTRO®; and GREENIES®.

MARS, INC.'S COPYRIGHTS

In addition, Mars owns the copyrights in its product package designs, M&M'S Characters and all of the images depicted in its advertising, promotional materials and on its websites (including the www.mms.com website).

GUIDELINES TO USING MARS' TRADEMARKS AND COPYRIGHTED MATERIAL

eBay sellers who sell authentic, unaltered products manufactured by Mars or its licensees may only use Mars' trademarks and copyrights for purposes of describing the products. For example, if someone were to sell a licensed M&M'S Character plush doll, the eBay auction description may describe the product as an "M&M'S brand Character plush doll." It is important to use Mars' trademarks properly. For example, the M&M'S trademark is not M&M or M&Ms. In addition, sellers of legitimate Mars products may post photographs of the products including the product packaging on their auctions.

PROHIBITED USES OF MARS' TRADEMARKS AND COPYRIGHTED MATERIAL

Selling or distributing products that were not made by Mars or its licensees but that depict or include Mars' trademarks and/or copyrighted material may constitute trademark infringement, trademark dilution, unfair competition and/or copyright infringement. The use of disclaimers regarding the manufacturer of such goods or statements about the manufacturers' non-affiliation with Mars does not exempt the infringing merchandise from

violating the trademark and copyright laws. Examples of unauthorized products include: magnets and labels made by downloading Mars' copyrighted material, such as the M&M'S Characters, from www.mms.com and affixing them to the magnets or labels.

SPECIAL NOTE REGARDING HANDCRAFTED PRODUCTS BEARING MARS' TRADEMARKS

We understand that some individuals believe that it is lawful to craft their own goods which display Mars copyrights or trademarks. Mars does not generally dispute craft items made by fans for their personal use. But, where those items are listed for sale on eBay, the user is seeking a commercial benefit from his or her infringing conduct. This type of commercial use of Mars licensed products is not authorized by Mars because it is likely that consumers will be confused into thinking the goods were either made by Mars or one of its licensees, or that the maker of the goods is affiliated with or sponsored by Mars. The purpose of trademark law is to protect consumers from confusion about the source of products bearing trademarks.

COUPONS

Mars' coupons are not assignable and are void if transferred from the original recipient to any other party. Moreover, Mars' coupons may not be reproduced or altered in any way. The auction may be considered a transfer of the coupons even when a seller uses a disclaimer or statement that the seller is not selling the coupons or that the seller is only seeking compensation for his or her time to collect the coupons. For more information about Mars' products please visit www.mars.com.

FREQUENTLY ASKED QUESTIONS

Q. Why was my auction suspended?

A. Your auction may have been suspended in response to a request from Mars because the item for sale may be an infringing or unlicensed product that uses Mars trademarks or copyrighted material or the item for sale may use a genuine or licensed Mars product (such as a package of M&M'S candies, stickers, or licensed fabric) to create an unauthorized product such as a refrigerator magnet or picture frame. These types of products may confuse consumers as to whether Mars is the source of the goods. Even if the seller uses a disclaimer or statement that the seller is not affiliated with Mars, Incorporated, consumers may still be confused.

Q. Why hasn't Mars suspended all auctions selling infringing products?

A. Mars vigorously enforces its intellectual property rights. When an auction selling infringing products comes to Mars' attention, Mars reviews the matter and takes appropriate action. The fact that others may be selling products that infringe Mars' intellectual property rights does not give you the right to do so or prevent Mars from terminating those auctions. If you become aware of a listing that you believe may be violating Mars' intellectual property rights, please send information about the auction, the sellers name and the eBay item number to the following address: marsvero@arentfox.com.

Q. I thought the item I posted on eBay was authentic when I bought it. Why can't I resell it on eBay?

A. Infringing products violate Mars' trademark and copyright rights, causing harm to Mars, and deceive consumers who believe they purchased genuine Mars products. This harm will occur even if the seller acted without knowledge of the infringement. The seller can be liable for damages under the United States Trademark Act or the Copyright Act.

Q. Can I use Mars' trademarks, copyrighted artwork, or slogans to make my listings more appealing?

A. No. The use of Mars' trademarks, copyrighted artwork, or slogans may mislead others into believing that your listing is authorized, sponsored, or associated with Mars and it may dilute the value of those intellectual property rights, in violation of both state and federal law. The use of trademarks as keywords to direct others to our listings may also violate trademark laws.

Q. When can I use Mars' trademarks to describe my listings?

A. You only may use Mars' trademarks to describe your items when the items are authentic, unaltered products manufactured by Mars or its licensees. For example, you may state, M&M'S golf balls if you are reselling licensed M&M'S golf balls. Remember, it is important always to use Mars' trademarks properly.

Q. What if I use artwork that is in the public domain?

A. Some operate under the mistaken belief that if they can download an image from the Internet that the image is in the public domain. This is not true. Simply because Mars trademarks and copyrights, including the M&M'S Characters, are accessible on the Internet or elsewhere does not mean that they are in the public domain. The fact that you are able to copy Mars properties does not mean it is right or legal to do so.

UPDATED: November 7, 2014