

# Mikimoto America

Mikimoto America is an active member of eBay's VeRO program which strictly enforces the proper use of our trademarks, service marks and copyrights. Unfortunately, there are products being sold that are either counterfeits, replicas, look-alikes or misrepresented as genuine Mikimoto.

Since 1893, Mikimoto has established a brand name well known for its finest quality jewelry and luxury goods. With significant time and money spent on building this reputation, we pursue any individuals or companies that infringe our intellectual property rights. Any reproduction of text and photographic images from our catalogs, website and any other marketing and sales printed publications is strictly prohibited and protected by copyright and not available for general use. Information on eBay intellectual property guidelines can be found online at <http://pages.ebay.com/help/community/png-items.html>

## **Frequently Asked Questions**

### **Q: Why was my auction suspended or cancelled?**

**A:** We asked eBay to suspend your auction because MIKIMOTO, in good faith, believes that the merchandise that you were offering for sale is counterfeit or otherwise infringes our trademark. Because of how eBay works, we can only make this determination based upon your auction's title/description/photographs.

### **Q: Why did eBay allow me to post my auction?**

**A:** eBay maintains that it cannot conduct a comprehensive pre-screening of their auctions. The fact that eBay permitted your item(s) to be listed for sale does not mean that their sale is legal or that they do not infringe MIKIMOTO trademarks.

### **Q: Why does MIKIMOTO care if I sell a single piece of unauthorized "MIKIMOTO" merchandise?**

**A:** Sellers of counterfeit or non-Mikimoto merchandise attempt to trade off of MIKIMOTO brand name. The company has spent money and time to establish our current brand name reputation. Sales of counterfeit goods damage MIKIMOTO's reputation, as many of the purchasers of inferior counterfeit products will attribute the poor quality merchandise to MIKIMOTO.

### **Q: I think that the item I offered is genuine. How can I tell if it is real?**

**A:** There is a Mikimoto trademark stamped on every piece of jewelry. Please visit our website's FAQ section for more information at [http://www.mikimotoamerica.com/contact\\_us/faqs/index.html](http://www.mikimotoamerica.com/contact_us/faqs/index.html). You can also verify this information at a reputable jewelry store.

### **Q: Why can't I use the word "MIKIMOTO" in my auction heading even though I am not selling a MIKIMOTO piece?**

**A:** Many eBay sellers use the trademarked term "MIKIMOTO" in their auction title or description simply to get attention from consumers looking for authentic MIKIMOTO product. This is a form of trademark infringement recognized by the courts as "initial interest

confusion." Even though consumers may ultimately realize that an auction or website has no connection to MIKIMOTO, such conduct is illegal trademark infringement, and is an attempt to take a free ride off MIKIMOTO name and reputation.

**Q: Why can't I describe my item as "MIKIMOTO -STYLE", "MIKIMOTO-LIKE" or a similar phrase?**

**A:** Due to MIKIMOTO fame and reputation, a person who sees the MIKIMOTO name is likely to believe that the goods are in some manner connected with or endorsed by MIKIMOTO. Such confusion as to association or sponsorship is a form of trademark infringement and violates federal and state laws.

**Q: Why didn't MIKIMOTO contact me directly before reporting my auction to eBay?**

**A:** For reasons of speed and efficiency, it is impractical to contact each seller individually. In order to maintain its reputation and name, MIKIMOTO must work diligently and speedily to protect its reputation for providing the highest quality products, and to stop the sale of inferior products under its name and trademarks.

**Q: Is Blue Lagoon, Sea Magic, Zale Signature or Gordon Classic pearls the same as Mikimoto brand pearls?**

**A:** No. These are separate product lines distributed by Mikimoto. The Mikimoto brand pearls are graded in the top 5% of the pearl harvest. While the other lines, the pearls are graded within the top 10% of the pearl harvest. Please represent the products accordingly as: Blue Lagoon by Mikimoto, Sea Magic by Mikimoto, Zale Signature Collection by Mikimoto or Gordon Classic Collection by Mikimoto to avoid any brand confusion or misrepresentation with bidders.