

New Era Cap Company

New Era products have been a canvas for consumers to showcase their individuality and personal style for over 90 years. With billions of headwear styles, it's best known for being the official on-field cap for Major League Baseball as well as creating the iconic 59FIFTY fitted cap. New Era continues to be a lifestyle brand of choice not only with their headwear collections, but also accessories and apparel lines for men, women and youth. The Company is headquartered in Buffalo, N.Y., operates facilities in Canada, Europe, Japan and Hong Kong, and is a Participating Company (PC) of the Fair Labor Association. For more information on the brand, visit www.neweracap.com.

About New Era

New Era owns numerous registered trademarks for a wide variety of goods and services around the world. Some of these world-famous marks include:

NEW ERA

NEW ERA FITS

NE Flag Logo

59FIFTY

9FIFTY

ORIGINATORS OF THE TRUE FITTED

NE NEW ERA 59FIFTY ORIGINATORS OF THE TRUE FITTED NEWERACAP.COM

BY NEW ERA & DESIGN

A note about counterfeits

Unless you know that the products were purchased from New Era or an authorized retail store, you are taking a risk that the products are counterfeit.

There is no source in Asia authorized to make NEW ERA goods for sale to anyone other than NEW ERA itself or one of its retail partners. If you are buying (or reselling) goods that will be “shipped direct from Asia” to you or your customer, the goods are more than likely to be counterfeit, no matter what they look like or what you are told.

Furthermore, NEW ERA RED BULL caps are not available for purchase; rather they are distributed to athletes who are sponsored by RED BULL. As such, nearly all of the NEW ERA RED BULL caps being offered for sale are counterfeit. In addition, New Era does not make for Gucci, Chanel, Louis Vuitton or D&G. If product bears these companies marks, they are counterfeit.

Frequently Asked Questions

Q: Why was my auction suspended?

A: Your eBay auction was suspended because New Era believes that the merchandise that you were selling infringes on its intellectual property rights.

Q: How did New Era determine the goods were counterfeit or violate New Era trademark or trade dress rights?

A: New Era carefully reviewed the photograph(s) you attached to the auction along with the title and the description and based upon that careful review was able to assess that your item was counterfeit or otherwise infringing New Era's intellectual property rights. New Era will not disclose the specific methods by which it can assess whether or not goods are counterfeit. If we revealed that information it could lead to the further proliferation of counterfeit goods. We can tell you that if the phrases CANNOT GUARANTEE AUTHENTICITY, AUTHENTICITY NOT WARRANTED, AUTHENTICITY NOT IMPLIED, and NO GUARANTEE are used, if you are a buyer beware these are clear signs the goods are not genuine. If we asked for an auction to be terminated we had a good faith belief the item was counterfeit.

Q: Why does New Era care if I sell a single piece of unauthorized NEW ERA merchandise? After all, I am just a small time seller on eBay...

A: New Era has expended considerable resources to develop and maintain a reputation for providing the highest quality products to its customers. Through the auction of counterfeit/infringing merchandise, people attempt to trade off of New Era's well-earned reputation. These actions cause New Era damage, as many eBay customers may attribute inferior counterfeit/knock-off products to New Era, and that is both unfair and illegal. Therefore, the widespread sale of unauthorized products can harm companies like New Era enormously, and New Era treats that very seriously.

Further, it is New Era's policy to cancel any offending auction. If the auction is for counterfeit items, at minimum New Era will insist that you 1) turn over the counterfeit and all similar items; 2) provide full disclosure about the source; and 3) agree never to list infringements or counterfeits again. With persistent offenders and those selling large quantities, New Era will take civil action and reclaim damages.

Q: What if I decide to re-post an auction once it has been ended? New Era will never know...

A: If you decide to re-post an infringing article once eBay has ended an auction for it, be warned that you are likely to subject yourself to civil and/or criminal liability, as well as temporary/permanent suspension from eBay privileges. New Era simply must take action to ensure that online auctions of counterfeit/infringing goods have ceased.

Q: If I purchased legitimate NEW ERA merchandise, can I resell the merchandise on eBay?

A: It is legal to resell genuine NEW ERA merchandise. However, even when reselling a genuine product, you may not use New Era copyrighted photographs or New Era logos to advertise the item. You may, however, use our worded trademarks in truthful and informational phrases or sentences to describe the cap you are selling, if it was produced by New Era. For example, it would be permissible to state, "59FIFTY NEW ERA cap size 7 3/4" in the title of your auction if that is what you are selling.

Q: Who can use the New Era logos?

A: Only New Era, its authorized retailers and partners can legally use New Era's logos to sell products.

Q: What if I did not realize that I was infringing New Era intellectual property rights?

A: Even if your ad was an accident or a mistake, you can still be held liable for infringement under copyright or trademark laws. Every seller has a responsibility to ensure that his sale does not infringe upon another intellectual property rights.

Q: Can New Era verify the authenticity of merchandise for sale on eBay?

A: While New Era would like to be able to assist you with your issue, New Era cannot verify the genuineness of any product that is not purchased through one of our authorized distributors or retailers. There are a large number of counterfeit products and unauthorized products in the marketplace, and we are addressing those issues. If you have a complaint about a product, we recommend you contact that store or seller directly. If you believe the seller or the store is selling counterfeit product, please contact us at IntProp@neweracap.com, and provide us with a photo of the items and the Seller ID. We will track down the seller and try to prevent them from selling counterfeit or unauthorized caps again the future, HOWEVER we cannot resolve your issue with the seller or store. We are sorry for the inconvenience this has caused you. The ONLY way to ensure that you are purchasing genuine New Era product is to visit an authorized New Era retailer or visit our website at www.neweracap.com.

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

A: The only way to ensure that you are purchasing authentic NEW ERA merchandise is to purchase the goods directly from: New Era at www.neweracap.com, a New Era Flagship store, or an authorized New Era retailer.

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 New Era's intellectual property rights, causing harm to New Era, and deceive consumers who believe they purchased genuine New Ear products. This harm will occur even if the seller acted without knowledge of the infringement. Furthermore, ignorance that it is a violation does not absolve you from liability under trademark or copyright laws. As a seller, you have a responsibility to ensure that your actions do not violate the intellectual property rights of another.

Q: I'm just a seller, why doesn't New Era go after the manufacturer and/or distributor?

A: New Era does pursue the manufacturers and distributors of products which infringe its trademarks. However, under the law, the seller, as well the manufacturer and the distributor of such products, is responsible for trademark infringement. It is trademark infringement to sell a product containing markings which are likely to lead prospective customers to believe they were receiving a genuine New Era product. New Era would very much appreciate receiving information about where you bought the product you listed so that we can further investigate them. If you are aware of a manufacturer and/or a distributor producing and selling counterfeit NEW ERA goods, please email all information you have to IntProp@neweracap.com.

Q: Why hasn't New Era suspended all auctions selling infringing products?

A: New Era vigorously enforces its intellectual property rights. When an auction selling infringing products comes to New Era's attention, New Era reviews the matter and takes appropriate action. Given the high volume of merchandise for sale on eBay, however, it is difficult to identify and remove every counterfeit and unauthorized item. The fact that others may be selling products that infringe New Era's intellectual property rights does not give you the right to do so or prevent New

Era from terminating those auctions. If you become aware of a listing that you believe may be violating New Era's intellectual property rights, please send information about the auction, the seller name, a picture of the item that was offered for sale and the eBay item number to the following address: IntProp@neweracap.com.

Q: Can I use NEW ERA or 5950 in my auction title or heading or statements that say NEW ERA STYLE or NEW ERA INSPIRED?

A: NO! New Era owns trademark registrations for NEW ERA and 5950. Those rights prohibit anyone other than New Era, or those whom New Era has authorized, to use New Era trademarks to sell goods using their marks. It is misleading to attract buyers looking for genuine NEW ERA goods to your auction by using NEW ERA or 5950 in. Attracting consumers to your auction when by using our trademarks is trademark infringement even though consumers realize the goods are you offering are not New Era products. Phrases that are prohibited include:

- NEW ERA STYLE or 5950 STYLE
- NEW ERA Like or 5950 LIKE
- NEW ERA INSPIRED or 5950 INSPIRED
- NEW ERA REPLICA or 5950 REPLICA
- NEW ERA COPY or 5950 COPY
- LIKE NEW ERA or LIKE 5950
- NOT NEW ERA or NOT 5950
- FITTED ERA CAP BRAND NEW

_New Era works diligently to protect its brand and prohibit any counterfeiting or infringements of its trademarks. _

For repeat offenders who continue to offer large volumes of counterfeit New Era product, we will ask eBay to provide us with your contact information.

Thank you for your support of New Era Cap. We value your input and assistance with protecting our brand.