

PREMIUM FORMULATIONS LLC / DBA PHYTOCHOICE



PPHYTOSTREAM CORP / DBA NUTRAMODE



## **1. Our Mission**

In today's rapidly moving society, health-conscious individuals of all ages seek reliable and easily accessible dietary supplements and vitamin brands. With scientifically backed vitamins and supplements, PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC support your health and wellness goals today, tomorrow, and beyond. Every product from PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC undergoes a stringent process, ensuring we deliver top-quality vitamins and supplements to your home. Our partnered facility in Jordan, Utah, is FDA-registered, inspected, and GMP-certified, while our headquarters is in Fort Lauderdale, Florida. Our Corporation adheres to Good Manufacturing Practices (GMPs) to ensure the potency of our final NSF-certified products. Starting with premium raw ingredients that meet our strict standards, our products undergo multiple tests during both the manufacturing and packaging processes. Consequently, the final product delivered to our customers is of the highest possible quality.

## **2. Our goals as a participant of the eBay Verified Rights Owner (VeRO) Program**

PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC is a member of the eBay VeRO Program. As part of the VeRO Program, PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC review items for sale on eBay daily. Our Corporation aims to prevent customer confusion and deceptive sales of counterfeit goods using their trademarks, descriptions, and/or images that mislead customers into believing they are genuine items. We strive to maintain and build our brand, and therefore, we must zealously protect our intellectual property rights from infringers. PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC only sell products under the PHYTOCHOICE and NUTRAMODE brand names on eBay. Seller ID PHYTOCHOICE and Seller ID PHYTOSTREAM are the only authorized sellers of our products on eBay that sell our genuine and authentic products.

PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC work to ensure that all unauthorized uses of its intellectual property are removed from eBay. It is challenging to identify and remove every unauthorized item. The fact that others are selling products that infringe PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's intellectual property rights does not give others the right to do so. As a seller, you have the responsibility to ensure that your auctions do not violate another's intellectual property rights. If you have any questions concerning counterfeit

products or PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's intellectual property rights, please contact us at [phytostreamnutrition@gmail.com](mailto:phytostreamnutrition@gmail.com).

### **3. Our Corporation's Authorized sellers**

Our website, [www.nutramode.com](http://www.nutramode.com), sells NUTRAMODE products, and our website, [www.phytochoice.com](http://www.phytochoice.com), sells PHYTOCHOICE products. Our authorized resellers on eBay are with Seller ID PHYTOCHOICE and Seller ID PHYTOSTREAM, as well as the PHYTOCHOICE and NUTRAMODE Amazon stores.

All items purchased online outside of the mentioned channels are done so as transactions between the seller and the buyer, and PHYTOSTREAM CORP or PREMIUM FORMULATIONS LLC does not guarantee authenticity or quality, nor does PHYTOSTREAM CORP or PREMIUM FORMULATIONS LLC accept responsibility for those items.

### **4. intellectual property**

PHYTOSTREAM CORP is the owner of the USPTO-registered trademark "NUTRAMODE," and PREMIUM FORMULATIONS LLC is the owner of the USPTO-registered trademark "PHYTOCHOICE."

PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC take great care in protecting their intellectual property rights and product integrity. Third parties responsible for the sale and/or offer for sale of any products replicating "NUTRAMODE" and "PHYTOCHOICE" products or labels, visual content, and descriptions on websites (counterfeits), and/or using PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's trade names (company names) and/or "NUTRAMODE" and "PHYTOCHOICE" trademarks (brand names) without PHYTOSTREAM CORP's and/or PREMIUM FORMULATIONS LLC's permission, in a manner that may dilute our marks, logo, products, reputation, or cause confusion regarding the product's origin, are liable to PHYTOSTREAM CORP for damages, including but not limited to damages for trademark infringement.

"NUTRAMODE" and "PHYTOCHOICE" trademarks (brand names), designs or symbols, copyrighted material, service marks, text, video, product photographs, website and listing photos and descriptions of the products, and social media logos are the exclusive property of PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC, and any unauthorized use constitutes copyright and trademark infringement.

### **5. Intellectual Property Rights**

PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's intellectual property, including trade names (company names), trademarks (brand names), designs or symbols, copyrighted material, service marks, text, video, product photographs, website and listing photos and descriptions of the products, and social media logos are considered as important, valuable and significant business assets.

They help identify the source and the reputation of the Corporation's products and services worldwide and distinguish them from those of competitors. Therefore, PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC make every effort to protect its trademarks, corporate logotype, label designs and various product names and ensure that others do not misuse them.

These are used to correctly identify the source of the products and differentiate from those of competitors and they contribute to our company's reputation and brand image. For this reason, PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC monitor the internet and marketplaces for unauthorized, infringing, or counterfeit merchandise and take action against sellers who are in breach of our intellectual property. We will contact eBay about all listings that include the unauthorized use or infringement of our intellectual property.

PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC will not allow the use of its trade name (company name), trademarks (brand names), designs, or symbols by any person, including an Independent Business Owner, without prior permission being granted by the Corporation. The use of the PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC trade name and/or "NUTRAMODE" and "PHYTOCHOICE" trademarks (in any fashion) in reference to any item that is not PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC product is misleading and an infringement of the Corporation's property rights described above. The Corporation's digital or printed materials are copyrighted and may not be reproduced in whole or in part by IBOs or other persons except by written permission from PHYTOSTREAM CORP and/or PREMIUM FORMULATIONS LLC.

Any type of above-mentioned intellectual property is protected by Federal Copyright Law and is to be used exclusively by PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC and its authorized resellers on eBay are with Seller ID PHYTOCHOICE and Seller ID PHYTOSTREAM, as well as the PHYTOCHOICE and NUTRAMODE Amazon store.

Any usage of our trade names (company names), trademarks (brand names), designs or symbols, copyrighted material, service marks, text, video, photos, website and listing descriptions of the products, and social media logos without our permission, constitutes copyright infringement and is subject to penalties of up to \$50,000 per item infringed. This copyright protection also applies to the text and wording contained within PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC trade names and "NUTRAMODE" and "PHYTOCHOICE" brand names, as well as product portfolio listings on eBay and websites.

The unauthorized use of this intellectual property has a great impact on our reputation and brand image and may constitute a violation of our intellectual property rights. PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC reserve all legal and equitable rights to seek reimbursement for and to prevent further violations of our intellectual property rights, as authorized by the applicable laws in the various territories in which its Intellectual Property rights are protected.

Intellectual property laws require that the marketplace be policed for unauthorized, infringing, or counterfeit merchandise, not only to protect PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's name and reputation but also to protect consumers from purchasing products that might be unsuitable for them.

In order to protect consumers from counterfeits and other infringing products, we partnered up with the VeRO Program to remove these items from eBay. PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC is a member of the eBay VeRo program and strictly enforces proper use of its intellectual property. If images, logos, or text are used directly from our website, literature, or any other copyrighted materials, we will consider this an infringement and will pursue to the fullest extent of the law prosecution of violators. If an auction gives the slightest implication or appearance that

the seller represents PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC or that the seller is authorized or licensed to sell PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's products, this will also be treated as an infringement of our intellectual property rights, and we will seek to enforce our rights to the fullest extent permitted by the law.

#### **6. Please Read if Your Listing Was Removed!**

Our e-mail address for correspondence regarding listing removal is provided in the notice sent to you from eBay. If you contact us requesting information that is already contained within this page, you will, unfortunately, not receive a response. Also, due to the number of e-mails received on a daily basis, it may take up to a week to respond to any e-mails that address issues not discussed. In order for us to accurately respond to any inquiries, we need your eBay seller ID and auction number. Without these, it would not have been possible to respond with any relevant information.

#### **7. To eBay Buyers:**

PHYTOSTREAM CORP's and PREMIUM FORMULATIONS LLC's merchandise is sold through a secured supply chain. If any "NUTRAMODE" and "PHYTOCHOICE" products are being sold online for less than the stated price in the market, it may indicate a counterfeit.

#### **8. To eBay Sellers:**

PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC do not tolerate the sale of counterfeit products or the violation of our trademarks. PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC will request that eBay remove infringing listings.

#### **9. Frequently Asked Questions:**

**Q:** Why was my auction removed?

**A:** Your eBay auction was removed by eBay because we believe that the item being sold was counterfeit and/or infringes on our intellectual property.

**Q:** Why did eBay allow me to post my auction if it contained infringing content/goods?

**A:** It is impractical to pre-screen all listings that are submitted to eBay. As such, certain products that violate both the VeRO policy and our intellectual property are allowed to be listed and are only detected after the auction is posted.

**Q:** How did PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC determine that the goods in my auction were counterfeit and/or infringing intellectual property rights?

**A:** Due to the nature of eBay, we must make our decisions based on the pictures provided in your auction. Unfortunately, we do not disclose the specific ways in which we identify counterfeit products. If we did, this information could also be used by counterfeiters to further produce phony goods.

**Q:** Can PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC verify the authenticity of merchandise for sale on eBay?

**A:** While we would like to be able to assist you, PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC cannot verify the authenticity of any product that is not purchased through one of our authorized distributors or retailers. Unfortunately, there are a large number of counterfeit products in the marketplace, and we are committed to addressing this issue. If you believe a seller

or store is selling counterfeit "NUTRAMODE" and/or "PHYTOCHOICE" products, please let us know by sending us an email at [phytostreamnutrition@gmail.com](mailto:phytostreamnutrition@gmail.com).

**Q:** Why do PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC care if I sell a single piece of unauthorized PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC merchandise?

**A:** We have expended considerable resources to develop and maintain a reputation of providing the highest quality products to our customers. Through the auction of counterfeit merchandise, people attempt to trade off our well-earned reputation. These auctions not only cause monetary damage but may also damage our reputation, as many purchasers of inferior counterfeit products will attribute the poor-quality merchandise to PHYTOSTREAM CORP and PREMIUM FORMULATIONS LLC.

**Q:** Why was my auction singled out? I see a bunch of other auctions selling the same items!

**A:** We work diligently to ensure that the majority of auctions offering infringing goods are removed from eBay. However, given the extremely high volume of merchandise that is offered for sale, it is almost impossible to identify and remove all such auctions.

**Q:** Why didn't PHYTOSTREAM CORP and/or PREMIUM FORMULATIONS LLC contact me directly before reporting my auction to eBay?

**A:** Unfortunately, due to the volume of auctions that are targeted for removal, the amount of time necessary to contact each eBay seller individually is not practical.

**Q:** Can I list an item if I explicitly state that it is NOT GENUINE?

**A:** NO! Any disclaimer regarding the authenticity of goods, such as "fake" or "knockoff", is not permitted.

**Q:** What if I decide to re-post an auction once it has been removed?

**A:** If you decide to re-post an infringing product after eBay has removed the first auction for it, please be aware that your account may have additional consequences.

**Q:** Can I use the PHYTOSTREAM CORP and/or PREMIUM FORMULATIONS LLC logo or other images they own to make my auction listing more appealing?

**A:** Unfortunately, this is not permitted. We do not authorize any of our resellers to sell on eBay, and as such, we do not allow the use of our logos or other images.