

# Platypus Wear, Inc. dba Bad Boy Brands

Bad Boy Brands ("BAD BOY") is a member of the eBay VeRO program and we strictly enforce proper use of our Bad Boy®, Bad Girl® and Life's A Beach® trademarks and copyrights. Platypus Wear, Inc. dba Bad Boy Brands owns the exclusive rights to trademarks, service marks and copyrighted materials worldwide in connection with, among others, its licensed apparel, footwear, headwear, accessories, sport equipment, personal care products, athlete sponsorships and promotional activities.

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

BAD BOY works to ensure that all unauthorized uses of its intellectual property are removed from eBay. When an auction listing that is improperly using BAD BOY trademarks, patents and/or copyrights comes to its attention, BAD BOY reviews the matter and takes appropriate action. However, because of the high volume of merchandise for sale on eBay, it is difficult to identify and remove every unauthorized item. The fact that others are selling products that infringe BAD BOY's intellectual property rights does not give you the right to do so. Similarly, the fact that a product is being sold on eBay is in no way a guarantee that it is a genuine, authorized BAD BOY product.

It is legal to re-sell a genuine BAD BOY product that you purchased, in its original, unaltered form in the territory in which you bought it and you may use BAD BOY trademarks to describe such items. However, you should be aware that selling outside the territory in which you bought the item can be risky as certain countries and territories have laws prohibiting unapproved parallel trading. For example, items offered for sale to European countries which have not first been put on the market by BAD BOY within the European Economic Area ("EEA") may infringe BAD BOY's rights. Further, you cannot use copyrighted photographs of BAD BOY products to promote the sale of the item and you cannot produce an unauthorized copy of the genuine product and offer it for sale nor customize a BAD BOY product that modifies any of its trademarks (such as the BAD BOY figure design).

Additional information about BAD BOY and our trademarks and copyrights can be found at <http://www.badboybrands.com> by clicking on each brand logo.

## **Frequently Asked Questions (FAQ)**

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

A: Your auction was suspended because BAD BOY believes that the merchandise that you were offering for sale infringes on its trademarks.

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

A: 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 BAD BOY's trademarks.

**Q: Why does BAD BOY care if I sell a single piece of unauthorized BAD BOY merchandise?**

A: Sellers of counterfeit merchandise attempt to trade off of BAD BOY's well-earned reputation. Sales of counterfeit or infringing goods damage BAD BOY's reputation, as many of the purchasers of inferior counterfeit products or products with our word marks or images on this will attribute the poor quality merchandise to BAD BOY.

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

A: We cannot provide the public with detailed information on how to identify genuine BAD BOY items. The only way you can be certain that you are purchasing a genuine BAD BOY product is to purchase from a BAD BOY licensee or via our website.

**Q: Why can't I use the word "BAD BOY" or "BAD GIRL" or "LIFE'S A BEACH" in my auction heading even though I am not selling a BAD BOY item?**

A: Many sellers use the trademarked terms "BAD BOY" or "BAD GIRL" or "LIFE'S A BEACH" in their auction title or description simply to get attention from consumers looking for authentic BAD BOY goods. 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 BAD BOY, such conduct is illegal trademark infringement, and is an attempt to take a free ride off BAD BOY's name and reputation.

**Q: Why can't I describe my item as "BAD BOY -STYLE", "BAD GIRL-LIKE" etc. or a similar phrase?**

A: Due to BAD BOY's fame and reputation, a person who sees the phrase BAD BOY, BAD GIRL or LIFE'S A BEACH, is likely to believe that the goods are in some manner connected with or endorsed by BAD BOY. Such confusion as to association or sponsorship is a form of trademark infringement and violates federal and state laws.

**Q: Why didn't BAD BOY 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, BAD BOY 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.