

WEATHERPOD

Under the Weather® (dba WeatherPod®) was founded in 2010 and is located in Cincinnati, Ohio. Since our invention of the first portable, pop-up, personal pod, our products have become the industry standard for personal enclosure pods used by sideline spectators, outdoor enthusiasts, and many others around the world. WeatherPod has used its UNDER THE WEATHER and WEATHERPOD trademarks in connection with a wide range of personal, pop-up pods and accessories, including apparel, blankets, seating, and more.

WeatherPod is a member of the eBay VeRO Program and is the owner of 71 trademarks and patents worldwide. WeatherPod began enforcing our trademarks and patents on eBay due to the increasing number of sellers using our copyrighted product and lifestyle images in addition to having received consumer complaints from eBay users who purchased non-WeatherPod pods under the mistaken impression they were authentic WeatherPod products.

As an eBay VeRO Program member, WeatherPod reviews listings on eBay daily and works diligently to ensure that all unauthorized uses of its intellectual property are removed from eBay. WeatherPod sells to authorized dealers only and does not sell seconds, damaged goods or "variants". We take great pride in the quality and workmanship of the products we produce, and the warranties provided with those products. WeatherPod will use eBay's VeRO program to report the listing(s) of any items it considers infringing its rights in any country/territory in which its product is offered for sale or delivery. WeatherPod cannot assist in the reinstatement of any listings or eBay accounts which have been terminated by eBay following a legitimate request for removal by WeatherPod.

Due to 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 WeatherPod'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 WeatherPod product.

It is legal to re-sell a genuine WeatherPod product that you purchased, in its original, unaltered form in the country in which you purchased your WeatherPod product. You may also use WeatherPod's trademarks to describe such items. However, you cannot use copyrighted photographs of WeatherPod product images to promote the sale of the item and you cannot produce an unauthorized copy of the genuine product and offer it for sale nor can you customize a WeatherPod product that modifies any of its trademarks, such as the WeatherPod logo.

As a seller, you have a responsibility to ensure that your actions do not violate the intellectual property rights of another. Ignorance of trademark, patent or copyright laws and violations is not an acceptable excuse.

Seller Information:

It is a violation to offer, sell or have in possession for distribution, items that infringe trademark registrations (Trade Marks Act 1994). If you are considering re-selling WeatherPod products on eBay, it must be sold in its original form, without any alterations. Please note that it is considered infringement when the use of our logo is coupled with a statement that the items are not genuine.

If you have a question regarding a listing we have removed, you can email us at: support@UTWPods.com. Please provide the listing details and your eBay user ID. Please also include "eBay" in the email subject line.

Buyer Information:

We cannot guarantee the authenticity of any WeatherPod item being sold on eBay. The only way to ensure that a WeatherPod product is genuine is to buy direct from www.shopweatherpod.com, or from any of our authorized dealers.

Counterfeit products can often be of very high quality so it can be difficult for buyers to tell whether products on sale are genuine. Further, due to the large volume of infringing items on eBay, it can be difficult for us to detect and delist all infringing listings in a timely manner.

We welcome information on the sale of counterfeit WeatherPod merchandise. We keep the identity of our informants confidential. To report a counterfeit item, email us at support@UTWPods.com. Please provide the listing details and your eBay user ID. Please also include "eBay" in the email subject line. Or, mail us at: 5218 Wooster Road, Cincinnati, Ohio, 45226. You can also contact us at: 513-871-0400. For information on authentic WeatherPod products, please visit www.shopweatherpod.com.

Frequently Asked Questions (FAQ):

Why was my listing removed?

If one or more of your listings has been removed from eBay it is because we made the determination it was infringing our intellectual property rights, including unauthorized copies of an official WeatherPod product and/or items incorporating our intellectual property rights for which we have not sold or licensed to you.

Why did eBay allow me to list my product if it violates their VeRO policy?

eBay's policy states that it is not practical for them to conduct a comprehensive audit of their listings and/or auctions which sometimes results in impermissible items being listed. eBay is committed to removing listings which are infringing a company's intellectual property rights.

Why didn't WeatherPod contact me directly before reporting my listing to eBay?

Due to the large volume of WeatherPod infringements on eBay, it is not possible for us to contact each seller individually.

Why was my listing singled out when other eBay listing that appear to be infringing WeatherPod's intellectual property rights?

Given the volume of WeatherPod infringements on eBay, it is time consuming and difficult to remove every listing. The fact that others are selling products that infringe on our intellectual property rights **does not** give anyone else the right to do so. If you believe that an eBay member is selling counterfeit WeatherPod products or using unauthorized copyrighted images, please email us at:

support@UTWPods.com. Please include the listing URL and identify the seller and the listing in question and put “eBay” in the subject line.

Can I re-sell a legitimate WeatherPod item I purchased on eBay?

You can re-sell genuine items that you purchased in their original, unaltered form. You cannot use our trademarks, design rights, or copyright material, which includes our copyrighted product and/or lifestyle images.

Can I list an item if I clearly indicate that it is ‘Replica’, ‘Unofficial’, ‘Knock Off’ or ‘Fake’?

Saying the goods are not genuine does not save you from liability (a disclaimer in legal). Manufacturing, distributing and/or selling unlicensed goods infringes our intellectual property rights and carries civil and/or criminal penalties.

Can I use trademarks, design rights, or copyright material to make my auction look appealing?

No. The use of our trademarks, design rights, or copyright material wrongfully implies that your auction is authorized, sponsored, approved, or endorsed by WeatherPod.

What if I didn’t realize that I was infringing WeatherPod’s intellectual property rights?

Ignorance or lack of knowledge is not a defense under most intellectual property laws. It is your responsibility to ensure that your actions do not infringe our intellectual property rights.

How can I determine whether an item for sale on eBay is a genuine WeatherPod product?

We cannot guarantee the authenticity of any WeatherPod being sold on eBay. The only way to ensure that a WeatherPod product is genuine is to buy direct from www.shopweatherpod.com, or any of our authorized dealers.

Can WeatherPod verify the authenticity claims of products for sale on eBay?

WeatherPod is unable to guarantee the authenticity of any items for sale on eBay. WeatherPod will not provide refunds for purchases of a counterfeit product from an eBay seller. WeatherPod cannot replace such products with genuine products. If you believe that an eBay member is selling counterfeit WeatherPod products, please email us at: support@UTWPods.com. Please include a screenshot, the listing URL and identify the seller. Include “eBay” in your subject line.

Q: Why does WeatherPod care if I sell a single piece of unauthorized WeatherPod product?

A: WeatherPod has spent considerable time and resources in developing and maintaining its intellectual property and our reputation. Counterfeit products unlawfully trade off our reputation and cause us reputation and monetary damage. Having built up our reputation over the years, we must take action to ensure that listings selling counterfeit and/or infringing goods are removed, even by single item sellers.

Q: How do I contact WeatherPod Brand Protection?

A: You can email us at: support@UTWPods.com. Please put "eBay" in the subject line.