

Your Baby Can, LLC

Your Baby Can, LLC is the owner/licensee of the intellectual properties popularly associated with the brand YOUR BABY CAN READ®. Your Baby Can, LLC owns copyrights in DVDs, CDs, CD-ROMs, books, word cards and images of Dr. Robert Titzer.

I. General Information About Auctions

Q. Why was my auction suspended?

A. If your auction was terminated in response to a request from Your Baby Can, LLC, it means that the items you were selling or the listing itself infringed on the intellectual property rights owned by Your Baby Can, LLC. Some of the factors that help to identify infringing merchandise are discussed below.

Q. Is there an easy way to identify infringing YOUR BABY CAN READ® products?

A. Sometimes a seller will use terms like bootleg, copy or guaranteed authenticity. The unauthorized YOUR BABY CAN READ® products most frequently sold on eBay include craft or home-made items (including artwork), pirated or bootleg videos, DVDs, books and promotional materials that were not sold or authorized by Your Baby Can, LLC for sale or other distribution.

Q. Why hasn't Your Baby Can, LLC suspended all auctions selling infringing products?

A. Your Baby Can, LLC vigorously enforces its intellectual property rights. It is possible that some infringing auctions escape our attention. The fact that some may be selling products that infringe Your Baby Can, LLC intellectual property rights does not give others the right to do so nor does it prevent Your Baby Can, LLC from ending those auctions about which it does become aware.

Q. How do I report an auction I believe is infringing?

A. Your Baby Can, LLC takes reports of suspected infringement seriously and very much appreciates receiving tips about suspicious auctions. Please send the seller's name and the suspected item/auction number to: antipiracy@yourbabycan.com

Q. Why does Your Baby Can, LLC care about small sellers on eBay?

A. Your Baby Can, LLC works hard to preserve the integrity of its name, its products and its copyrights, trademarks and logos. Among other reasons, the auction of infringing merchandise, which is often not of the same quality required of YOUR BABY CAN READ® products, damages our reputation and leads to complaints from consumers and internet users about this poor quality. Consumers may attribute to YOUR BABY CAN READ® the inferior quality of unauthorized products purchased over eBay. Your Baby Can, LLC must be vigilant in protecting the goodwill associated with the YOUR BABY CAN READ® name and copyrights.

For more information on copyrights see <http://pages.ebay.com/help/policies/copyrights.html>.

For more information on trademarks see <http://pages.ebay.com/help/policies/trademark.html>.

Q. I reported an infringement. Can you tell me what happened?

A. We consider our investigations confidential, so except for an acknowledgment that we received your information, you will not hear back from us regarding your report. However, we want you to know that we very much appreciate the time you took to make a report. We do not reveal our sources but if you wish to remain anonymous, you may send information about suspected infringements by e-mail to: antipiracy@yourbabycan.com

II. Information About Merchandise and Crafts

Q. What if I use artwork that is in the public domain?

A. Some operate under the mistaken belief that if they can download an image from the Internet the image must be public domain. This is not true. Simply because YOUR BABY CAN READ ® artwork, pictures and images are accessible on the internet or elsewhere does not mean that they are in the public domain and free to use. Even if you are able to copy images of our properties, that does not mean it is right or legal to do so.

Q. Why did eBay allow me to post my auction if it is against the law?

A. eBay does not generally pre-screen auctions and does not verify that sellers have the right to sell the listed item. It is the Seller's responsibility to be sure she/he has the legal right to sell an item.

Q. I thought the item was authentic. Why can't I resell it on eBay?

A. Infringing product is illegal and can cause harm to Your Baby Can, LLC, as the owner of the intellectual property, and to consumers who are deceived. Both are victims, even when the seller did not know the authenticity of the item in question. Knowledge is not required for a seller to be liable for damages under either the Trademark Act or the Copyright Act.

Q. Can I sell unauthorized product if I warn buyers that the product isn't real?

A. No. Even if you are not deceiving a buyer, a later purchaser might be deceived and it would be a violation of Your Baby Can, LLC's rights. Even if the infringing product is not resold, the product itself communicates a false impression about the quality and characteristics of authentic merchandise. Deception of the purchaser is not required for a seller to be liable for damages under either the Trademark Act or the Copyright Act.

Q. Can I use Your Baby Can, LLC trademarks, artwork, product descriptions, advertising copy, or music to make my listing more appealing?

A. No. The use of trademarks, logos, trade names, artwork, product descriptions, advertising copy, or music owned by others, including Your Baby Can, LLC, will violate copyright law and/or wrongly imply that your listing is authorized, sponsored or approved by that third party. It also may dilute the value of those intellectual property rights, in violation of both state and federal law. The use of trademarks as keywords to drive traffic to your listing may violate trademark laws, as well as eBay own policies: <http://pages.ebay.com/help/policies/trademark.html>

Trademark and copyright infringements are considered serious offenses by Your Baby Can, LLC and we will prosecute those individuals that violate our rights to the fullest extent of the law.

III. Information About Videos, VCDs and DVDs

Q. What about legitimate Your Baby Can, LLC videos, VCDs, or DVDs released outside the United States?

A. You cannot sell YBCR videos or DVDs that were released for sale in other countries. These are called parallel imports and it is a violation of federal law to import or sell in the United States YOUR BABY CAN READ ® products that were released for sale in another country.

Q. What about converted or backup copies?

A. You cannot sell such a copy even if you call it a backup or converted copy. You cannot take a video released in PAL format for use overseas and make a copy converted to NTSC format for viewing on players commonly available in the United States. Similarly, you cannot take a DVD released for Zone 6, for example, and make a converted copy for viewing in Zone 1. These are all pirated copies that can be taken down for violating Your Baby Can, LLC rights.

For more information regarding pirated videos, see the Motion Picture Association of America About Me page at <http://members.ebay.com/aboutme/mpaa>. You can also find more information at <http://pages.ebay.com/help/policies/unauthorized-copies.html>.

IV. Information About Promotional Items, Scripts and Props

Q. What about press kits or EPKs?

A. Any promotional items that are not distributed in the consumer marketplace are subject to the same restrictions set forth above. Press kits, both of the traditional type and electronic press kits (ePKs) are not distributed for resale. Anything made from such materials is also unauthorized and infringing. So-called film cells that are manufactured from promotional materials like trailers are also infringing and may be taken down in response to a request from Your Baby Can, LLC. You can find more information about promotional items at <http://pages.ebay.com/help/community/png-promotional.html>.

Q. Can I list scripts or props?

A. No. As a general rule, scripts and many other elements used in producing television shows and commercials remain the property of the producer. You should be very careful before listing or buying any props or other elements, such as scripts, which are stated to have been used in production.

V. For More Information About Your Baby Can, LLC

Your Baby Can, LLC Fraud and Anti-Piracy Division 1958 Kellogg Avenue Carlsbad, CA 92008 E-mail: antipiracy@yourbabycan.com

Due to the large number of messages we receive, we cannot respond to emails that ask questions already answered in this About Me page. We may take a couple of weeks to answer questions not addressed above.

We welcome any information on the sale of infringing Your Baby Can, LLC merchandise, which can be sent to the addresses noted above.