

BEMER USA, LLC

1. ABOUT BEMER

BEMER USA, LLC (“BEMER”) is located in Carlsbad, CA and is a subsidiary of BEMER Int. AG, headquartered in Liechtenstein (Europe). The BEMER devices are low-frequency electromagnetic field devices that help temporarily increase local blood circulation. These devices are sold exclusively through authorized BEMER distributors via the BEMER WebShop in over 40 countries.

2. BEMER’S INTELLECTUAL PROPERTY RIGHTS

BEMER owns the well-known and registered trademarks BEMER, BEMER GROUP, and BEMER 3000, which have identified Bemer's products and services for over fifteen years. These marks are the subject of United States Reg. Nos. 5080758, 4728338, and 2445712. In addition, BEMER owns multiple patents covering various aspects of its proprietary technology.

3. BEMER’S REGULATORY BASIS WITH THE FDA

BEMER’s products are Class II medical devices which require 510(k) approval by the FDA prior to importation and sale in the United States. Bemer sells PEMF products to consumers in Europe which are not approved for sale in the United States because they are subject to different cleared intended use claims, agency oversight and quality management requirements.

Specifically, the FDA prohibits the sale of BEMER Pro Sets in the U.S. that contain the B.BODY and/or B.LIGHT, and any store fronts or auctions involving such products are illegal and will be removed.

4. BEMER’S ENFORCEMENT POLICIES

BEMER is a member of eBay’s Verified Rights Owners (VeRO) Program. We make every effort to protect our intellectual property from misuse and have a rigorous program in place.

a) Trademark and Copyright Infringement

BEMER regularly monitors the Internet, including auction sites such as eBay, and reports unauthorized or infringing listings to eBay for removal.

Note that the distribution and sale of imported gray-market goods – goods that were specifically intended for the European market – violates BEMER’s intellectual rights as well as FDA regulations. It is subject to removal from eBay and may carry criminal prosecution.

Because of the high volume of merchandise listed on eBay, it is difficult to identify and remove every unauthorized listing. The fact that others are selling infringing and unauthorized products does not give others the right to do so. As a seller, you have the responsibility to ensure that your listings do not violate the rights of others or even the rules of regulatory agencies.

b) Unlawful Sales

A purported BEMER device – whether new or used – listed on unauthorized sales sites such as eBay, may well be damaged, a counterfeit or obtained through illegal activity such as credit card fraud.

Purchasing a medical device that may have been fraudulently obtained or mishandled can be dangerous. BEMER does not guarantee the authenticity, safety or efficacy of products purchased through unauthorized channels. Please be aware that our textile components may not be 100% sanitized unless there is accompanying supporting documentation from an independent third party.

To be very clear, BEMER does not refurbish devices for sale to the public in any format. Any representation that devices are “BEMER Certified Refurbished” is an embellishment of the seller and should be considered a non-truthful statement.

c) Limited or False BEMER Warranty

Products purchased through unauthorized channels are not covered by any BEMER warranties. BEMER products offered for sale on eBay are being sold by individual third parties and are not backed by BEMER. We warn of manufactured warranties for Bemer's products, using the BEMER trademark. Only BEMER provides the high-quality manufacturer's warranty, and any other self-made warranties may constitute trademark infringement.

If you have any information about unauthorized sales, please send an email to compliance@bemer.services.