

# Dunlop Manufacturing, Inc.

Dunlop Manufacturing, Inc., located in Benicia, California, is a well-known manufacturer of Musical Accessories. Since 1965, Dunlop Manufacturing, Inc. (Dunlop) has used its many product trademarks in connection with a broad range of musical accessories, including electronic effects, picks, slides, strings, band accessories, cleaning and lubricating oils and greases, cleaning cloths, fretwire, clothing, and other musical accessories. Dunlop is a member of the eBay VeRO Program and is the owner of many trademarks, service marks, patents and copyrights worldwide. We started enforcing our trademarks, patents and copyrights on eBay because we received complaints from eBay users who purchased non-Dunlop product under the mistaken impression they were authentic Dunlop products.

As an eBay VeRO Program member, Dunlop reviews items for sale on eBay periodically. We take great pride in the quality and workmanship of the products we produce and the warranties provided with those products. Dunlop will use eBay's VeRO program to report the listing(s) of any auctions it considers infringes its rights in any territory in which product is offered for sale or delivery. Dunlop cannot assist in the reinstatement of any auctions or eBay accounts which have been terminated by eBay following a legitimate request by Dunlop in any territory.

Dunlop works to ensure that all unauthorized uses of its intellectual property are removed from eBay. When an auction listing that improperly uses Dunlop trademarks, patents and/or copyrights comes to its attention, Dunlop 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 Dunlop'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 Dunlop product.

It is legal to re-sell a genuine Dunlop product that you purchased, in its original, unaltered form in the territory in which you bought it and you may use Dunlop 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 Dunlop within the European Economic Area ("EEA") by Dunlop may infringe Dunlop's rights.

Further, you cannot use copyrighted photographs of Dunlop 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 Dunlop product that modifies any of its trademarks.

As a seller, you have a responsibility to ensure that your actions do not violate the intellectual property rights of another. Ignorance that it is a violation of any country's trademark, patent or copyright laws is no excuse.

**NOTE: If your e-mail requests information that is already contained in this About Me page, you will not receive a response.** If you have other questions, please send to: <a href="mailto:customerservice@jimdunlop.com" target="\_blank">customerservice@jimdunlop.com and provide us with the eBay item number, which appears in the message sent to you from eBay.

Dunlop's contact information is as follows: Dunlop Manufacturing, Inc., Attn: Legal Department, 150 Industrial Way, Benicia, CA 94510- 1.707.745-.2722

We welcome information on the sale of counterfeit Dunlop merchandise and keep the identity of our informants strictly confidential.

The following is a non-exhaustive list of Dunlop's trademarks:

500&Design; AutoCLn; Blues Bottle; CLN; Clyde McCoy; Crybaby; Dunlop; Dyna Comp; Echoplex; Herco; JD Dunlop; JD Jim Dunlop; Jim Dunlop; Live to Play Live; Match-Pik; MXR; Phase 90; Picker's Pal; Power Soak; Rockman; Rotovibe; Sidewinder; Smart Gate; Spitballs; Strad; Straplok; Stubby; Teckpick; Tortex; Trigger; Ultex; Univibe; Victor; Wilwerk

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

**Q: Why was my auction suspended?** A: We asked eBay to suspend your auction because Dunlop believes that the merchandise that you were offering for sale is counterfeit or otherwise infringes Dunlop's trademarks. Because of how eBay works, we can only make this determination based upon your auction's title/description/photographs.

**Q: Why did eBay allow me to post my auction?** A: eBay maintains that it cannot conduct a comprehensive pre-screening of their auctions. 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 Dunlop's trademarks.

**Q: Why does DUNLOP care if I sell a single piece of unauthorized DUNLOP merchandise?** A: DUNLOP has given much effort and money to develop and maintain its reputation for high quality musical instrument accessories. Sellers of counterfeit merchandise attempt to trade off of Dunlop's well-earned reputation. Sales of counterfeit goods damage Dunlop's reputation, as many of the purchasers of inferior counterfeit products will attribute the poor quality merchandise to Dunlop.

**Q: Why can't I use a Dunlop tradename, like DUNLOP, CRYBABY, MXR, or TORTEX in my auction heading even though I am not selling a Dunlop item?** A: Many eBay sellers use one of the Dunlop trademarked terms like DUNLOP, CRYBABY, MXR or TORTEX in their auction title or description simply to get attention from consumers looking for authentic DUNLOP products. 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 DUNLOP, such conduct is illegal trademark infringement, and is an attempt to take a free ride off Dunlop's name and reputation.

**Q: Why didn't DUNLOP contact me directly before reporting my auction to eBay?** A: For reasons of speed and efficiency, it is impractical to contact each seller individually.

**Q: Can I make copies of DUNLOP product literature, instruction manuals, catalogs or advertisements.** No. It is unlawful to copy these protected materials. Such copying is strictly prohibited by federal law.

**Q: What if I didn't realize that I was violating the law or infringing Dunlop Manufacturing, Inc.'s rights?** Innocent intent is not a defense under Federal copyright law. You have a responsibility to ensure that your actions do not violate someone else's copyrights. Before auctioning any property, you need to take affirmative steps to ensure that the item you are selling is authorized for resale by the copyright or trademark owner.

Further information about Dunlop Manufacturing, Inc, and its products, including answers to frequently asked questions, may be found a Dunlop's website, <http://www.jimdunlop.com>