

The Wiggles Touring Pty Limited

The Wiggles Pty Limited (The Wiggles Company) is the owner of the intellectual property rights in the names and likenesses of THE WIGGLES and the names and likenesses of DOROTHY THE DINOSAUR, WAGS THE DOG, CAPTAIN FEATHERSWORD and HENRY THE OCTOPUS (Characters). The Wiggles provide educational and entertaining music, videos and many other items under the names and likenesses of The Wiggles and the Characters.

If your auction was terminated by The Wiggles Company, it means that The Wiggles Company considers you have infringed the trade marks, trade dress or copyright owned by The Wiggles Company by attempting to sell your item.

The Wiggles Company actively protects its intellectual property rights, which include trade marks and trade dress. The Wiggles Company does not allow the names or likenesses of The Wiggles and the Characters to be used in conjunction with goods not made under their authorisation.

The Wiggles Company is proud of the reputation of The Wiggles and the Characters and the products provided under their names and likenesses. Counterfeit and infringing goods diminish The Wiggles' reputation. The Wiggles Company will not allow such items to be sold on eBay or in other retail outlets without its express permission.

Frequently Asked Questions (FAQ)

Why was my auction ended?

Your auction was ended because it infringed The Wiggles trade marks, trade dress or copyright, or was otherwise unauthorised or improper use of images, names or likenesses of The Wiggles or the Characters. The Wiggles Company has the responsibility to protect the trade marks, trade dress and copyright in the names and likenesses of The Wiggles and the Characters.

The Wiggles Company does not permit unauthorised or improper use of licensed items. This includes altering or adding to authorised images, names or likenesses of The Wiggles or the Characters, or the placing of non-licensed images, names or likenesses of The Wiggles or the Characters on unauthorised items of clothing, toys or other merchandise for resale.

In some countries, unauthorised or improper use includes purchase of licensed products bearing images, names or likenesses of The Wiggles or the Characters originally sold as a set, and subsequent separate resale of individual items making up the set. The Wiggles Company is careful to maintain the highest quality standards of all licensed products and sets of licensed products bearing images, names or likenesses of The Wiggles or the Characters.

Representatives monitor sales on eBay and other retail venues to ensure that The Wiggles' intellectual property rights are not infringed. Such rights include:

- **Trade marks** - any unauthorised use of a trade mark owned by The Wiggles Company, including the names or likenesses of The Wiggles or the Characters on

products not made under licence by The Wiggles Company may be trade mark infringement.

- **Trade Dress** - any item that copies the overall shape, profile and distinctive appearance of the names or likenesses of The Wiggles or the Characters; for example, copying the appearance of the Characters may be trade dress infringement.
- **Copyright** - unauthorised copies of printed materials featuring the names or likenesses of The Wiggles or the Characters is copyright infringement.

Why can't I sell an unauthorised item?

The Wiggles have spent many years developing their reputation in relation to entertainment and education for children. The Wiggles and the Characters are now famous. Sellers of unauthorised items who attempt to make money using the names or likenesses of The Wiggles or the Characters are attempting to benefit wrongfully from the distinctiveness, goodwill and reputation acquired through this careful use. The apparent association with products not licensed by The Wiggles Company damages the reputation of The Wiggles and can cause confusion about the origin of these other goods.

Why are others allowed to sell these items?

No one is allowed to sell copyrighted, trade marked or trade dress infringing items without a license from The Wiggles Company. While The Wiggles Company makes efforts to police the marketplace, some infringing items may be missed. You are not being singled out. All manufacturers and sellers of infringing items that The Wiggles Company is aware of or becomes aware of are put on notice of The Wiggles Company's intellectual property rights and pursued if they do not stop infringing.

What may happen if I re-list the item?

The Wiggles Company positively protects its intellectual property rights. If you ignore the law and you re-list items, you may be seen as wilfully breaking the law and you may subject yourself to liability for your continued infringement, including enhanced, multiple or additional damages and legal costs.

I purchased the item legitimately, why can't I re-sell it?

Infringing products may at times be offered for sale, and innocent purchasers may unknowingly buy infringing products. Nevertheless, the existence and sale of such products is still considered infringement. If you sell an infringing product that bears the names or likenesses of The Wiggles or the Characters, you have infringed The Wiggles' intellectual property rights, even if you had no intention to infringe or did not know of the infringement.

What if I didn't know I couldn't list the item?

Ignorance of the law is not a defence to copyright and trade mark or trade dress infringement. Now that your auction has been ended, you are on notice that the item you attempted to sell is unauthorised. Subsequent listings of such items may increase the risk that The Wiggles Company may pursue the protection of its intellectual property rights against you.

The above is provided to you for informational purposes only and is not a full expression of The Wiggles Company's rights, duties and obligations.

The Staff at The Wiggles Office have set this up to monitor that only official merchandise is being sold here.

If you have any questions about items sold here, please email us at:

info@thewiggles.com.au

with details of the eBay item # and also a web-link (URL) to the item, if possible.