

**From :** Eva Rogath <evarogath@chalk-vermilion.com>  
**Sent :** Friday, December 2, 2005 8:17 AM  
**To :** "Karen Dudnikov" <tabberone@hotmail.com>  
**Subject :** Betty Boop Fabric - Auctions terminated by you

We represent Sevenarts Ltd. the owners of the Erte trademark and copyright. The item you were selling was not authorized, created or approved by Erte and is therefore an illegal item. The fabric manufacturer illegally used Erte designs. C.S. Shamash & Sons, the manufacturers, have acknowledged the unauthorised product and have agreed to cease production and sale. Please contact them directly with your concerns. We are diligent in protecting the integrity of the artist and his works. We will take action through Ebay and the Ebay Vero program which protects artists and publishers . We are in contact with the Ebay legal department and will report all such auctions. The Betty Boop fabrics using Erte designs are a violation of our rights and impinge upon the integrity of other products. You may not offer this fabric on Ebay.

-----Original Message-----

From: Karen Dudnikov [mailto:tabberone@hotmail.com]  
Sent: Friday, December 02, 2005 10:15 AM  
To: Eva Rogath  
Subject: RE: Betty Boop Fabric - Auctions terminated by you

You shut down my auctions for licensed Betty Boop fabric purchased from the manufacturer Shamash and Sons. This fabric is sold at many retail fabric outlets.

I am not selling counterfeit fabric. I took my own pictures. This fabric is not a copy, it's straight off the bolt from the licensed manufacturer.

This appears on the fabric selvage - King Features Syndicate / Fleischer Studios. Fabric manufactured by for Shamash & Sons .

Why were my auctions shut down?

Karen

>From: ended@ebay.com  
>To: tabberone@hotmail.com  
>Subject: eBay Listing Removed: VeRO: Other VeRO Claims (=IS &7357 JM4986380)  
>Date: Fri, 02 Dec 2005 07:04:28 PST  
>  
>Dear tabberone,  
>  
>Thank you for your recent listing on eBay. Unfortunately, we removed  
>the following item(s):  
>  
>6221832561 - Betty Boop Elegance Fabric Boop's All Decked Out  
>6203338371 - Betty Boop Elegance Fabric Boop's All Decked Out  
>  
>  
>because Chalk & Vermilion Fine Arts reported it to us for violating  
>their intellectual property rights. When eBay is notified by a rights  
>owner of an intellectual property rights infringement, eBay must remove  
>the item in order to meet certain legal requirements.  
>  
>The following information may help explain the reason for your  
>listing(s)  
>removal:  
>  
>A manufacturer or intellectual property rights owner has reported to  
>eBay that this posting violates their intellectual property rights in  
>one or more ways. When eBay is notified by an intellectual  
>property rights owner of an intellectual property rights violation,  
>eBay removes the posting in order to meet certain legal requirements.

Exhibit 2

>Please check with the rights owner if you have any questions about  
>their claims. Some possible issues include the following:  
>? Using a manufacturer's photo or item description ? Posting a  
>counterfeit or "fake" item ? Posting an unauthorized copy of an media  
>(such as software or video games)For more information on Other VeRO  
>Claims visit the following Help  
>page:  
>  
>  
><http://pages.ebay.com/help/confidence/vero-rights-owner.html>  
>  
>Questions about the specific violation should be addressed to Chalk &  
>Vermillion Fine Arts at the following email address:  
>[EvaRogath@Chalk-Vermillion.com](mailto:EvaRogath@Chalk-Vermillion.com)  
>  
>Your eBay fees for this item have been credited to your account. All  
>bidders on this item have been notified of its cancellation.  
>  
>IMPORTANT NOTICE: Repeated violations of this or other eBay policies  
>may result in the suspension of your account.  
>  
>eBay understands that it can be frustrating to have a listing removed.  
  
>If you have further questions, you can take the following steps:  
>  
>Read the rights owner's About Me page at  
><http://cgi3.ebay.com/ws/eBayISAPI.dll?ViewUserPage&userid=cv1234>  
>  
> Take eBay's brief tutorial on Intellectual Property Policies and VeRO  
> Read the ended listings FAQ at  
><http://pages.ebay.com/help/confidence/vero-removed-listing.html>  
> Ask eBay a question using the link on the above help page  
>  
>Thank you in advance for your cooperation.  
>  
>Regards,  
>  
>VeRO Program  
>eBay Trust & Safety