

Dear eBay Seller,

eBay recognizes that sometimes a listing may be mistakenly identified by a Verified Intellectual Property Owner or law enforcement as offering an infringing or otherwise unauthorized or illegal item. In the event that such a mistake occurs, you should contact the complaining party directly. eBay will gladly reinstate the listing upon receipt of an acknowledgement of the mistake from the complaining party.

Alternately, if the complaining party does not agree that their request was in error, you may provide the attached Counter-Notice Regarding Removed Listing to eBay. The Counter-Notice form requests a sworn statement under the penalty of perjury and other information which substantially complies with United States law.

We will not be able to consider your Counter-Notice unless you fill out the form in its entirety, and physically sign the form. Please make sure that the Counter-Notice you send to eBay is legible; if we cannot read your handwriting we will not be able to process your Counter-Notice. eBay may choose, in its sole discretion on a case-by-case basis, whether to process a completed Counter-Notice (trademark, patent or right of publicity). Thus, filing a Counter-Notice does not ensure that a particular listing will be reinstated.

Upon receiving the original of your fully completed Counter-Notice, eBay will notify the reporting party. If the issue(s) cannot be resolved, eBay will send your Counter-Notice to the reporting party. eBay will inform that entity that the listing will be reinstated after 10 business days unless eBay receives notice from the reporting party that it has filed an action seeking a court order to restrain you from re-listing the item(s). ***If the reporting party disagrees with your Counter-Notice, they may file a legal action against you to prevent the reinstatement of the removed item(s).*** Alternatively, if they notify us in writing or by e-mail that they no longer object to the item, listing, or material, we will reinstate it.

Very truly yours,
eBay Inc.

COUNTER-NOTICE REGARDING REMOVED LISTING

I am aware that _____, a participant in eBay’s Verified Rights Owner (VeRO) Program (the “Reporting Party”), has submitted a sworn notice of infringement stating that the listing(s) identified below infringes its intellectual property rights.

I understand that eBay has removed such listing(s) at the request of the Reporting Party. I further understand that if, within ten business days of your receiving this notice, the Reporting Party does not file a legal action in federal court seeking to prevent me from re-posting the identified listing(s) and/or seeking a federal court order to restrain me from engaging in infringing activity relating to such listings, eBay will allow me to re-post the listing(s).

Therefore, I, the undersigned, **CERTIFY UNDER PENALTY OF PERJURY** that:

The listing(s) identified below does not offer an item that infringes, and the listing(s) does not itself infringe, upon the Intellectual Property Rights of the Reporting Party.

I will not offer any items or place any listings on eBay that infringe upon the Intellectual Property Rights of the Reporting Party.

Indemnification. I agree to indemnify eBay from and against any and all claims, losses, liabilities, costs, and expenses, including reasonable attorneys’ fees, which eBay may incur in connection with any of the listing(s) identified above or the items offered therein.

False Statements. I understand that my knowing misrepresentation herein that material was removed by mistake or misidentification may expose me to legal liability for damages, including costs and attorneys’ fees. I further understand that perjury is a felony which may be punishable by imprisonment of not more than five years or a fine.

Legal Action. I understand that if the Reporting Party disagrees with this Counter-Notice, it may file a legal action against me to prevent the re-posting of the above-referenced listing(s).

Consent to Federal Jurisdiction and Service of Process. For any actions that might arise out of the listing(s) identified above, I consent to the jurisdiction of the Federal District Court for the County of Santa Clara, California. I further agree to accept service of process from the Reporting Party or its agent, law enforcement, and eBay for any such actions.

Contact Information. I certify that the following contact information is accurate and valid. I acknowledge that eBay will compare the contact information provided herein with my eBay contact information, and false or fraudulent information may result in suspension of my eBay account(s).

I may be contacted at:

Name: _____

eBay User ID: _____

Street Address*: _____

City, State, and Zip: _____

Email address: _____

Telephone: _____

Fax: _____

* Please provide the street address at which you reside; a Post Office (P.O.) Box or the like is not sufficient.

Signature _____

UNDER SWORN PENALTY OF PERJURY

Date _____

Please fax your completed Counter-Notice to (408) 516-8811