

## Inf - Counterfeit policy - Infringement

### <h2>GUIDE.SUMMARY

What is the policy?

 <ul> <li>Counterfeit products are illegal and not allowed on eBay. These items may infringe on registered copyrights or trademarks. Examples include, but are not limited to:  <ul> <li>Replica handbags, watches, or sneakers </li> <li>Replica electronics, headphones, or accessories (e.g., charging cables) </li> <li>Unauthorized reprints of trading cards </li> <li>T-shirts or mugs printed with unauthorized copyrighted images </li> <li>Bootleg (Unauthorized) recordings of a concert or other live shows </li> <li>Unauthorized copies of movies, music, or software </li> <li>Pirated recordings of television shows </li> </ul> </li> </ul> Why does eBay have this policy? This policy prevents the sale of counterfeit items, which are illegal, and could expose sellers and eBay to legal risk. Removing counterfeit items protects sellers from buyer protection claims, financial loss, and legal risk.

### <h2><h2>GUIDE.TALKING\_POINTS Why

<ul> <li>The sale of counterfeit items is illegal and against eBay policy.</li> </ul> How do I know if an item is counterfeit? <ul> <li>If the item includes the name or logo of a company, but wasn't made or endorsed by that company, it should not be listed.</li> <li>Use the eBay discussion boards for the category where you are buying and selling. The people who post on the boards are some of the most knowledgeable eBay users.</li> <li>Verify your item's authenticity. If you're not sure whether an item is real or fake, don't sell it. Sellers are not allowed to use authenticity disclaimers like the following in listing descriptions: <ul> <li>As far as I can tell, it is authentic.</li> <li>Cannot guarantee authenticity</li> </ul> <li>Providing a proof of authenticity gives buyers confidence about their purchase. You can use some of these options as proof of authenticity: <ul> <li>Clear images in your listing description of the receipt from where the item was originally purchased</li> <li>Certificate of authenticity, which is often

included with pricey collectibles or designer items

- Obtaining a proof of authenticity from one of eBays suggested

<https://www.ebay.com/help/terms-conditions/default/using-authentication-grading-services?id=4659#authentication>

authentication companies

- Do your research online, especially for pricey collectibles or designer items. Find out things like:
- Where the item is sold (on the web, in stores, and so on)
- What the product looks like
- How much it costs

If you are offered something, especially in bulk with a huge discount, stop and think about whether you're getting a great deal or if there might be a reason for the low price.

Use the eBay Reviews & Guides to research the item you are listing.

I bought my item on eBay, and it was removed.

If we are able to verify you purchased your removed listing on eBay, we are able to remove this violation from your account. Do you have the original purchase item number?

Internal Information

There will be some situations where the seller continues to list the same item after we have notified them of the authenticity concerns, and we would hold the seller accountable for these removals. Practice judgment as you review these cases.

Here are a few examples where we would want to remove the violation from the seller's account:

- Member purchased a signed jersey off eBay. Member lists the jersey for sale on the site. Item is removed for Replica/Counterfeit due to an EMR report.
- Member purchased a golf club off eBay. Member lists the item for sale on the site. Item is removed for VeRO (1.2 Replica).

Here are a few examples where we would not want to remove the violation from the seller's account:

- Member purchased a group of 100 memory cards off eBay. Member lists multiple items for sale on the site. Items are removed for VeRO (1.2 Replica). Seller re-lists the items.
- Member purchased shoes from an eBay seller's personal web site. Member lists the item on the site. Item is removed for Replica/Counterfeit.

name="whyended"></a>Why was my item ended? <ul> <li>Your listing was removed due to some concerns that it was counterfeit.</li> <li>We listed these concerns in the email we sent when your listing was removed.</li> <li>When there are multiple concerning factors within a listing, buyer confidence can be severely impacted.</li> </ul> Internal Information <ul> <li>Do not tell members their listings were removed under the "Fraud Risk" policy - there is no "Fraud Risk" policy Help page to read.</li> </ul> <a name="aspectstoremove"></a>How does eBay identify if an item is counterfeit? <ul> <li>We look at many aspects of a listing before we decide to remove it.</li> <li>Besides the listing itself, we may also look at: <ul> <li>Feedback</li> <li>Unresolved disputes</li> <li>Selling history and current selling activity</li> </ul> </li> </ul> Why was my generic Apple Lightning cable removed? <ul> <li>The term lightning is trademarked by Apple and can be used to describe only products manufactured by Apple or products officially licensed by Apple (MFi-Certified). Generic, unbranded, or unlicensed items cannot use the term lightning. Items officially licensed by Apple must have MFi-Certified in the title when using the term lightning. Items manufactured by Apple must use the Brand item specific and fill in Apple for the brand.</li> <li>We encourage you to work with your supplier and product to ensure your eBay inventory is genuine.</li> </ul> Should sports memorabilia have a certificate of authenticity (COA)? <ul> <li>When there is a question about the authenticity of an autograph, we require that it has a certificate of authenticity from an approved authenticator.</li> <li>To avoid these situations in the future, make sure you don't relist the item without a picture of the certificate of authenticity (COA) and a statement of who authenticated it.  Please also make sure it is from an approved authenticator (<a href="http://pages.ebay.com/help/buy/authentication.html#authentication">http://pages.ebay.com/help/buy/authentication.html#authentication</a>).</li> </ul>   Perceived counterfeit Why was my item removed? <ul> <li>Your listing has received feedback, external reports, or claims have been filed stating that your item is not authentic.</li> </ul>

Can I relist my item? <ul> <li>Because your item has received feedback or claims with concerns of authenticity, we ask that you do not relist the item(s).</li> <li>You can appeal the decision. If your appeal is granted, you may relist the item.</li> </ul> The buyers are wrong. My item is authentic. <ul> <li>If you believe that you can adjust your listing to clearly describe what the buyer will receive, then you may relist your item. </li><li>However, be aware that if the listing continues to receive claims with concern of the authenticity of the item, we will need to remove the listing.</li> <li>You can appeal the decision. If your appeal is granted, you may relist the item.</li> </ul>   <a name="concerntalkingpoints"></a>Specific talking points based on concern used to end item

The item was reported through member reports (Report this item). <ul> <li>Your listing was brought to our attention by a member of the community, who expressed concern with the authenticity of your item(s). We regularly receive such reports from rights owners, law enforcement officials, members of the eBay community, etc. The report was not the determining reason why your listing was removed, but it was taken into consideration when reviewing your listing.</li></ul>   <a name="emrtalkingpoints"></a>The item was flagged by an enhanced member report (EMR). <ul> <li>Your listing was brought to our attention by one or more members of the community, who expressed concern with the authenticity your item(s). We regularly receive such reports from rights owners, law enforcement officials, members of the eBay community, etc. The report was not the determining reason why your listing was removed, but it was taken into consideration when reviewing your listing.</li> <li>For privacy reasons, we can't disclose which members reported this issue. We don't want to discourage members from reporting perceived problems and assisting us in keeping our site clean, due to fear of retaliation. Instead, we review all reports closely, and, if we find the listing violates one of our policies or could potentially cause buyer confusion, we will remove it. Otherwise, we will reject the report and take no action.</li> <li>To help avoid having your listing removed, you may want to consider having your item authenticated and provide a clear scan of the Certificate of

Authenticity in your listing.

- Internal Information

If the ended listing contained a "bundle" of items, you may recommend that the seller unbundle them and make sure each item is authentic. Often, there are only concerns about one of the items offered in the bundle.

Feedback indicates selling replica / counterfeit items

A buyer expressed concerns with the authenticity in your feedback.

We take these concerns seriously. While this wasn't the only reason used to remove your listing, it was a factor.

Items previously removed for blatancy and relisted identical item

It looks like you had a listing for the same item removed for a violation of our replica policy or authenticity disclaimer on [xxDATExx](#).

Counterfeit items cannot be listed on eBay.

Movies, music, TV shows, software (does not include software loaded on hard drives)

Seller created content

If you created or own the content that you are attempting to sell, then please be sure to include this information in the body of your listing.

- Software installed on computer on a disc

Homemade burned DVDs or CDs are not allowed for sale.

Additionally, when listing software that comes as part of a package deal, or bundled software, the original computer must be included with it.

- Not an unauthorized copy

I can have someone review this removal to be sure that correct action was taken.

You will receive a response within 24 hours.

Public domain media

Public domain media

Public domain media is a phrase commonly used to describe media no longer protected by copyright.

- Other public domain listings without titles

Not all public domain items have official titles, such as photos, some music, and others.

Items such as radio or TV shows are commonly known by their program name rather than

individual titles of each broadcast. Stating the program name is sufficient for these types of listings.

- Our policy explained
- By requiring sellers to confirm that their item is in the public domain, this policy helps protect buyers from receiving unauthorized copies of media and copyright infringement.
- By including all titles of your eBook and audio book listings, you ensure that buyers will know what they are purchasing.

### [L'Oreal seller blocks - Sellers not registered in Europe](https://cskb.qa.ebay.com/cskbapp/art?page_content&id=GUIDE1331&ViewLocale=en_US#)

### Why did I get this message? Why was my item blocked?

The message is only a reminder to make sure your listings don't violate any intellectual property rights. Because you're selling internationally and there are complex international intellectual property laws, we want you to take any necessary precautions to ensure your listings are in compliance.

ebay.fr

You were trying to list a top cosmetics product that's restricted on ebay.fr. Due to selective distribution regulations in France, we restrict certain top cosmetic brands on ebay.fr. For more information about the rules for selective distribution for your particular item(s), please contact the rights owner.

### Internal Information

Do not discuss the following with the member:

- The list of L'Oreal brand names or items that aren't allowed
- The number of brands being limited - Don't even give an estimate.

Does this mean there is something wrong with my listings?

No, but because you're an international seller, we wanted to raise your awareness and make sure you have a pleasant selling experience on our site.

Why can you share my account info?

When a rights owner files a VeRO claim against a seller, the rights owner may have the option to request a seller's registered username, name, address, phone number, email, and company name. This process is outlined in our

[privacy](http://pages.ebay.com/help/policies/privacy-policy.html#Disclosure)

policy

- How do I know if my listings are infringing on the rights owner's intellectual property rights?

You should consult the rights owner. It's your responsibility to make sure your items aren't infringing on intellectual property rights before listing them on eBay. If you're not sure whether your item is authentic, or in any other way infringing on intellectual property rights, we encourage you to contact the intellectual property rights owner with any questions.

We don't and can't review the items listed on eBay prior to posting on our site, nor are we experts in the products or legal concerns of 3rd parties. We can't pre-approve items to be listed.

DNM: Why was my item removed?

Your item was reported to us by the rights owner as an unauthorized replica. Such items are not allowed on eBay.

How can I list my item(s)?

ebay.fr: This item can't be listed on ebay.fr. However, you're welcome to list it on other eBay sites.

DNM: You won't be able to relist this item. Infringing items are prohibited on our site.

[https://cskb.qa.ebay.com/cskbapp/art?page\\_content&id=GUIDE1331&ViewLocale=en\\_US#](https://cskb.qa.ebay.com/cskbapp/art?page_content&id=GUIDE1331&ViewLocale=en_US#)

LVMH block

From a practical point of view, what am I entitled to sell and not to sell concerning perfume and cosmetics?

Due to legal restriction, French users are prohibited to buy and/or sell perfumes and cosmetics from Guerlain, Givenchy, Kenzo, Christian Dior, Parfums Benefit Cosmetics, Parfums Loewe, Acqua Di Parma, Fresh, Make up for Ever, Nude Brands Limited, Ole Henriksen, Bulgari, and Parfums Louis Vuitton.

Although you were not listing your item available to buyers in France, this restriction may also affect these types of items that are available to U.S. buyers and elsewhere.

If sellers are in the U.S., they may list LVMH products as long as they don't sell on ebay.fr or ship to France, EU, or worldwide.

Internal Information

Due to the settlement agreement, blocks may affect non-France users. In these cases, we cannot provide specific reasons for the block. Instead, use

<https://cskb.qa.ebay.com/cskbapp/art?page=content&id=SOL5386>

LVMH items -

listing block</a>.</li> </ul>     Is it possible to sell a product from one of these brands without specifying the brand in the listing? <ul> <li>No, it is forbidden to sell any product from one of the above brands even if the brand is not specified in the listing.</li> </ul>     </h2>