

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 the requirements of the Digital Millennium Copyright Act, 17 U.S.C. section 512, which states:

To be effective under this subsection, a counter notification must be a written communication provided to the service provider's designated agent that includes substantially the following:

- (A) A physical or electronic signature of the subscriber.
- (B) Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled.
- (C) A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.
- (D) The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriber's address is outside the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent from such person.

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.

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. Penalty of Perjury Statement. I CERTIFY UNDER SWORN PENALTY OF PERJURY that I am sending this notification on the basis of my good faith belief that the listings or other materials referred to below do not involve infringing materials or uses and have been identified by a Verified Rights Owner (VeRO) Program participant, its agent, or law enforcement as infringing by mistake or due to misidentification: (List Items Below)

Item Number: _____

II. Consent to Federal Jurisdiction. I consent to the jurisdiction of the Federal District Court covering the address provided below, or if such address is outside the United States, I consent to jurisdiction of the Federal District Court, County of Santa Clara, California.

III. Consent for Service of Process. I agree to accept service of process from the Verified Intellectual Property Owner, its agent, or law enforcement.

IV. 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.

V. I understand that my knowing misrepresentation herein that material was removed by mistake or misidentification may make me liable under federal law for damages, including costs and attorneys' fees. See 17 U.S.C. section 512.

VI. I understand that if the reporting party disagrees with the Counter Notice it may file a legal action against me.

VII. Acknowledgement. I acknowledge that this notice is filed under penalty of perjury. I may be contacted at:

Name _____
eBay User ID _____
Street Address** _____

City and State _____
Zip _____
E-mail _____
Telephone _____
Fax _____
Date _____

Signature _____

UNDER SWORN PENALTY OF PERJURY

Fax this completed Counter Notice to eBay at (801) 757-9521. Attach to this notice any relevant correspondence, including emails, with eBay or the intellectual property owner.

* This Counter Notice complies substantially with the requirements of the Digital Millennium Copyright Act, 17 U.S.C. section 512.

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