

Supreme Court rejects Tiffany appeal of eBay ruling

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Tiffany filed suit against eBay in 2004 claiming the US online auction giant should be liable for [trademark infringement](#) for the sale of counterfeit Tiffany silver jewelry on its website.

US District Court Judge Richard Sullivan ruled in July 2008 that the San Jose, California-based eBay was not liable.

After that ruling was upheld by an [appeals court](#), Tiffany appealed to the Supreme Court but the court declined -- without comment -- to hear the case on Monday.

In his ruling, Judge Sullivan noted that eBay, after being informed by Tiffany of counterfeit items being sold on the website, "immediately removed those listings."

The company refused, however, to monitor and "preemptively remove listings of Tiffany jewelry before the listings became public," the judge said.

"The law does not impose liability for contributory trademark infringement on eBay for its refusal to take such preemptive steps," he said.

"The result of the application of this legal standard is that Tiffany must ultimately bear the burden of protecting its trademark," Sullivan said.

The case is similar to others in the [United States](#) and elsewhere on the liability of online sellers for [copyright infringement](#).

In France, a court ordered [eBay](#) in 2008 to pay damages to Louis Vuitton for selling fake luxury goods.

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