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Dear Customer of DeWalt Australia

DeWalt Australia has become, over recent years, aware of certain individuals who are selling DEWALT branded power tools in an unauthorised capacity over internet auction sites such as eBay. DeWalt Australia is committed to the elimination of such sales, as they undermine the efforts made by DeWalt Australia on behalf of our authorised distributors or re-sellers of DeWalt Australia's quality DEWALT branded products. DeWalt Australia takes this issue very seriously and has taken action against various individuals and companies, both locally and abroad. In this regard, we appreciate your patience and value your cooperation in understanding the magnitude of this violation and supporting us in educating end users about the issues concerning the purchase of DEWALT branded products from unauthorised traders.

In particular DeWalt Australia feels that, as an authorised distributor or re-seller of DEWALT branded products in Australia, you should know the reasons behind DeWalt Australia's objection to the sale of DEWALT branded products by unauthorised dealers, these are set out below.

1. 110 Volt Cord sets.

In our experience, unauthorised dealers are predominantly importing DEWALT branded products from the USA. These usually arrive equipped with a US-standard 110V charger. This charger does not meet Australian electrical standards in that it does not have suppression, correct cord set or partially insulated pins on the plug. These chargers are often removed by the unauthorised dealer before being sold separately to try and recover the cost of replacing the 110V charger with a 230/240V charger. Alternatively, they are sold with the DEWALT branded product and end users are simply told not to use it. The net result is that end users approach DeWalt Australia or our authorised dealers to try and replace their US-standard 110V charger for a 230/240V charger.

We would appreciate any information you may have regarding individuals who request the purchase of multiple chargers or regularly purchase chargers from your store.

2. Electrical Approvals

It is a legal requirement to provide proof of electrical approval with any electrical product sold.

Even with cordless DEWALT branded products, it is still mandatory to have electrical approval to sell the charger supplied with that product. Unauthorised dealers often do not have these approvals and are therefore in violation of various State and Territory laws in Australia and New Zealand.

3. Illegal Product / Regional Product

In many instances DEWALT branded products which are imported into the Australia-New Zealand region are illegal and/or manufactured for other regions of the world. An example of this would be the DEWALT branded cordless nailers: DeWalt Australia only sells a sequential firing cordless nailer, based on the amended Australia-New Zealand approvals process. The US cordless nailers are sold with bump fire action and are therefore illegal. In most instances DeWalt Australia do not carry service parts for these products and are under no obligation to support the product in the Australian and New Zealand markets.

4. Instruction Manuals.

It is a legal requirement to supply a legitimate approved instruction manual with any product sold.

DeWalt Australia employs resident engineers to assist with the legal delivery of all DEWALT branded product into the Australia-New Zealand region. As part of this process our engineers customise all DEWALT branded products supplied by DeWalt Australia to reflect the legally correct standards required. As mentioned above, the DEWALT branded products being sold by unauthorised dealers are predominantly from the USA, but some of them are also imported from Europe. These products are often resold with USA or European instruction manuals, or the instruction manual has been removed from the package entirely. Please beware of any individual who may return product to you which has a USA or European instruction manual, or has an instruction manual which has been photocopied to reflect the DeWalt Australia instruction manual. All DeWalt Australia products are supplied with an approved Australian instruction manual.

5. Liability

As DeWalt Australia has no control over the importation, distribution and sale of these DEWALT branded products by unauthorised dealers; **DeWalt Australia is under no obligation in the case of any liability arising in respect of those products.** The unauthorised dealers do not inform their customers of this, leaving customers to assume that DeWalt Australia is responsible.

Please note that DeWalt Australia has the ability to distinguish DEWALT branded products supplied by DeWalt Australia or its authorised dealers and will under no circumstances accommodate any claim made by an individual who purchased product from an unauthorised dealer.

6. Warranty / Packaging – miscommunication

DEWALT Australia is under no obligation to honour the warranty on any product that has not been sold by an authorised dealer in Australia or New Zealand.

DeWalt Australia has a unique warranty compared to DeWalt USA or DeWalt Europe and this is reflected on all DEWALT branded products supplied by DeWalt Australia. As the imported DEWALT branded products are from the USA or Europe, all the packaging reflects the particular warranty policy of the DeWalt entity in that region. Unauthorised dealers either remove all packaging or do not communicate to their customers that **DEWALT Australia is under no obligation to honour the warranty on those products.**

Alternatively, these individuals claim that DeWalt Australia will honour the warranty. In either case this can cause end users to be very upset and disappointed when turned away by DeWalt Australia's service or warranty agents.

It is a legal requirement that all product sold in Australia reflects through its packaging and instruction manuals the approved safety and warranty aspects of the product. DEWALT branded products sold by unauthorised dealers are sold with incorrect packaging or sold without any packaging in contravention of the proper approvals process.

Please be on the look out for individuals who cannot produce evidence of receipt of purchase from a dealer authorised to supply DEWALT branded products supplied by DeWalt Australia.

7. Patents & Designs

In some cases, unauthorised imported products are covered by Australian patents or registered designs. DeWalt Australia is the exclusive licensee under Australian patents and registered designs relating to certain DEWALT branded products. In those situations, it is an infringement to sell or distribute those DEWALT branded products without the prior consent of DeWalt Australia.

8. Trademarks & Copyright

DeWalt Australia is also authorised to use and reproduce the trademarks and copyright of the DEWALT brand (as found on its website, catalogues, flyers and other advertising material) in the Australia-New Zealand region. Unauthorised use of these trademarks and copyright may infringe the exclusive rights of DeWalt Australia.

Should you have any information or queries regarding the matters set out above please do not hesitate to contact me at (03) 8720 5100.

Regards

Marc Gomes-Luis

Marketing Director