

## EDUCATION: RESELLERS

### QUESTION: Are you profiting off someone else's intellectual property?

Selling trending products can be profitable for new small businesses. However, be mindful when purchasing wholesale priced merchandise from online and marketplace sources. While it's tempting to "buy low and resell high", realize that extremely low priced bulk items run the risk of being counterfeit. The origins of these "deals" can often be traced back to cute sketchy pop up websites, social media marketplaces and ultimately to notorious overseas sources like alibaba, aliexpress or DHGate.

Counterfeits are illegal and brand owners have the right to protect their intellectual property via lawsuits. Flea markets and private individuals have been held liable by several brand owners (e.g. UGG, Coach, Louis Vuitton, PopSocket, OtterBox).

Our research is ongoing as we attempt to stay current on trending, vulnerable merchandise categories. As new information becomes available, our guidelines and decisions may change regarding allowable items at our flea market. We are not lawyers. This is not legal advice. We are sharing our knowledge. We study news, trends, attend classes and consult with lawyers on IP law. Images used for purposes of education and discussion and belong to IP holders.

Before you purchase bulk items for resale:

- RESEARCH THESE TERMS
- ASK THESE QUESTIONS

IS IT:

- TRADEMARKED?
- COPYRIGHTED?
- PATENTED?
- LICENSED?
- AUTHENTIC? Check brands at [wolffs.com](http://wolffs.com) to see if you can sell it
- LEGIT?
- BOOTLEG?
- COPIED?
- COUNTERFEIT?
- CONFUSINGLY SIMILAR?
- ALTERED LOGO?
  
- IS PRICE TOO GOOD TO BE TRUE?
- FROM A WHOLESALER?
- FROM A MARKETPLACE?
- IS SELLER AUTHORIZED OR LICENSED TO WHOLESALING THESE ITEMS?
  
- WHOSE LOGOS?
- WHO IS BRAND OWNER?
- POPULAR CHARACTERS?
  
- PRODUCT
  - Are there sewn or printed tags, stamps, registration marks on item?
  - Or is it blank? Likely a fake.
- PACKAGING
  - Does it contain proper information - bar code, company name, address, etc.
  - Are there misspellings or grammar mistakes on package?
  - Or is it in a "blank bag" with no information? Likely a fake.

Info is easy to find!

- [nolo.com](http://nolo.com)
- Example of Comic Con guidelines: <https://awesome-con.com/artist-alley-makers-market-space/>
- We want to celebrate fans of comics, anime, and manga and their artistry, and we encourage original prints, comics, etc, but mass-produced fan works or fan works that use or are based on licensed, copyrighted material (including character art, background art, logos, etc) fall under our bootleg policy and are prohibited. Do not create buttons, pins, bags, keychains, T-Shirts, etc. with official art or any art that isn't yours. Don't trace, copy, or place Photoshop filters over someone else's work and call it your own. If you display fan art which doesn't follow this guide, you may be asked to remove them from display by the Awesome Con team or risk being removed from Artist Alley without refund.



- Who owns Titans or Apple?
- Who can sell wholesale?

