

EDUCATION: CRAFTERS & CREATORS

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

Capturing current trends by creating sellable products can be rewarding and profitable for new small businesses. However, be mindful when purchasing and downloading certain digital images (e.g. Etsy SVG files) if you plan to incorporate them into your products. While it's tempting to use ready-made, easy to edit graphics, realize these files are actually compiled by tech savvy people who illegally copied the intellectual property (IP) of others (designers, sports teams, animation, etc.). It was not their IP to sell, so it really isn't yours to transform and put on products for profit. Such creations may be considered counterfeit.

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, download, subliminate, copy, create, print or sell an item:

- RESEARCH THESE TERMS
- ASK THESE QUESTIONS

IS IT:

- TRADEMARKED?
- COPYRIGHTED?
- PATENTED?
- LICENSED?

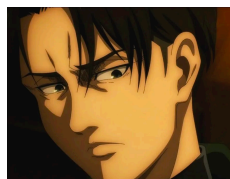
- LEGIT?
- BOOTLEG?
- COPIED?
- COUNTERFEIT?
- CONFUSINGLY SIMILAR?
- ALTERED LOGO?

- FROM A WHOLESALER?
- FROM A MARKETPLACE?
- FROM GOOGLE IMAGES?
- ONLINE SVG FILE? (DID THEY REALLY OWN IT TO SELL TO YOU?)

- WHOSE LOGOS?
- WHO IS BRAND OWNER?
- POPULAR CHARACTERS?
- IS IT YOUR OWN ORIGINAL CREATION?

Info is easy to find!

- nolo.com
- cuttingforbusiness.com
- <https://craftknights.com/are-anime-characters-copyrighted-why-some-fanart-is-illegal/>
- 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 Levi or Chanel?
- Who can copy and resell these images?

