

Here's the deal on Intellectual Property and Copyrights to Protect Yourself and Business

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I see so many questions come up about copyrights, so I want to go over a few things. This is a big issue for anyone, not just the soap industry. I do want to say that this information is mostly for the U.S. It's so important to know this information to protect you, your business, and your content. This will also be posted on my blog, and please share it. It will be listed in my groups files as well.

First let's talk about Intellectual Property. It's anything you create with your mind. Examples are written words (blogs, books, and other content), photography, images, names, videos, and designs. You can protect these things with copyrights and trademarks. If you have an invention, you can file for a patent to protect it (but this is an expensive lengthy process that usually involves a patent lawyer).

One thing that people may misunderstand is that when you put something out there like a blog, video, or photo that this content is yours whether you filed for a copyright or not. This is your intellectual property, and no one else can use it without permission.

You can file for a copyright here...
<https://www.copyright.gov/registration/>

I've seen several issues come up within the soaping industry of people getting their photos stolen and somebody uses them as their own. There is a comradery among soapers, and we look out for each other. Many times, someone has noticed someone else's IP being infringed and let them know about. People are also quick to post who the offenders are to get the word out.

Often times, people will do a Google search for a certain picture, and think it's ok to use as their own content... it's not. Most of the time the photos are on someone's website, and they come up because the photos are tagged to boost SEO, so people can find their site. (By the way if you have a site... make sure your photos are tagged... little bonus there for you.)

Did you know fonts can be copyrighted too? Fonts are IP that someone has created. If you want to use a font in an ebook or for other commercial use you should check with www.fontsquirrel.com to see if you can. They have several fonts listed, and what you can use them for.

There is also something called Fair Use. This is where you can use a line or quote from someone and give them credit without asking for permission. There are a lot of guidelines for this, and here is the source for more information. <https://www.copyright.gov/fair-use/more-info.html>

I'm going to do a short video on how I create content for free using Pixabay and Canva, and the free tool I use to manage my social media content. So, look for that soon. If you don't want to miss it be sure to subscribe to my website www.naturalsudsnmore.com

If you do find out that someone used your photos or content without permission, you can try contacting them first to let them know they need to remove your content. Some people may not even realize it's copyright infringement, and apologize and take it down. If they ignore your requests you can do a WHOIS search, <https://www.whois.net/> to find out who is hosting the website. You can also use www.whoishostingthis.com and the hosting site should comply with the Digital Millennium Copyright Act. Here's a link if you'd like to learn more about the DMCA. They also have links for social medias. https://www.copyright.gov/reports/studies/dmca/dmca_executive.html

If you are the copyright holder, and someone has infringed on your copyrights you can file a notice through the DMCA too. If all that fails, you have the option of hiring an IP lawyer. If you have any copyright or IP questions you can go to AVVO and ask anonymously for free, and you can hire a lawyer there too.

One issue I see come up a lot in my group, Soap Making and Business Coaching, is about using molds of copyrighted images such as comics or characters. A huge point I want to make here is to not jump to conclusions about what somebody is doing. I've seen several fights start over this. A person's business is their own responsibility, and I strongly suggest focusing on your business. I work a lot, and sometimes I am not on Facebook... shocker right? Sometimes I don't get to issues right away in my group, but my moderators and I will take care of things as soon

as we can. I'm not one to hold somebody's hand and baby them, I am a coach which means I am there to guide you. It's not my place to push you to do the right things, your integrity pushes you to do the right things. Your drive pushes you to succeed. The best definition of a coach is we are like midwives... The mom has to do the work and pushing, the midwife is there to help and guide her. You have to have integrity, heart, and drive to succeed in business.

I've talked about this before... If you throw dirt you are only losing ground. It's not worth getting upset at something another business is doing and taking focus off of your goals, it's a form of self-sabotage if you do. *I highly recommend if you make soaps with a mold that may look like a copyright infringement that you don't post it in the groups, but if you do please state that it's for personal use or that the mold is licensed for commercial use so the pitch forks don't come out.* If it is a copyright infringement the post will be deleted in my group, so that others do not think it's ok.

Here's the deal on this issue though... If you buy a mold of something like a Disney character, comic symbol, NFL team, or college football team you need to check with the supplier of the mold to see if it's licensed for commercial use. If it's **not** licensed for commercial use, and you change the colors or image, and it's still recognizable as a copyrighted image then it's infringement if you sell. If you've got a licensing agreement with the owners to sell it then you'd need to produce it to their liking.

Disney has zero tolerance for copyright infringement, and if you don't know Disney owns many companies including Marvel and LucasFilm Ltd. Warner Bros. owns DC Comics.

From my research if you want to get a licensing agreement from these big companies to sell a product with their images, they will either require you to give them royalties off of each item sold or require a years worth of royalties up front. They also prefer to work with bigger companies with a long track record so they can make enough money to make it worth their while. It's doubtful they would agree to let small business crafters sell products with their images because they wouldn't make enough money off them. Even if they did agree, they would need to see and approve the products.

My advice to you is to not do it, and not risk it without proper licensing. I would suggest if you don't want to get the licensing for say a football team, then just do a design with the team colors.

If you have any questions about any of this you can go to AVVO online and ask for free or hire an IP lawyer. I actually did ask on there about this issue, and I got permission from this lawyer to post her answer and info. Here it is...



Andra Marie Vaccaro

Intellectual Property Law Attorney

- Los Angeles, CA

Posted on Apr 4

If the images that they are copying are from a picture that has been registered, it is clear copyright infringement unless it is not substantially similar. If they are using molds made by the manufacturer for personal use and not for commercial use and it states as such on the packaging, then it is clear copyright infringement. If they use toys they rightfully purchased in their soaps, that is usually permissible. They cannot use the trademarks that refer to the images to sell their soaps as that would be trademark infringement as you are implying sponsorship or an affiliation with the owner. Everything else is "grey" and must be analyzed by an attorney. There are companies such as Disney who have zero tolerance regarding infringement. I suggest that you contact an IP attorney. Many of us offer free initial consultations, why not use one? good luck!

Like she says, there are some grey areas and your situation may need to be analyzed to keep you out of hot water. I don't want to hear about anyone being sued. Yes, there are many crafters out there that clearly have infringed on copyrights and trademarks, but you won't be one of them. And you are too busy focusing on your goals to worry about those that do infringe, right?

If you are curious, and want to contact Marvel to see if you can get a licensing agreement you can use this email address marvelconsumerproducts@marvel.com to inquire about it.

I am a huge nerd, and love going to Comic Cons and watching the Marvel movies. I'm also a huge Wonder Woman fan, and I'm so excited for the new WW movie coming out. I've met a bunch of celebrities at Comic Cons. I'm also a big Transformers fan too. With all that said, I still wouldn't try to get a licensing agreement to sell items with these images. It's just enjoyment for me to go to these events and watch the movies. But, for those that want to sell products at Comic Cons, then you may want to check into getting an agreement... this would be the best place to sell those items. You have to think about your target market. If someone got a license to sell Wonder Woman soaps, I'd buy it in a heart beat, because I'm a nerd. Shhh... I have the entire original series of Lynda Carter's Wonder Woman on DVD... yeah it's like that.

I want to make sure you are empowered and have the knowledge you need to succeed in business. It is my honor to serve you and help you any way I can.

As a few side notes... I want you to be aware of these things...

- 1) Recipes can not be copyrighted, only the words or instructions with it. Here is the source <https://www.copyright.gov/fls/fl1122.html> Even so, there is a professional courtesy among soapers that recipes are not shared without permission, and the original creator gets credit when soaps are made with it. I know personally how much goes into creating a soap recipe, and if you'd like to learn more please check out my Master Class: Advanced Soap Formulations it's available on the ecourse page of my website. www.naturalsudsnmore.com
- 2) Facts can not be copyrighted. Here is more information... <https://www.copyright.gov/help/faq/faq-protect.html> (love the info on protecting your sighting of Elvis!... hilarious)
- 3) I mentioned Pixabay earlier, this is a site of royalty free photos that are for public domain, and can be for commercial use. Unsplash is another site, but I think they are combined now, because when I use Pixabay Unsplash photos appear, and vice versa. If you create

- content photos you need to use the free ones, or pay for stock photos to use. I also highly recommend branding any content photos you post with your logo, even though this doesn't stop people from using without permission it helps prove it's yours. I'll talk more on actually branding photos you take another day.
- 4) Using songs in your Youtube videos... if you have your videos monetized, you can not use royalty free songs. Even though it's royalty free it's making money off of someone else's content which is infringement and a Youtube violation and will get your video flagged and you can get a bad mark... which can get your video removed and if you reach the limit of 3 I believe your channel gets shut down. There are however, some sites where you can get songs free for commercial use. If you do a Google search for Royalty free songs for commercial use, you can check out the options. (NOTE: Even if you do a Facebook live, you can't have songs playing in the background, because they have Bots now that pick that stuff up and will delete the video. I heard from someone that they were doing a FB live and their phone rang... the song got their video deleted.)

The takeaway here is your intellectual property is yours, and is protected... and if you want to use someone else's IP you need to get permission.

Please let me know if you have questions, but remember if you legal IP questions you can ask on AVVO for free anonymously.