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<http://decoratedapparelmagazine.com/articles/don%E2%80%99t-mess-mouse>

## Don't Mess with the Mouse!

There are a few underlying 'laws' in our industry that newcomers should be made aware of. Copyrights, Registered Copyrights, and Trademarks are to be followed. Understand that a group of people have poured their blood sweat and tears into a unique brand. They've worked very hard to establish a small corner-niche in a specific market. Or, understand that those with money and power will not tolerate any small subtraction from their even-possible profit margins. Either way, it will ultimately come down to what lawyers and/or judges determine. So, the question here is really: "how likely is, and if so how much will a company pursue you for copying their idea?" If the company is Disney, Harley, or Starbucks, the answer is: "very likely, and all of the money."

I must insert into this article what should be considered an obvious statement: I am not an attorney. Any and all information herein is purely opinion and is to be understood only as casual advice. I spent more time researching that one sentence than I did writing this entire article.

Do not duplicate, rip-off, or in most cases even mimic any protected brand, character, or likeness in any way that could possibly make you money. Even the act of printing yourself a shirt with a favorite character on it, but then mentioning to people that you print shirts for a living, could result in litigation against you. It is completely legal to print yourself apparel with any graphic or statement you'd like on it. This and any artwork there-on would (should) be protected by the First Amendment. Problems arise if you benefit financially in any way from such a statement or artwork. If you make a dollar from printing Mickey Mouse © Trademarked 2019, on a tee-shirt, don't be surprised if Disney ends up owning your print shop ...after they bankrupt you in court.



I used to tell my clients that I would happily print myself apparel with specific copyrighted images on them. It was later pointed out to me, by an attorney, that by simply stating that fact it could be argued that I benefit financially. In my industry (education) any statement that could be shown to gain me credibility could easily result in a purchase or compensation of a sort. Also, slander laws may take precedence with my mentioning any specific brand... It would be extremely difficult to argue, but is it worth the risk? If someone saw me with a shirt on, assumed that I designed/re-designed it myself, and then decided to purchase something from me... ut oh! So, needless to say, I don't wear any re-created art. Plus technically I'm walking the line with this article itself.

A company owning an image must take some sort of reasonable steps to protect their art, logo, verbiage, etc if they want it protected. If, for example, a high school opening posts their mascot online and encourages new quotes for sports-apparel, then it is a given that you can copy/paste their logo to produce a proposal.

Getting "express written permission" is a real thing. If you're worried, have someone of authority with the company you're working with sign, or simply state in an email, that you are allowed to use their image or text etc. for certain purposes.

Putting a statement in your proposal forms can help protect you as well. Mention that by accepting this quote the person in consideration is giving consent for your use of the artwork and/or verbiage.

Really it comes down to a few specific factors. First, you have to be caught. Second, they have to send you notice. Third, they have to show how either they, or their brand, was damaged, or how you benefited from their (sometimes intellectual) property. Then the court has to agree with them... I take it all that back. All it takes is for you to get caught, and for them to throw money at lawyers until you are broken.

Keep in mind. All of the above, and I do mean all, is completely irrelevant if someone throws enough money at the argument. Disney, for example, has the power to hold up any seemingly frivolous lawsuit in the courts indefinitely. This means nearly limitless spending. Plus Disney has stated openly many times that they will pursue any abuse of their materials as they see it. There's a level of political and courtroom power that comes with such large companies. Litigation to these multi-national, near-monopoly, billion+\$ corporations is just part of the equation. Consider the ability to own your own law firms, plural. ***So next time someone wants you to print a shirt under the sea and you think it means no worries, remember it's a whole new world and just let it go.***

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This above article was written for Decorated Apparel Magazine AS A FORM OF SATIRE (A JOKE)  
DAX's online "magazine" is a relaxed industry posting forum. This was written WITHOUT EDIT,  
or intention to publish.

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