

# Noli IP Newsletter

NOLI IP Solutions, PC

8/31/2017

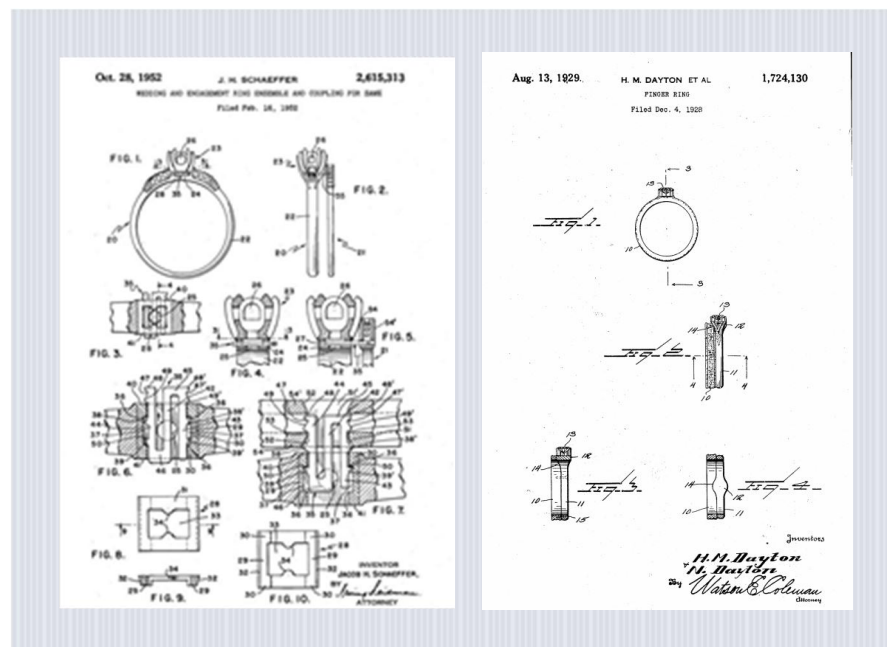
August 2017 Edition

## IP Law in the Wedding Industry

By Mariana Paula Noli

In view of the fact that several of my colleagues at Noli IP Solutions, PC are choosing to “tie the knot” this year, I thought it was quite appropriate to write an article about intellectual property rights for the wedding

A few years back when I was still practicing law in Chicago, my sister and I attended one of those Bridal Expos very popular in the USA. As we checked out the different stands and booths of all the vendors, we were



industry.

I love weddings. And if you think about it, what is not to love about weddings?

Photographs, flowers, music, food catering, delicious cake, elegant dresses, beautiful wedding rings ...

quite surprised to realize the strong connection between intellectual property law and the wedding industry. You know you love what you do when you can't stop thinking about it even in your free time.

## Wedding Bells Ringing at Noli IP

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We congratulate our dear colleagues as well as their significant others on recent engagements and weddings.

We are truly excited and we wish them well in the next chapter of the lives together as a couple.



This edition of our Noli IP Newsletter was inspired by their important decision and it is also dedicated to these women and men who decided to take this important step towards facing as a couple the life challenges that lay ahead. Congratulations to our colleagues and best wishes!

So let's start by talking about photography. As a fearless fighter of copyright justice, I must warn all the soon-to-be brides and grooms to carefully review and read the contract with the photographer. The obvious copyright issue with wedding photography is in the copyright of the photographs itself. Do you own the copyright to the photos or does the photographer? Believe it or not, some photographer contract only give you the ownership of the physical photos, not the copyright. If you do not own the copyright in the photos, then that means the photographer owns the copyright. You have no rights to post the photos on social media, make additional copies of the photos or give a license to a magazine or blog to reprint the photos. My advice is to make sure that you carefully review the contract. If you pay such amount of money, own the copyright on the photos or at the very least have a license to use them any way you wish. There are several options on how to structure your agreement: (1) each party jointly owns the copyright in the finished photos, (2) the bride/groom own the copyright in the finished photos but grant the photographer a non-exclusive limited license in perpetuity to reproduce the photos for promotional purposes, (3) the

photographer owns the copyright but the bride/groom also have an unlimited license to do whatever and however you wish with the photos, outside of re-editing. Wedding photography is not inexpensive, you deserve to own more than just a physical copy. Ask for what you want in writing. Can you imagine a wedding without music? No, because there is no wedding without music. I do not say this because I love to dance and I belong to a family known to take over the dance floor not leaving the party until the very last song is over. I say this because there are so many songs that immediately will make you think of a wedding.

DJ projects the words to the song he/she is playing on a blank wall or screen? Well, I have. And while I think it is a great way to engage the crowd, you would hope the wedding venue already has proper public performance licensing in place. With the public performance piece in place, any person who wants to perform live music would be good to go. However, the licensing under the public performance organizations does not allow for a display of lyrics.

Make sure to check with DJs before allowing them to setup a projector. Other copyright issues may arise when it comes to wedding videos, be



We are pleased to announce that Ms. Mariana Noli will be attending the ASIFI Annual Meeting in Panama City, Panama from November 26<sup>th</sup>, 2017 to November 29<sup>th</sup>, 2017.

For information or to schedule a meeting, please contact Ms. Mariana Noli via e-mail at [mail@noli-ipsolutions.com](mailto:mail@noli-ipsolutions.com) with a proposed meeting schedule.

MARIANA NOLI

Music is one of the most important aspects of the wedding. Unfortunately, in the wedding industry music is often misused putting the users at risk for copyright infringement. Have you ever been at a wedding where the

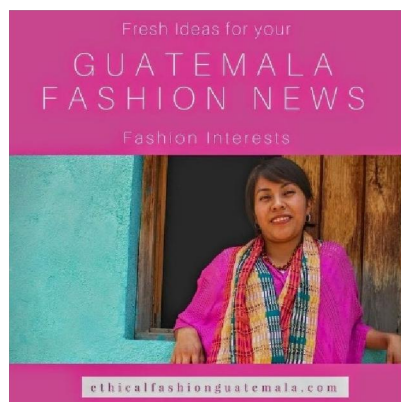
aware. Copyright laws related to music are tricky. Remember that the owner of the songs is the holder of the exclusive rights related to the song. There are three main performance rights organizations, BMI, ASCAP

and SESAC. We will continue on this topic on the September edition of our Newsletter. There are many things you will need to worry

## Ethical IP Practice

By Diane Fisher

This month we shared a post on our firm's social media platforms titled "Guatemalan Artisans Are Going After 64,000 + Etsy Products For Copyright Infringement" which caught my interest. While walking around an outdoor market or even at a mall, I often see little Kiosks with beautiful items, purses, wallets, scarves, knitted hats, garments etc.



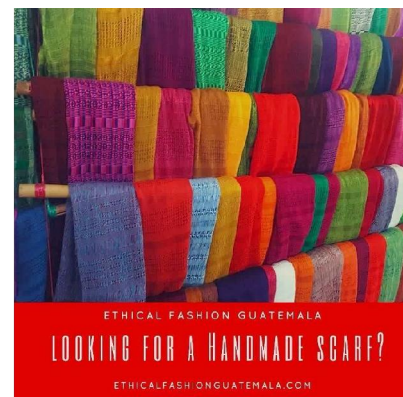
The colors or the craft always make me stop and I end up asking details. Usually the seller enthusiastically insists they are connected with the artisans, even travel to the actual places where these items originate and claim they are helping artisans in these far-off places. As a consumer,

about on your wedding day but we hope that after reading this article you do not let intellectual property law be another one on your list. Be

I usually trust what I hear, and sometimes even purchase something. I have a great purse from Africa I could not resist, and I can still see the lady I bought it from describing how it was woven by hand and hand sewn by a group of women she regularly visits. Hopefully she was telling me the truth! After reading the article, and as I learn more about Trademarks and Copyrights I am happy to see that organizations like "Ethical Fashion Guatemala" are raising awareness and offering support for these craftsmen.

Ethical Fashion Guatemala is striving to help Guatemalan Artists to gain access to world and receive a fair price for their products. "The finalized version of the website will feature 2,000 copyrighted and trademarked products from 43 weaving co-operatives in addition to leather products, jewelry, ceramics and art made by over 1,000 Guatemalan artisans."

proactive! Congratulations on your wedding and do not hesitate to contact our experts if you need any specific legal advice.



Unfortunately, many sites hawk fake items, or cheat the artists by buying at extremely low prices and then selling at hugely inflated prices. The founders of this website have diligently searched for products on Etsy, Google and Shopify that claim to be from Guatemala and if they prove to be suspicious they have been reported and removed.

So far over 64,000 products on Etsy alone have been discovered and proved to be infringing on artisan copyrights. For more information about this organization, please visit:

<http://ethicalfashionguatemala.com/>