
Subject: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [baltimore](#) on Sun, 12 Jun 2011 16:25:08 GMT
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Paramount Pictures's lawyers sent me a cease and desist letter on Friday for a model I uploaded on Thursday night, and told me to take it down. It was a replica white funky cube shaped object from their new movie. I complied. I don't want to sit in a courtroom for the rest of the year. This is an interesting topic for discussion.

This is the rendering Shapeways produced from the .stl file I uploaded of the CAD model I created which looks similar to the prop used in Paramount's film. I am no longer offering these for sale, and am complying with Paramount's demands.

Subject: Re: Cease and Desist
Posted by [Jettuh](#) on Sun, 12 Jun 2011 16:44:45 GMT
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well they are watching this website very well!
uploading a file and getting a cease and desist letter the next day!

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Sun, 12 Jun 2011 18:30:08 GMT
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very interesting topic

How did you come by this design? is it a work in progress as a new movie? or is the movie out already?

Strange... i have a similar model i uploaded on April 15th this year
(actually its from last year - i re opened my shop on April)

I wonder if i should send them a cease and desist ?

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Sun, 12 Jun 2011 18:32:16 GMT
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Their film came out Friday in the states, and their trailer was released several months ago.

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Sun, 12 Jun 2011 18:34:50 GMT
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title? link?

very interesting.

lot's of props are on shapeways...

Subject: Re: Cease and Desist
Posted by [ana_xyz](#) on Sun, 12 Jun 2011 18:40:18 GMT
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@Todd wow. Well, it's interesting to say the least.

Guys, please be sure to keep me and the rest of the SW team up to date on these sorts of things.

Subject: Re: Cease and Desist
Posted by [Jettuh](#) on Sun, 12 Jun 2011 18:41:59 GMT
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june 10th:
[http://en.wikipedia.org/wiki/Super_8_\(film\)](http://en.wikipedia.org/wiki/Super_8_(film))

i guess this one

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Sun, 12 Jun 2011 18:46:58 GMT
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ana wrote on Sun, 12 June 2011 18:40@Todd wow. Well, it's interesting to say the least.

Guys, please be sure to keep me and the rest of the SW team up to date on these sorts of things.

Totally will.

Duann and I skyped about it on Friday

Subject: Re: Cease and Desist
Posted by [ana_xyz](#) on Sun, 12 Jun 2011 18:49:40 GMT
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@Todd Yep, and Duann filled me in. I was just moreso reiterating it for everyone in the community.

@Jettuh Guess so. Well done.

Subject: Re: Cease and Desist
Posted by [Youknowwho4eva](#) on Mon, 13 Jun 2011 14:09:56 GMT
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I never even noticed that in the preview. Is it just me or is it different? The glimpse I saw of it, I thought it didn't have the corner cubes.

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Mon, 13 Jun 2011 14:10:48 GMT
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some do some don't. I think the hero prop has them broken off.

Subject: Re: Cease and Desist
Posted by [lensman](#) on Thu, 16 Jun 2011 18:52:41 GMT
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That sure was quick.

I was going to see the movie anyway, so I'll have to look out for this... whatever it is.

Glenn

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Mon, 27 Jun 2011 03:45:25 GMT
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video in action of the single one i ordered before i got the C&D letter.

<http://www.youtube.com/watch?v=LM2luYXbUd0>

Subject: Re: Cease and Desist
Posted by [bitstoatoms](#) on Mon, 27 Jun 2011 04:03:37 GMT
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OK, that is a great video, thanks for showing us exactly how you got it to vibrate

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Mon, 27 Jun 2011 06:11:14 GMT
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front page of boingboing.net

<http://www.boingboing.net/2011/06/27/paramount-sends-copy.html>

Subject: Re: Cease and Desist

Posted by [MuseumofSmallThings](#) on Mon, 27 Jun 2011 08:16:37 GMT

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Wow,

Impressive speed! This is an interesting subject as shapeways has obviously caught the attention of big franchise. I wonder though how much the opposite is happening? I am unaware if this has been posted on the forum before but Urban Outfitters ripped of an indie designer (not shapeways related) and started selling the design as their own. This designer obviously could not afford to take legal action so instead they blogged about it and the support from the web was so strong that Urban Outfitters stopped selling the design. I feel that copyright and design protection is a little bit of a gray area perhaps, or not fully matured yet regarding digital file 3D printing? I was happy to read about this little win for an indie designer. Read more here.

<http://www.ashevillefashions.com/2011/05/boycott-urban-outfitters-for-ripping-off-indie-designers.html>

Subject: Re: Cease and Desist

Posted by [jeff](#) on Mon, 27 Jun 2011 18:30:25 GMT

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i also saw this article covering the Urban outfitters -etsy ripoff, and it just goes to prove that there are very few original ideas. it's a tricky debate of who owns what.

Personally in this case of todd's vibrating cube, I'd want him to post it unless paramount is selling or planning on selling something similar themselves. If it's not available anywhere else the community should have a right to make something available. (i feel similarly about media pirating, if I can get it easily/legally then I'll go for that, if not but it's available by other means then...) But on top of that, I don't think the community has the right to profit off of someone else's proprietary design, it should just be made available for free. that's all just my opinion on an interesting topic.

Subject: Re: Cease and Desist

Posted by [baltimore](#) on Mon, 27 Jun 2011 18:33:44 GMT

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QMx Quantum Mechanix Inc has a license from Paramount to produce the super 8 replicas and they'll be doing that this summer

Subject: Re: Cease and Desist

Posted by [tebee](#) on Mon, 27 Jun 2011 23:23:29 GMT

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Well I see you made boingboing <http://www.boingboing.net/2011/06/27/paramount-sends-copy.html>

Subject: Re: Cease and Desist

Posted by [dizingof](#) on Tue, 28 Jun 2011 14:22:05 GMT

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Also in spanish :

http://www.elpais.com/articulo/tecnologia/Paramount/denuncia/caso/pirateria/impresora/3D/elpeputec/20110628elpeputec_5/Tes

Now that i finally get to see what this cube looks like :

I have to say it really resembles (Verb: Have qualities or features, esp. those of appearance, in common with (someone or something); look or seem like) my Fractal Cube Pendant model... no?

File Attachments

1) [super 8.jpg](#), downloaded 1756 times

Subject: Re: Cease and Desist
Posted by [tebee](#) on Tue, 28 Jun 2011 14:41:35 GMT
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I have to say the super 8 cube looks more like your Fractal Cube Pendant than the OP's cube.

So does that mean you are going to send them a cease and desist for the movie?

Seriously though don't see how they can stop anyone producing anything that looks somehow vaguely like their prop - after a few more movies there will be no more shapes left for the rest of us to use at this rate.

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Tue, 28 Jun 2011 14:48:18 GMT
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I think they're mainly upset since it was on shapeways for sale. Granted I made no sales since I got the email so quickly, but that's what they're most upset about, if I had to guess.

The cube you just posted maybe was a concept version? The one in the film doesn't look like that at all.

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Tue, 28 Jun 2011 14:54:35 GMT
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its from that spanish link

Subject: Re: Cease and Desist
Posted by [tebee](#) on Tue, 28 Jun 2011 15:00:46 GMT
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So are we all going to have to go and see Super 8 now to find out what the cube really looks like?

Maybe this was all a cunning ploy by Paramount.....

Subject: Re: Cease and Desist
Posted by [jeff](#) on Tue, 28 Jun 2011 15:28:08 GMT
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i really enjoyed the flick. brought me back to the classic films like ET & Goonies.

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Wed, 29 Jun 2011 20:42:54 GMT
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more buzz:

<http://torrentfreak.com/paramount-cease-and-desist-targets-3-d-printer-pirate-110628/>

(i get these links from my Google analytics)

Subject: Re: Cease and Desist
Posted by [tempusr91221_1c09c251cf7](#) on Thu, 30 Jun 2011 09:31:14 GMT
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in Germany we heard today about it ...

Unbelievable!

<http://futurezone.at/digitallife/3835-filmstudio-verbietet-3-d-druck-von-super-8-wuerfel.php>

Greetings from Germany!

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Thu, 30 Jun 2011 13:03:26 GMT
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Yet more.. this time some very interesting quotes about the validity of copyright claim on 3D printed items...

<http://arstechnica.com/tech-policy/news/2011/06/paramount-no-3d-printing-of-our-alien-super-8-cubes.ars>

Quote:even aliens have IP rights

Also finally a comparison of baltimore's super 8 model and the prop on the movie
- it doesn't look like mine.. so they are safe from my lawyers for now

Subject: Re: Cease and Desist
Posted by [tebee](#) on Thu, 30 Jun 2011 13:19:04 GMT
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And to further muddy the waters there is now a Public Domain licensed version on the thingverse

<http://www.thingiverse.com/thing:9744>

So now what happens if we all download this and get it printed at Shapeways???

Are the lawyers coming after all of us?

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Thu, 30 Jun 2011 13:30:14 GMT

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lets see in 24 hours..

I think they're going to get that Cease and Desist letter

As for printing a copyright item for your self and only for your self on Shapeways - that's already a known fact - you can.

Like my World of Warcraft sculptures:

<http://www.shapeways.com/forum/index.php?t=msg&th=4647&start=0&>

Subject: Re: Cease and Desist
Posted by [lensman](#) on Thu, 30 Jun 2011 13:31:54 GMT
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tebee wrote on Thu, 30 June 2011 13:19So now what happens if we all download this and get it printed at Shapeways???

Are the lawyers coming after all of us?

Not if it's private and printed only for yourself...

Now if only I can get my factory in China up and running with this as quick as possible

Glenn

Subject: Re: Cease and Desist
Posted by [tebee](#) on Thu, 30 Jun 2011 13:54:43 GMT

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Well it's a PD design so you can go and download it and take it to your factory in China - not that they would care anyway.

Of course getting the finished product back into the US might be interesting but you could probably corner the Pacific market.

But now the STL file is out what's to stop people distributing it further - maybe even put in on the Pirate bay?

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Sun, 03 Jul 2011 15:03:39 GMT
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Time also, and Hollywood reporter, and dozens more!

<http://techland.time.com/2011/06/30/roll-over-movie-bootleggers-its-all-about-3d-prop-printing-now/>

<http://www.hollywoodreporter.com/thr-esq/hollywoods-next-big-piracy-fight-206859>

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Sun, 03 Jul 2011 15:14:39 GMT
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@ baltimore I saw the movie yesterday .. what can i say ..Spielberg has lost it.

I conclude that you were a pond in a PR ploy to boost sales of a stupid prop that had barely 5 minutes of total screen exposure..

I doubt any kid who saw the movie even noticed it.. to really want one..

Those lawyers that sent you this Cease and Desist must be laughing their asses off !

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Sun, 03 Jul 2011 15:19:43 GMT
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It can't be that because if I hadn't submitted the article to boingboing, no one would have picked up the story. I like the theory though!

Another untrue theory going around on some of the comments I've seen posted is that I don't even exist and that the entire thing of me even making the item was a lie and a ploy to get more interest in the movie =)

Subject: Re: Cease and Desist
Posted by [lensman](#) on Sun, 03 Jul 2011 17:06:05 GMT
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You must be real - you're a Stormtrooper !!

Glenn

Subject: Re: Cease and Desist
Posted by [Innovo](#) on Sat, 09 Jul 2011 19:10:56 GMT
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I guess this is the answer to this thread....

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Sat, 09 Jul 2011 19:26:42 GMT
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haha well he got my 5 stars.. and a free offer to hollow it out .. its too expensive

Subject: Re: Cease and Desist
Posted by [lensman](#) on Sat, 09 Jul 2011 19:56:56 GMT
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Perhaps he's jealous and wants a letter from Paramount too!

Glenn

Subject: Re: Cease and Desist
Posted by [tebee](#) on Sat, 09 Jul 2011 22:47:43 GMT
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Maybe we should all make one - see how many cease and desists we can get them to send out

Subject: Re: Cease and Desist
Posted by [lensman](#) on Sun, 10 Jul 2011 12:16:00 GMT
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tebee wrote on Sat, 09 July 2011 22:47 Maybe we should all make one - see how many cease and desists we can get them to send out

Ha, I was thinking that very thing when I saw it!

Glenn

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Sun, 10 Jul 2011 20:59:50 GMT
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lensman wrote on Sun, 10 July 2011 12:16 tebee wrote on Sat, 09 July 2011 22:47 Maybe we should all make one - see how many cease and desists we can get them to send out

Ha, I was thinking that very thing when I saw it!

Glenn

I'm up for that too

Subject: Re: Cease and Desist
Posted by [tebee](#) on Sun, 10 Jul 2011 21:10:00 GMT
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Well the one on Thingiverse is PD licensed so we could all use that - it's hollow, though lumps on it aren't hollowed out - but - it has no hole to the inside, so it would need one of them adding to fit Shapeways requirements.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Sun, 10 Jul 2011 21:43:28 GMT
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I'm thinking something quite radical that's clearly based on the 'idea' but is not the same

Subject: Re: Cease and Desist
Posted by [ana_xyz](#) on Mon, 11 Jul 2011 15:25:44 GMT
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The rebellious side of me thinks its funny that you want to "poke the bear", but I have to wonder, what would the effect be for Shapeways, the community, and the whole 3D printing industry if we try and get them as upset as possible?

More regulation, more quickly? I wonder...

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Mon, 11 Jul 2011 15:27:18 GMT
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What will Shapeways do when they receive their first C&D?

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Mon, 11 Jul 2011 15:38:16 GMT

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Over history if the little man hadn't stood up to The Man, who knows where we'd be now?

Just a thought, the cube in the film, is it CGI or a physical model, or maybe a bit of both?

Subject: Re: Cease and Desist

Posted by [tebee](#) on Mon, 11 Jul 2011 15:46:34 GMT

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ana wrote on Mon, 11 July 2011 15:25The rebellious side of me thinks its funny that you want to "poke the bear", but I have to wonder, what would the effect be for Shapeways, the community, and the whole 3D printing industry if we try and get them as upset as possible?

More regulation, more quickly? I wonder...

Well you might get a lot more publicity out of it.....

But, seriously , maybe it is something that does need to be brought out into the open, I for one am not sure what justification for the original C&D they were trying to use.

3-D objects and 3-D design are in a very gray area of copyright law, it could be having some full and frank discussion about it would be a good thing.

Tom

PS. I'm a man who likes poking bears too - though not the real ones !

Subject: Re: Cease and Desist

Posted by [ana_xyz](#) on Mon, 11 Jul 2011 15:47:09 GMT

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@baltimore Good question. Duann and Robert are sort of our two specialists in that area, and they've given it a lot of thought. I think I need to exercise some healthy discretion in my answer though.

@stop4stuff you've got a point. There isn't a clear cut answer on this one.

It's so fun to be able to work with the community leading the way in making the world consider these question. Just sayin'.

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Wed, 13 Jul 2011 22:42:27 GMT
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Just a tip for Duann and Robert, something similar to this is what you see in the world of garage kits. These are mostly doll sized vinyl models of usually well known movie characters. I'd expect them to see C&D letters from times to times too.

Also, an US friend of mine is a lawyer and if I remember right he has been involved with cases that were on the copyright issues of certain miniatures. If you want to get in touch with him, mail me and I'll check if he thinks he has info on this.

Perhaps it's an idea if somebody from Shapeways legal department can explain a bit about copyrights, trademarks and patents. I know from experience in the field of miniatures that there is often a lot of misunderstandings on how this works. I know a little more about it (had to find it all out to inform members of my sculpting forum) but am no legal expert.

Subject: Re: Cease and Desist
Posted by [dizingof](#) on Wed, 13 Jul 2011 22:50:17 GMT
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One thing we can all agree on... better a cease and desist than a subpoena..

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Mon, 25 Jul 2011 18:25:52 GMT
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Looks like Marvel's lawyers are crawling on Shapeways now.

At least one other member besides myself had their models set to private by shapeways so that shapeways could comply to a take down request from Marvel. I received an email today from Shapeways telling me that some of my models were removed. This is the message that Shapeways received:

Re: NOTICE AND TAKE DOWN <http://www.shapeways.com/>

Dear Shapeways Legal Support:

Marvel Entertainment, LLC ("Marvel") is a character-based entertainment company with a proprietary library of over 8,000 characters. Marvel owns or controls the copyrights, trademarks, and other intellectual property rights in and to the following publications and characters featured in such publications: Captain America, Hydra, Iron Man, and Spider-Man, among others.

It has come to our attention that merchants on your site are advertising, soliciting, and selling unauthorized merchandise themed after Marvel's properties. Please see the following links:

[model link removed]
[model link removed]

Please direct all correspondence to:

Gregory Pan, Legal Affairs
Marvel Entertainment, LLC
135 W. 50th Street, 7th Floor
New York, NY 10020
Phone: (212) 576-4000 ext. 8619
Fax: (212) 572-576-8569
gpan@marvel.com

I have a good faith belief that use of the copyrighted material described above on the allegedly

infringing web pages and the linked pages on these pages is not authorized by Marvel, its agent or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and that I am the copyright owner or am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Please act expeditiously to remove the material identified and contact me at (212) 576-4000 ext. 8619, or gpan@marvel.com if you have any questions. Marvel reserves the right to take all available remedies available at law and in equity to protect its interests, and nothing in this letter shall be construed as a waiver or relinquishment of any rights or remedies available to it.

Sincerely,

Gregory Pan

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Mon, 25 Jul 2011 18:36:28 GMT
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In my opinion , it looks like laywers have found a new preying field to fuel their greed!

Make the model public, but 'not for sale'... shows you got 'teh skillz' without jumping on bunions.

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Mon, 25 Jul 2011 23:00:32 GMT
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I think that the publicity with the cube may have gotten shapeways to attract attention of legal departments. Out of interest, what were these models?

By the way, putting them up as "not for sale" is not a a foolproof way to keep you from being bothered by copyright owners. The right to create derivative are is also protected.
<http://www.bitlaw.com/copyright/scope.html#derivative>

Though I'd guess that in a court of law there us a chance it would be considered to be a case of fair use. Damn thing about that is that there is no set rule and it has to be decided by the court.

Subject: Re: Cease and Desist
Posted by [baltimore](#) on Mon, 25 Jul 2011 23:03:54 GMT
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more information: www.ttbcad.com

renderings of the models are there

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Mon, 25 Jul 2011 23:06:30 GMT
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Thanks for the link

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Mon, 25 Jul 2011 23:13:42 GMT
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minimaker wrote on Mon, 25 July 2011 23:00I think that the publicity with the cube may have gotten shapeways to attract attention of legal departments. Out of interest, what were these models?

By the way, putting them up as "not for sale" is not a a foolproof way to keep you from being bothered by copyright owners. The right to create derivative are is also protected.
<http://www.bitlaw.com/copyright/scope.html#derivative>

Though I'd guess that in a court of law there us a chance it would be considered to be a case of fair use. Damn thing about that is that there is no set rule and it has to be decided by the court.

The thing is though... is this 'Super 8' energy cube a CG object or a real object? There's a bit of a difference of classification between the two.

Putting a model 'not for sale' but public (on Shapeways) means that the model can only be bought by the designer/member and falls within 'fair use' (for personal use only), whereas if made private, the model can be bought by anyone who has the right link as the model is available in at least one

material

Tis very grey times we are in

Subject: Re: Cease and Desist

Posted by [minimaker](#) on Tue, 26 Jul 2011 00:36:29 GMT

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- The thing is though... is this 'Super 8' energy cube a CG object or a real object? There's a bit of a difference of classification between the two.

For copyright it doesn't matter. The CG and touchable versions of the 'Super 8 energy cube' are derivative works. The CG and touchable versions used in the movie are probably derivative as well as I suspect the original design was a drawing from the design artist. Anyway, creation of derivative work is exclusive to the copyright owner (and whoever gets permission to do so) and that is most likely the movie company.

- Putting a model 'not for sale' but public (on Shapeways) means that the model can only be bought by the designer/member and falls within 'fair use' (for personal use only),

Strictly speaking this would only be the case if there are no pictures. Pictures would be derivative work again. In practice the chances of copyright owner going after you may be smaller. But it's not foolproof. Fair use is not a set rule but more like a set of guidelines for a legal court. In case of conflict they are the only authority that can decide on this. Here is the extract from the US copyright law (notice the use of the words "In determining"):

§ 107. Limitations on exclusive rights: Fair use

Notwithstanding the provisions of sections 106 and 106A, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include

(1) the purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

(2) the nature of the copyrighted work;

(3) the amount and substantiality of the portion used in relation to the copyrighted work as a whole; and

(4) the effect of the use upon the potential market for or value of the copyrighted work.

The fact that a work is unpublished shall not itself bar a finding of fair use if such finding is made upon consideration of all the above factors.

This was taken from <http://www.copyright.gov/title17/> You can find the whole US copyright law there if you want to see it.

So making use "fair use" is more along the lines of "this is likely to be seen as fair use so I feel safe enough using it". As is the case with me quoting the text above.

Note, you may notice that "personal use" is not specifically listed with the purposes. But the situation is a tad more favorable for the person claiming fair use if you look at the four factors.

I hope this makes it clearer what I meant to say in my previous message.

By the way, I'm not a copyright expert. I just know a little more about it since I'm a moderator of a sculpting group and I had to study it so I could explain it to the members. There are a lot of misunderstandings on the subject. Law experts: feel free to add and correct. And if you have time, I think a thread explaining about the function and working of copyright law would be useful on this site.

Bye,
Ming-Hua (who really needs to go to sleep now - cya)

Subject: Re: Cease and Desist
Posted by [CadMonkey](#) on Tue, 26 Jul 2011 01:18:18 GMT
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Would it be worth shapeways having a copyright lawyer on staff that could advise users if a model infringes copyright laws?

Obviously it would be impractical and expensive to check every model, but if a user has created an item and has concerns that it could potentially infringe then they could submit it to be checked (obviously for a small fee).

I believe that some of these large corporate entities would love nothing more than to remove our capacity to self manufacture. So we have an obligation, to shapeways and each other, to avoid producing material that would give these companies a justifiable reason to persue legal action. I

mean, at the end of the day, copyright laws are there to protect the earning capacity of people who have invested time and money on producing something. With that said, I think a bit of maturity needs to be exercised on behalf of the copyright holders. Sometimes giving users the capacity to modify and use your copyrighted material can be highly advantageous. Take the Xbox Kinect for example, since releasing the source code the Kinect has found all sorts of applications increasing the products market.

Don't get me wrong, I'm all for sticking it to the man, but the man has a bad habit of sticking it back with interest.

Subject: Re: Cease and Desist
Posted by [duann](#) on Tue, 26 Jul 2011 04:32:20 GMT
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Hey all,

Just wanted to say you need to take a look at the Shapeways terms of service and content policy

http://www.shapeways.com/legal/content_policy

We must abide by these laws or we risk losing safe harbor and the Shapeways site.

We really appreciate your discussions surrounding the issue so please keep sharing your opinions and any relevant information you may have.

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Tue, 26 Jul 2011 09:06:26 GMT
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The way I see it is that it's the responsibility of a designer to make sure that there copyright is respected (both his own and others').

What I see here is similar to what I saw with miniatures sculptors. Professionals are usually aware of how copyright works but this is not always the case for starters and hobbyists. And many fall for misunderstandings (google copyright + myths) and mix it up with trademark and patent laws. That's why I think it would be good if a basic explanation on copyrights with examples would exist on this site. An example is what you see on the GW site (a very IP protective company with an active legal department):

<http://www.games-workshop.com/gws/content/article.jsp?ald=39 00002> - check section 4.

Interesting is their use of the word intellectual property. This avoids having to set whether it's trademark or copyright they are talking about. Anyway, what you find in the article is a list of examples. A few things from the list:

- they have heavily restricted the use of the name of their game, including the use for clubs and fanzines. Fonts are also protected.
- conversion of miniatures is allowed though the statement "Please do not combine our intellectual properties with IP owned by any third parties." is a bit of a puzzler.
- pictures of their figures: only allowed with reference to the IP.
- educational use: not officially allowed. Only through fair use which again only applies to copyright.
- "reproduction for personal use is NOT an automatic exclusion in respect of copyright protection in many territories worldwide"
- Cardboard reproductions: not allowed.
- Painting services: only if it's generic and not only directed to GW figures.
- Model conversion kits: not allowed by GW.

By the way, that page is by GW, so it's the way they see it. Lawsuits by them have been fought as C&D's have been pulled back. Some before going to court.

Some links to an interesting case on model conversions:

<http://www.mi40k.com/?p=1908>

<http://www.lounge.belloflostsouls.net/showthread.php?t=13751>

<http://www.lounge.belloflostsouls.net/showthread.php?t=13130>

Bye,
Ming-Hua

Subject: Re: Cease and Desist
Posted by [duann](#) on Tue, 26 Jul 2011 11:15:48 GMT
[View Forum Message](#) <> [Reply to Message](#)

Hey Ming-Hua

I will look into seeing whether we can show some examples but it is broad and complex across different territories.

Thanks for your suggestion.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Tue, 26 Jul 2011 11:27:46 GMT
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Its also worth looking into whether a 3D printed object is classified as artistic works (like a sculpture) which a copy can be made for private use under fair use, or as a design and covered by design rights.

UK Copyright - Fair Use
UK Design Rights
USA Design Patent FAQ

I haven't a clue how the (or even what) European Community Laws apply to EU member states though.

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Tue, 26 Jul 2011 12:23:37 GMT
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Of course 3D objects are classified as 'works' for the purposes of copyright. there essencial word is copy and it doesn't matter what materials or processes are use to make the copy. A Mickey Mouse made of marzipan would still infringe Disney's copyright.

However ideas cannot be copyrighted So in this case, the idea that an object can be designed by the accretion of cubic shapes is not particularly original -- it is for instance they way rock salt crystals form. There must be millions of permutations of cubes that could be made to produce something that looks vaguely like that used in the film, perhaps someone should produce some drawing of similar structures and ask the lawyers concerned which they consider infringe their copyright. I'm sure a script could easily be written that could produce, say 10000 variations within a reasonable time.

The real problem here, though, is that the OP has admitted that he based his model on a prop from this film. So he really should expect the owners of the film rights to act in any other way than they have.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Tue, 26 Jul 2011 14:43:51 GMT

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BillBedford wrote on Tue, 26 July 2011 12:23Of course 3D objects are classified as 'works' for the purposes of copyright. there essential word is copy and it doesn't matter what materials or processes are use to make the copy. A Mickey Mouse made of marzipan would still infringe Disney's copyright.

Not necessarily, for example my forum image is a photo one of my designs, purposely designed for the stainless steel materials only. The photo has copyright protection, the design (in the UK) has Unregistered Design Rights protection. i.e. it is the look and material the 3D model is made from that classifies it as a design and I've not taken the steps to register it.

If I made a 2D representaion of Mickey Mouse out of marzipan to decorate my son's birthday cake, I might be breaching USA copyright law, but what about the UK? Would it come under fair use for private study?

How about if I made a 3D representation of Mickey out of marzipan, would that infringe Disney's Design Patent if the item was for personal consumption?

But as Duann said a few posts back
duann wrote on Tue, 26 July 2011 04:32...We really appreciate your discussions surrounding the issue so please keep sharing your opinions and any relevant information you may have.

Also, if you are in the USA, ideas (i.e. methods) can be patented (even if they're pie-in-the-sky OU nonsense, daft as it seems).

Subject: Re: Cease and Desist
Posted by [Youknowwho4eva](#) on Tue, 26 Jul 2011 14:53:04 GMT
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I would think the Marvel items would be considered "Fan Art" which used to be seen as flattery, now it's seen as infringement. One option I haven't seen mentioned (I haven't read everything) is to call it a satire piece. That's how you get Family Guy Star Wars episodes and Mike Tyson tattoo's and all that fun stuff.

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Tue, 26 Jul 2011 18:57:33 GMT

- Not necessarily, i.e. it is the look and material the 3D model is made from that classifies it as a design and I've not taken the steps to register it.

You don't need to register it. Though in some cases it makes it easier to prove it's your design. You own the copyright the moment that it has been "fixed in any tangible medium of expression". In this case the photo. The subject on the pictures, if it was designed by you is copyrighted and so is the picture itself which you made of it.

- I might be breaching USA copyright law, but what about the UK? Would it come under fair use for private study?

Both countries have signed the Berne convention treaty. I don't know in detail how that works internationally but I believe it means they have to respect the copyright as it is in the country of origin. Also, if you can convince the judge/jury that what you are doing is for private study it can be fair use (though UK may be using fair dealing, not sure).

- How about if I made a 3D representation of Mickey out of marzipan, would that infringe Disney's Design Patent if the item was for personal consumption?

I think patent would be the only one you would not be infringing upon. Patent is more along the lines of inventions. As you say "ideas". But in theory, you would be breaching the copyright law. Personal use is not an argument for fair use. It would also be a breach of trademark since Disney trademarked Mickey Mouse.

@youknowwho4eva: you are right. The Marvel items can be seen as fan art but since this is derivative art creating it still falls under the copyright of Marvel. And it's up to them whether they will go after it. Have a look on the GW page I linked before. They go pretty far to keep people from making GW fan art.

- Satire, good question. I had a quick look and found this article. There seems to be some discussion about this and the difference between satire and parody.

<http://www.techdirt.com/articles/20100625/1311489962.shtml>

Can't say much about this without studying this a bit more. Can somebody tell us more?

Bye,
Ming-Hua

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Tue, 26 Jul 2011 20:44:12 GMT

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Yes the UK uses fair dealing, including private use for study. USA has Design Patents for designs in the same respect that the UK has Design Rights. USA Utility Patents are for inventions, in a similar respect to the UK patent for a working prototype of an invention.

All linked to in one of my earlier posts, to save confusion over meanings.

Subject: Re: Cease and Desist
Posted by [Tigermoth](#) on Wed, 27 Jul 2011 07:04:09 GMT
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Really interesting debate...if not a bit head hammering :/
Makes me wonder whats going to happen to copyright laws when 3d printers and scanners/replicators become household items? This could bring down entire economic structures!

In the meantime, I would really like to print a hard-to-find boot badge for my 69 Datsun. Given the company doesn't exist anymore, and the car hasn't been sold for 40 years...can I do this? Would SW?

BTW I have noticed a fair bit of stuff for sale on here that could be classed as breach of copyright...for instance what laws would surround the making and marketing of products specifically for the iPad/Phone/Pod?

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Wed, 27 Jul 2011 08:52:34 GMT
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I don't think that printers becoming household items would change the basic situation for copyrights. It will just increase the number of occurrences and make it less controllable. But it's not different than making a drawing of a known superhero. Unless you do it to sell the items of course.

One thing to consider though is the 3D file. Not everybody can 3D model, so for home printing to become popular there should be libraries online with 3D models (like you see for 3D graphical

programs right now). The copyright owner can go after the site that published it and the person who put the file there (similar to what you see in this thread). One difference with the music industry is that these sites will likely be mostly original items (of which the copyright is owned by the uploader). So it will be harder for them to go after a whole site like music and IP companies are doing right now.

As to the Datsun boot badge, I expect it will be Nissan who owns the copyright. Possibly the trademark too if it was maintained. So, strictly speaking you would have to ask them for permission.

By the way, your question makes me think of this case:

<http://www.jenkins.eu/mym-spring-2010/german-courts-toy-with-law-in-opel-model-decision.asp>
<http://jiplp.blogspot.com/2010/03/bundesgerichtshof-decides-in-opelautech.html>

Interesting is to see the difference in tone between the two reports. The first one is surprised by the outcome while the second is not. This also shows one of the difficulties of copyrights and trademarks. Outcomes can depend on local culture and specific parties involved.

If it comes to model kits, Lockheed and Boeing lawyers have also gone after model kit producers to get royalties on models of their planes. I've forgotten what the final conclusion was.

As to aftermarket product like for the i-pod, I've been wondering about that as well. I'm not sure where those stand if it comes to copyright. GW forbids it, but I'm not sure of the actual rules about this. Anyone?

@stop4stuff: thanks for the links. I missed that post. Hehe, one thing I like about what's in there:

Accessibility for someone with a visual impairment

It is considered fair dealing to make an accessible copy of a work for someone with an visual impairment if a suitable accessible version is not already available.

Nice

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Wed, 27 Jul 2011 09:11:19 GMT
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minimaker wrote on Wed, 27 July 2011 08:52As to aftermarket product like for the i-pod, I've been wondering about that as well. I'm not sure where those stand if it comes to copyright. GW forbids it, but I'm not sure of the actual rules about this. Anyone?

Knowing the alacrity which Apple attacks any perceived threat to their IP, I think there would already have been a flurry of law suits if Apple were at all able to sue people in the after sales market.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Wed, 27 Jul 2011 09:25:07 GMT
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Here's a link to the full UK Copyright, Designs and Patents Act 1988.

Somewhen, quite a while ago, I remembered reading about fair use for the re-creation of car parts... something along the lines of they can be manufactured & sold after so many years out of production... I can't remember how I got to this information and can't find it now... but I did come across an interesting pdf comparing the USA & UK Design Law relating to the design of cars

re i-Pod add-ons - I'd be sure that if the product title doesn't imply that the item is a 'official' product, then it is OK.

e.g. Apple i-Pod cover = wrong, but Cover for Apple i-Pod = OK (which it is see link below)

I expect Apple have a useage policy See Section 2. Guidelines for Using Apple Trademarks and Copyrights

Subject: Re: Cease and Desist
Posted by [tebee](#) on Wed, 27 Jul 2011 10:20:41 GMT
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The relevant case in British law is http://en.wikipedia.org/wiki/British_Leyland_Motor_Corp._v._Armstrong_Patents_Co.

It was in part in response to this case that the Copyright, Designs and Patents Act 1988 was introduced.

One important provision of the design rights that it introduced was that it excluded parts of the design that were necessary for it's function or to connect to other parts.

Most other countries have some sort of "repair clause" that does something similar and the EU is

proposing to harmonise these under the EU Community Design Regulation (CDR).

Problem is if you spend the time to try and understand all this legislation you won't have any time left to design anything ! Add that to the fact that Shapeways is a global market and every country has it's own rules. Do we take down everything that might be illegal somewhere in the world?

Subject: Re: Cease and Desist
Posted by [tebee](#) on Wed, 27 Jul 2011 10:57:27 GMT
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Interesting snippet in this case - <http://www.bbc.co.uk/news/uk-14287864>

"That court has now also ruled that the 3D works should not be considered sculptures, which means their copyright protection is 15 years from the date they were marketed"

Not sure if this is all 3D works or just the ones referenced in the case.

Tom

Subject: Re: Cease and Desist
Posted by [webmaster_duann](#) on Wed, 27 Jul 2011 12:18:32 GMT
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Oooh, nice find!

Quote:tebee

Interesting snippet in this case - <http://www.bbc.co.uk/news/uk-14287864>

"That court has now also ruled that the 3D works should not be considered sculptures, which means their copyright protection is 15 years from the date they were marketed"

Not sure if this is all 3D works or just the ones referenced in the case.

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Wed, 27 Jul 2011 13:01:26 GMT

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Maybe is copyright lasted only 15 or 20 years some people would have to come up with more than one idea in a lifetime.....

Subject: Re: Cease and Desist
Posted by [artur83](#) on Wed, 27 Jul 2011 17:13:49 GMT
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This just in.
UK laws are more flexible on movie props.

here

Personally, I tend to side with Lucas on this though.
However, generally, I'm for Sharing (even more than fair-share) and not too many laws in the way of creativity and expression (even if it's expression of being a fan or just expressing replica skills)

Here's an interesting twist: say I'm a replica artist - that is my skill is not 'inventing creativity' but creatively applying my skills to reverse engineer or replicate objects. Should I not be able to express my skills, and sell the right to people to own my objects and appreciate my skills up close? Also, my skills for the said process (3d printing).

http://www.pddnet.com/news-lucas-loses-stormtrooper-helmet-battle-072711/?et_cid=1864144&et_rid=45582329&linkid=http%3a%2f%2fwww.pddnet.com%2fnews-lucas-loses-stormtrooper-helmet-battle-072711%2f

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Wed, 27 Jul 2011 17:15:22 GMT
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Copyright lasts the lifetime of the owner (rightly so) and some more so that the artist (and heirs) can benefit from the artist's imaginative endeavours... I mean, who would feel right ripping off one of Freddy Mercury's songs before he died, let alone after!

@Teebee that BBC News article, I think, shows the divide between understanding of copyright, design rights and patent. To me it looks like Mr. Ainsworth knew exactly what he was doing... UK

act passed in 1988, giving him a 15 year wait 'til he could produce the replicas, which (as I understand) he started doing in 2003, and now he has rightfully (under UK law) succeeded in his claims of the suit as a design (15 year original owner rights)... on top of comply with UK law to-the-letter, it also looks like he managed to find a loop-hole in US law by having no interests in the USA (which lead the case to be heard in the UK)... that geezer!

I suppose Lucas will file the design under US design patents now and sue him retroactively in a year or so

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Wed, 27 Jul 2011 18:28:39 GMT
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Yep, the Lucas thing was mentioned a few posts back.

Your twist can be done... if you are employed as an educator and reproducing stuff for educational purposes for students to learn from... but not as a creator of fakes-for-sale, although you might get away with using the fakes for private study (think market research for your upcoming business as a modeller)... for UK law, check out the links previously in this thread.

Subject: Re: Cease and Desist
Posted by [minimaker](#) on Wed, 27 Jul 2011 23:13:13 GMT
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"Not sure if this is all 3D works or just the ones referenced in the case."

From the way it's written in the article I would say only these specific 3 dimensional objects. Not 3D works in general (whether digital or touchable). Problem would otherwise be the question what a 3D work is and a clear distinction between when it's sculpture or not.

Subject: Re: Cease and Desist
Posted by [Davlin](#) on Sun, 05 Aug 2012 10:54:34 GMT
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Wow, lots and lots to read and trying to piece it together. I'm sorry, I'm just catching up and I'd like to ask the question to get a simple answer, if you guys don't mind.

I intended to open a Shapeways shop to sell my prop replicas as 3D printed kits to build. So, yes, it was from licensed stuff : Doom, Tron, Bioshock and such.

But, on the opposite, it was complete re-designs of those replicas : The Tron Lightcycle, for instance, has a pilot within (something never done before), and I did not copy any existing toys already made.

I just want to do the replicas that have never been made before, the ones I would love to have the chance to buy.

So question is : Even if everything else is different, will the fact that it has the appearance of something that is owned by majors get me or Shapeways a C&D letter, or worse ?

If yes, then copyright laws are just choking creativity...

Thanks by advance for your replies.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Sun, 05 Aug 2012 16:56:49 GMT
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I don't know how copyright laws can be choking creativity when something you want to (re)create is based upon something you know already exists in name. However I do know that the safest course of action is to create whatever you're creating, get a print, take some photos and ask the IP rights owners for permission to jump on their bandwagon*

*bandwagon = a name or product that a company has spent millions on to get the name where it is today.

Subject: Re: Cease and Desist
Posted by [lensman](#) on Sun, 05 Aug 2012 17:25:02 GMT
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The problem with that is in trying to get through to the appropriate person in that large corporation. And when you do it is just too easy for them to say "No", rather than giving it any serious thought.

I have been on the receiving end of a "cease and desist" and it ain't much fun! In my case I was

approached by someone who showed me two very rough images from a movie that showed a decorative item she liked. She wondered if it would be possible to recreate it. I did. Started selling and for a while it was my most popular item in my shop. Then I heard from a company that was selling these same items. So closely did my model resemble theirs that they claimed I had bought one and 3D scanned it! Was going to fight it for a while but then gave up...

One of the key things to keep in mind is this: If you make a "Tron" model that is just slightly different to the movie version, and you advertise and sell it as a Tron model then you will indeed be looking for trouble.

Glenn

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Sun, 05 Aug 2012 17:43:07 GMT
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Glenn, I've been on the receiving end of a 'claim' that involved a domain name, upshot was that I won as I could prove that the domain name was registered long before the company or trademarks were registered. (yep that took some homework to get there, but I stood my ground and had evidence to back it up)

The safest course of action for all things that may be thought of as someone else's design, copyright, patent* is to simply ask**, "What is your policy regarding the useage of 3D printed models resembling your design and what is the useage policy regarding the name attached to your design?" That exact same question stumped kNex so your mileage may vary with other IP rights owners in getting the rights to reproduce an iconic film model or use that 'household' name for your models.

*don't forget these terms have different legal meanings in different territories.

**It never hurts to ask

Subject: Re: Cease and Desist
Posted by [Davlin](#) on Mon, 06 Aug 2012 08:26:45 GMT
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Thank you for your replies.

When you try to get in contact with Disney or another huge company like this one, you better be able to pocket out the big bucks because they are gonna charge you for using their franchise (and that's normal). So you better be a company already, able to sell a lot of stuff in stores. When you are a nobody, like I am, the big company doesn't even want to be concerned with you. The numbers are way too low... But we are in sort of a grey area here : It's too low to produce a line of replica/toy, but they still won't allow a few sets to be sell. I mean, fifty lightcycle kits sold is a great deal for me, for Disney it's laughable. So, nothing happen, nothing is produced. And if someone still try, he end up on court. Awesome.

As for creatitvity, yes, I'm using someone else's design. BUT everything else is different : The approach on how to do it, the way to do it, the tricks you're using, the new ideas... and trying to do something better, something that has never been done before. It's just an engineer's creativity rather than an artist's, but it's still the same brainjuice and efforts that are used here.

Sorry, I have better things to do instead of spending a lot of time trying to go throught all the barrages of " the big company ", to end up getting a " No, f**k off, you ant."

So it's a deadend... what a waste.

Again, thank you for your replies.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Mon, 06 Aug 2012 13:57:40 GMT
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Why all the negativity?

If your idea is 'the next big thing', go ahead, design it, get it printed, make the model page here on Shapeways for public viewing only (this way you have a published design generally recognised as having unregistered rights), then approach the IP owners with your idea/design. If they say no and go ahead with it anyway on their own, if nothing else, you'll have bragging rights and, you never know you, may be surprised when they offer you a job with their design department

Or just take that creativity in another direction for something that is totally your own and launch the product via a crowd source funding program like Kickstarter.

Subject: Re: Cease and Desist
Posted by [Phxman](#) on Mon, 13 Aug 2012 19:24:38 GMT
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Davlin: be careful how you brandish "creativity". Paramount obviously don't think you are being creative.

Paramount have the handicap if you press the situation, of proving their case. Copyright is only as good as the first legal challenge.

Subject: Re: Cease and Desist
Posted by [Davlin](#) on Tue, 14 Aug 2012 09:34:15 GMT
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@ stop4stuff : I wrote a long reply to you, and then deleted it (I'm sure you have better things to do than reading a novel). In short, I'm not a genius and I do not create " the next big thing ". Just trying to do a good job.

Also, I'd say being in France cuts you out of certain opportunities, like Kickstarter for instance. Of course, there are other websites like Kickstarter but they do not have the same amount of backers, far from it.

@ Phxman : You are totally right, and I don't see myself in a legal battle against a major. This is why I end up doing nothing, unfortunately. End of line...

Thanks, both of you, for your replies.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Tue, 14 Aug 2012 17:38:59 GMT
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Davlin, as far as I can see there is nothing stopping anyone in France from starting up a Kickstarter campaign - I'm in the UK and looked at them before when they were limited to the USA only, but their T&C's have changed since then. If you find different please post a link. And my spelling might be carp, but I enjoy reading, it gives my brain something to do in between dreaming up solutions to design ideas - I might snap now and then but I don't bite.

Paul

Subject: Re: Cease and Desist
Posted by [lensman](#) on Tue, 14 Aug 2012 18:44:22 GMT
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I'm afraid they are still very much US only...

Be a US resident and at least 18 years of age with a social security number (or EIN), a US bank account, US address, US state-issued ID (driver's license), and major US credit or debit card.

<http://www.kickstarter.com/start>
(bottom right)

Glenn

Subject: Re: Cease and Desist
Posted by [natalia](#) on Tue, 14 Aug 2012 19:05:27 GMT
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Hi guys,

As a refresher, here is the official Shapeways stance on content and copyrights:

http://www.shapeways.com/legal/content_policy

Like it was said in the earlier discussion, it's a tricky field we're entering with 3D printed objects, so please let us know if/when you get a Cease and Desist letter.

Thanks!
Natalia

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Tue, 14 Aug 2012 19:10:56 GMT
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That's like, Whoa! It used to be in their 'Terms of Use' but not any more!

Subject: Re: Cease and Desist
Posted by [radwolf76](#) on Tue, 14 Aug 2012 21:20:44 GMT
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lensman wrote on Tue, 14 August 2012 18:44 I'm afraid they are still very much US only... You might contact the people behind this project out of Vienna, Austria and ask them how a European based project can work around Kickstarter's terms. They may be slow to reply, however, as their project just met its funding goal mere hours before it was scheduled to close. I'm sure they're busy celebrating right now.

Subject: Re: Cease and Desist
Posted by [lensman](#) on Wed, 15 Aug 2012 00:24:24 GMT
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Yeah, weird, I can only assume they have one (or more) person on the team that fits their US-centric view of the world.

Glenn

Subject: Re: Cease and Desist
Posted by [stannum](#) on Wed, 15 Aug 2012 02:43:04 GMT
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Isn't the limitation Amazon Payments'?

Edit: Amazon has something in Europe, covering UK, Germany and Luxembourg. Thus KS should reach more countries soon. So far it seems people just set up a company in USA (mentioned in that article), or team up with an USA company (some miniature/games projects).

But more important, some other crowdfunding sites have no such conditions or with some luck are limited to the country where you are... so the point would be how much really matters to be KS based? Or the important part is the promotion in other places where you are going to get supporters (for example a game project in game blogs, forums, etc) and they will work anyways if based in Indiegogo, Ulule, Startnext...? It is a similar thing than SW, if you think about it.

Subject: Re: Cease and Desist
Posted by [PlainOrb](#) on Fri, 05 Oct 2012 02:25:36 GMT
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Hi, Shapeways, in your Terms and Conditions, you mentioned that " You, as a designer, retain all your intellectual property rights in your 3D design, including without limitation any and derivative works like 3D renders. "

My question is:

Do we, the designers, get any evidence of our IP rights ? Such as " model last updated on (date) " or any other evidence ? Which we can present out if someone claims about copyright.

Subject: Re: Cease and Desist

Posted by [stonysmith](#) on Fri, 05 Oct 2012 03:15:15 GMT

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The statements below are my own opinion.. I am NOT an employee of Shapeways. If their legal council wishes to edit this, I encourage them to do so.

=====

The straight up answer is NO. You are not provided with "evidence of your IP".

Shapeways is not the keeper/executor of your intellectual property and the rights thereof. You must arrange for your own backups and documentation.

The language above "you retain..." is really more of a statement that Shapeways will not claim the work as their own.

The statement above does not indemnify you from liability if you copy someone else's work, nor does it position Shapeways as a "registrar" of your IP either.

I have a file in my shop:

<http://shpws.me/5eUm>

It and every other model has a File Status like this:

cube.stl - Originally uploaded on 8 Mar 2012

But.. what this does NOT tell you is what the content or "shape" of the file was on that date.

At any time in the future I can replace that file with a ripoff of something you design, and then I can claim "prior art" based upon the file date above.

Note: I would never DO this.. I purely have that model in place to prove my point for THIS discussion.

Shapeways is not in the business of protecting your IP at this level.

You must arrange to secure your IP independent of Shapeways.

This is not something they need to (or necessarily CAN) fix or even address...

If you feel the need to protect your IP, you should retain independent legal council.

Subject: Re: Cease and Desist

Posted by [PlainOrb](#) on Fri, 05 Oct 2012 04:14:41 GMT
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I understand the status of Shapeways in the business. I'm not asking if shapeways could do as a register. Maybe Shapeways can consider recording and showing " Last Updated " instead of " Originally Uploaded " ? This can act as something like additional evidence.

Subject: Re: Cease and Desist
Posted by [Phxman](#) on Fri, 05 Oct 2012 05:22:04 GMT
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Proof of publication is not easy with the Shapeways set-up.

An easy way is to print a hard copy of your files, and then post them with a seal Certified Mail to yourself. Keep the unopened envelopes somewhere safe.

Some Post Offices will put their Counter Date Seal directly on a hard copy., or maybe a Notary will log your signature to the document.

If you belong to a recognized Society for your work, they may have schemes to track and record your published output on file..

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Fri, 05 Oct 2012 08:03:05 GMT
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7Plain wrote on Fri, 05 October 2012 04:14I understand the status of Shapeways in the business. I'm not asking if shapeways could do as a register. Maybe Shapeways can consider recording and showing " Last Updated " instead of " Originally Uploaded " ? This can act as something like additional evidence.

Shapeways send you an email every time you upload a file. Not only that but every file on your computer has it's own creation date.

Most modern graphics software gives you the opportunity to fill in metadata for each your files. This is attached to each copy of the file and can be used for copyright notices in the same way that EXIF data is used for raster images.

Subject: Re: Cease and Desist

Posted by [PlainOrb](#) on Fri, 05 Oct 2012 14:16:39 GMT
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One of my friends who works in a copyright related company told me that there is an official system of copyrights. This system allows you to upload your work and get an instant official time mark on the work. This time mark is internationally recognized.

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Mon, 08 Oct 2012 14:43:39 GMT
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Details?

Subject: Re: Cease and Desist
Posted by [natalia](#) on Thu, 10 Jan 2013 18:12:38 GMT
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Hi Guys,

This issue has been brewing for a while so I'd like to put together a Copyright 101 guide (as per my blog post <http://www.shapeways.com/blog/archives/1872-Copyright-101-What-do-you-want-to-know.html>)

As the field of 3D printing grows, we're starting to see more and more cases of copyright infringement, creative sharing, collaboration, and general discussion happening around what is "allowed", what is possible, and what is protected.

To address this, we want to put together a 3D Printing Copyrights 101 guide in the next few weeks, with the help of Michael Weinberg who wrote the awesome whitepaper "It will be awesome if they don't screw it up"

We've done a few blog posts covering the debate over the last two years, and now we want to consolidate new information and answer your questions.

The list so far includes:

101 to copyrights law: the difference between copyright, patents, trademarks and creative commons

What's the DMCA?

Common cases in 3D printing

Creative innovation

What else do you want to know?

List your questions here and we'll incorporate them into the guide!

This is the official Shapeways stance on content and copyrights:

http://www.shapeways.com/legal/content_policy

Ideally the Copyright 101 guide would go into more details

PLease tell me what you want to know and I'll make sure it gets covered!

Thank you,

Natalia

Subject: Re: Cease and Desist

Posted by [Phxman](#) on Thu, 10 Jan 2013 18:34:47 GMT

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It was, that with \$10 you could file a copy with Library Of Congress of any work and receive the stamped copy by return. For software it was the first 10 pages of the listing - how it would work with a 3D graphics file I do not know.

- I see the fees now range from \$35 to \$65!

Subject: Re: Cease and Desist

Posted by [stop4stuff](#) on Thu, 10 Jan 2013 20:36:39 GMT

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DMCA - what territories does your version cover?

An example, GoDaddy insist that their version complies with US law, however US law does not apply to the UK and UK precedent legislation states that an electronic signature can be limited to just the name of the person making the claim typed in an email at the time of the claim and not the US DMCA version of a digital copy of the actual pen-signed-on-paper signed signature. (yes, I've been there and shown them understanding that versions of an 'electonic signature' differ)

Anyone who is stupid enough to think that they can copy someone's or a company's work whether

formally registered through whatever system or published, really deserves the pile of poo that will land on their head and all of the consequences that go with that pile of poo.

So, my 'copy/design/patent' design/rights 101 is "Carry on, rip someone off, do what you do and expect to get your ass sued coz you're a chuffin' numpty!" simples, all it is is a little bit of respect and appreciation for the work of others.

And before you go, tap in Lego to Shapeways search, anything that has LEGO/lego/Lego in the title or a representation of a LEGO minifigure is breaching The Lego Group's IP rights! Also have a look at how Apple define how their name can be used in relation to 3rd party/aftermarket products - it is different to how TLG chose to let their name be used

FFS, it ain't rocket science to do a bit of research so that one knows that the 'right thing' is donen or is it just that people are so greedy/stupid/DGaS that they just don't care?

I already suggested a long time ago that a simple lookup for word in the title of a model page should be compared against a table of KNOWN registered tradenames and the model uploader informed of their choice of model title.

Paul

stop4stuff Modeller for hireShapeways Shop - Controller PendantTwitterYouTube

Subject: Re: Cease and Desist

Posted by [lensman](#) on Thu, 10 Jan 2013 22:24:37 GMT

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Paul, while I'm not going address all your issues mentioned here I will tackle one, that of the Lego example. I think quite obviously Lego doesn't really g.a.s. about the modelers here creating and selling something that can be added in to the Lego universe. My feeling is their opinion is probably based on the fact that as long as something doesn't cut into their profits then they will gain a large amount of free advertising and product placement. Now, if a large factory in, ahem, China, was to start pumping out counterfeit Lego blocks that would be a different story. If some maker is producing items that Lego doesn't because there simply isn't a large enough market then how are they losing?

I liken it to the after-market auto parts industry - if someone wants to make a wicked rear light to trick out their 1995 Honda then what the heck does Honda care? They certainly wouldn't make any money by fitting out a factory and tooling molds to make the light for a virtually non-existent market.

Glenn

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Thu, 10 Jan 2013 22:42:22 GMT
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The difference being that OOP car parts do come under 'fair use' laws, the USA in particular has a more relaxed stance on this compared to EU laws, however The Lego Group has a published 'Fair Play' policy (google Lego Fair Play) and the same as Apple, they have published usage on their IP rights.

I've been ripped off in the past by numpties who think that anything on the internet is fair game, yet on the internet it takes just as much time as it does to find something to rip off/ripped off as it does to ask for usage rights - greedy/stupid/DGaS ppl deserve whatever comes their way when they chose to ignore/not bother/think they're above the law (obviously, that is just my very biased yet totally true and law abiding opinion)

But, hey, each to their own.

Paul

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Fri, 11 Jan 2013 00:41:45 GMT
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How do the titles of the models and the models themselves here fare under international IP rights?
(just askin' coz I can't be bothered to go lookin)

Paul

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Fri, 11 Jan 2013 01:23:48 GMT

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As far copyright is concerned, in the UK, the lamborghinis are OK, but the SciFi stuff clearly infringes copyright, since only 'artistic' works can be copyrighted. However car manufacturers for the last 20-30 years have been registering their designs so it is likely that these model will infringe the design registration. Whether this matters depends on whether Lamborghini's policy for licensing their designs to model makers.

Of course the people who made these models could have permission from the copyright/registration owners to use their designs, but I would expect them to say so on their model page.

Subject: Re: Cease and Desist
Posted by [PeregrineStudios](#) on Fri, 11 Jan 2013 04:28:39 GMT
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Just my two cents in here: if your model is slightly different from the original, and you do NOT claim it as a 'recreation', and instead only say it was 'inspired by' their design, my understanding is that you are within your rights to do so. They'll probably still send you a cease and desist letter if you get too noisy however, and it's probably still easier and cheaper to give in than fight a legal battle.

EDIT: Just as an example using the discussion above, let's look at LEGO. If you post a model and call it 'a LEGO model' or 'a LEGO toy', you are breaching copyright. If however, you say it 'is properly scaled to work with LEGO products', well, that's wholly within your rights. LEGO doesn't have a copyright on that exact scale.

It's not the best example, but it was relevant, so I used it.

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Fri, 11 Jan 2013 10:46:15 GMT
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PeregrineStudios wrote on Fri, 11 January 2013 04:28EDIT: Just as an example using the discussion above, let's look at LEGO. If you post a model and call it 'a LEGO model' or 'a LEGO toy', you are breaching copyright. If however, you say it 'is properly scaled to work with LEGO products', well, that's wholly within your rights. LEGO doesn't have a copyright on that exact scale.

That isn't to do with copyright. That is passing off a Trade Mark.

Subject: Re: Cease and Desist
Posted by [stop4stuff](#) on Fri, 11 Jan 2013 11:40:34 GMT
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Lamborghini - a few minutes on google reveals

<http://www.lamborghini.com/en/about/privacy-legal/terms-of-use/> Whilst that is specifically for usage of itmes from their website, some more digging around also reveals that Automobili Lamborghini S.p.A. are quite hot in protecting their IP rights - specifically if their 'brand' is used in any way without express written consent, expect trouble!

Lego - from <http://aboutus.lego.com/en-gb/legal-notice/fair-play/>

...However, universal awareness that creative products deserve better protection is fortunately increasing. In the LEGO Group, we believe that any original product design should be protected against copying for as long as it is produced and marketed. And that it should be possible to stop such copying and other infringements easily. We also believe that designs, company names and trademarks should not be used in unrelated settings without the owner's consent. Each year, our legal department handles hundreds of incidents involving infringement of our rights, keeps track of developments worldwide and regularly brings infringers to court, making sure that consumers can have confidence that anything bearing the LEGO Group's trademarks or characteristic product features is a LEGO brand product. This is in the best interest not only of our company but also of consumers, primarily children, all over the world. For that purpose, we have defined attitudes and practices intended to secure fair competition and fair dealing towards consumers. Some of them we can - and do - enforce by legal action. Some of them, we wish could be enforced where breaches occur...

Apple - start here <http://www.apple.com/legal/> - they pretty much have everything covered!

It rougly takes about 10 minutes tops to find the correct information needed for any company's IP rights.

And don't forget kiddos, branded products have a brand name to help make them momorable - whilst it may seem that an individual may be paying homage to their favourite product, the IP owner gerenally sees any mis-use as an attempt to use their brand for profit and gets a bit upset.

fwif, I have been involved in a trademark dispute - the trademark owner attempted to claim ownership of a domain name I once owned. I won the case by default after I showed that the trademark owner had registered their trademark after I had purchased the domain name - I even offered to sell the domain name to them for less money than it cost them to instigate proceedings against me but they still pressed ahead. I found the whole episode quite amusing and then rubbed salt in the wound by letting the domain name lapse a few months later.

It really is worth spending a few minutes researching to find out what you can get away with or how much hassle to expect when the IP owner kicks off.

Paul

Subject: Re: Cease and Desist
Posted by [PlainOrb](#) on Fri, 11 Jan 2013 12:30:08 GMT
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Simply want to know what we could do to protect our copyrights over our own designs.

Subject: Re: Cease and Desist
Posted by [BillBedford](#) on Fri, 11 Jan 2013 12:51:50 GMT
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PlainOrb wrote on Fri, 11 January 2013 12:30Simply want to know what we could do to protect our copyrights over our own designs.

There are two opposing positions on this:-

If you want to fight to protect your designs you have to be prepared to have shed loads on money in the bank to pay for lawyers and court appearances etc.

Or you can say that the whole system is a scam, treat each design as if it had a limited life and be prepared to move on with a stream of new designs.

The latter is the way that most fashion design works and the former is the corporate approach.

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [natalia](#) on Fri, 11 Jan 2013 21:13:28 GMT
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Wow, great discussion guys!

To add some ideas about your questions, here are two blog posts worth a read:

This blog post by Duann has great idea about designers "protecting" themselves in this new rapidly evolving creative economy :

<http://www.shapeways.com/blog/archives/1202-for-some-designers...-protection-may-be-better-achieved-through-instant-prototyping-and-continuous-product-change-rather-than-intellectual-property-law.html>

and this one details what happens when DMCA's, creative commons and IP all come together in an "open source" environment;

<http://www.shapeways.com/blog/archives/747-IP,-3D-Printing-D MCA.html>

A lot to ponder over the weekend...

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [stop4stuff](#) on Fri, 11 Jan 2013 22:11:03 GMT
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Interesting reading indeed, and certainly food for thought.

Paul

stop4stuff Modeller for hireShapeways Shop - Controller PendantTwitterYouTube

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [PlainOrb](#) on Sat, 12 Jan 2013 15:04:00 GMT
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Maybe flickr is a good tool to help. You can take photos in several angles of your design, then upload to flickr. There is a mark aside the photo like "This photo was taken on November 19, 2012 using a Sony DSC-H10." could work as a time stamp.

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [lensman](#) on Sat, 12 Jan 2013 17:52:23 GMT
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Or change the time in the camera, take the picture and upload...

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [PlainOrb](#) on Mon, 14 Jan 2013 14:41:27 GMT
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how about a tweet with the picture ? Twitter records the date of post which is not editable.

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [natalia](#) on Wed, 23 Jan 2013 18:56:41 GMT
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Hi guys,

Quick update on this topic.

Carine and Duann are at the US Patent Office in Washington D.C today at their conference on 3D Printing and we are meeting with Michael Weinberg from Public Knowledge next week so the Copyright 101 is coming soon!

Keep the questions coming so I can make sure all bases are covered.

-Natalia

Subject: Re: Cease and Desist, Copyrights - What do you want to know? (updated!)
Posted by [baltimore](#) on Wed, 23 Jan 2013 19:21:29 GMT
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I'm here too!

Carine is talking right now on stage
