

# Sweet Boutique Bakery Copyright Policy

## Preparing for a 'Frozen' party or 'Mickey Mouse' event? WAIT! Have you asked Walt about that?

It's important to understand the risks of not getting permission (which is pretty simple to get for a private event). Let's see how you can keep your theme, make that impressive cake, and do so without legal troubles for you or your cake decorator.

Under current copyright law in the United States, you must obtain permission from the copyright owner if you want to use their design on any item (including cakes) in which an exchange of money takes place. This includes TV, cartoon, & movie characters, sports teams, university logos, fashion labels, etc.

### The owner of a copyright has these exclusive rights:

- To reproduce the work
- To distribute the work
- To create derivative works (this includes art reproduction)
- To publicly perform or display the work

Making sure you have written permission to use the copyrighted design ensures you and your cake decorator are not liable for or subjected to any of the following penalties for copyright infringement:

- Infringer pays the actual dollar amount of damages and profits.
- The law provides up to \$150,000 for each work infringed.
- Infringer pays for all attorney's fees and court costs.
- The court can issue an injunction to stop the infringing acts.
- The court can impound the works and the infringer can go to jail

**"But will they ever even know?"** You may be thinking, this is just for my child's birthday party! No giant company is going to care or even see it. That's where things get dangerous. With today's social media sharing, it is likely that your cake will make an appearance on the web, be shared, & be visible to almost anyone. Large companies do have teams working to protect the image of the company and its products. They are looking.

**"But I want my PJ Mask cake, Mom!"** That's ok! We're here to help you out (and do so legally!) Here are 3 options to help you get the cake that fits your event theme without the threat of fines.

- 1. You Can Just Ask!** If your husband has to have that Dallas Cowboys cake or your son desperately wants a cake with his favorite Avenger's character, just ask the owner. This may take a bit of time, but often a simple phone call or e-mail is all it takes. Ask them for one-time use for creative properties permission for your local baker to re-create their character or logo on a cake for a personal event. Be sure you get them to send you the permission in writing, by email. At Sweet Boutique Bakery, we require that permission in-hand before we sell any baked goods with its likeness.
- 2. You Can Use Licensed Figurines.** Many major companies such as Disney and Nintendo sell figurines of their most popular characters. When you purchase one of these products from a licensed retailer you are paying a copyright fee. Then your local baker can create a background scene or stage for those figurines. In the case of a school or team logo, your baker can use the school colors and include the emblem figurine you purchased in the design.
- 3. You Can Go Generic.** It doesn't sound ideal, but it doesn't have to be boring! Some items like shapes, bears, and tigers are too universal to be copyright protected. A football stadium cake can be just as fun and creative as one that has a Clemson logo. If you can't secure permission or find the right figurines, look for a way to incorporate the theme with the spirit of the copyrighted theme/items.

It might take a step or two to secure legal permission to use a copyrighted character or emblem when purchasing from another party, but it's much better than trying to explain to a judge why you didn't bother. No one wants to be stuck in that position, so go that extra mile to ensure your loved one's cake is truly grand.