

BOOTLEGS: PARTNERS AGAINST PIRACY

Our festival has a strict anti-bootleg policy. We patrol the dealer room and check all the dealers, but as we are not all-knowing nor all-seeing we may fail to spot a bootleg. In case you suspect that items are bootlegs we ask you to go to the information desk where there will always be people from our staff who have knowledge of bootlegs. You will have to point us to the items in question but you will not have to talk to dealer, in fact we prefer you leave that to us.

The reason we want you to show us the items - and why it is of no use to complain afterwards instead - is that bootlegs can be very hard to spot and sometimes people are mistaken about what constitutes a bootleg. A doll that almost looks like a Totoro doll but is off color, has the wrong shape and misses the ears is not a bootleg Totoro doll, but just a bad doll and we would not know why you would want to buy it except that it is probably cheap. On the other hand we vividly remember some cases in the past where products were so well-made that it took us weeks before we could say for sure that it was a bootleg.

The rest of this page we'll share information concerning bootlegs, starting from what makes a bootleg illegal and ending with describing how we fight them through our Partners Against Piracy.

WHAT IS LEGAL MERCHANDISE?

A creator of e.g. a comic or a character holds the rights to what he or she creates. This right is called copyright. It is transferable in whole or in part and may even have been traded away before the actual creation, e.g. when working for a company. But the basis of copyright remains that it is the right of the creator to determine what happens to what he or she creates. Nothing more, nothing less.

This right is neutral. While e.g. Disney, Sony and Warner Brothers are title to a large number of copyrights, the same copyright protected J.K. Rowling and enabled her to make demands in her negotiations with these companies when everybody wanted to start making Harry Potter movies.

How does it work? As an example take a cup with an image of Donald Duck[®]. For such a cup to be legal the manufacturer or the person or business ordering the production needs to have a agreement with The Walt Disney Company that holds the original legal title on the images, name and trade mark Donald Duck[®]. The contract can take many forms, but in the case of Disney products the agreement will usually grant the producer only the right to copy images provided by The Walt Disney Company onto cups and nothing but cups (e.g. no t-shirts) and usually with a limitation on the countries where the cups may be sold.

What about fan-comics? A fan-comic creator does use other people's characters to make a new story, usually without consent. When the original copyright holder(s) objects to the fan-comic the fan has therefore no choice but to stop distributing that work. Conversely the original copyright holder does not hold title to the fan comic. It is created by the fan so he or she has copyright even though it uses characters owned by the copyright holder. The original copyright holder of only those characters and not the story itself and is therefore not allowed to start selling it. A third option was described by an author when we asked him what he would think if someone made of fan-comic of his work: "I would be thrilled, excited, thankful and as soon as they earn money I want my cut!" When both copyright holders come to an agreement about a work whose right they share, then it is actually legal to sell a fan-comic. This is far from unusual.

In the case of fan-comics there is also the right to persiflage that offers some protection to the fan and that is why we do allow the sales of fan-comics in the dealer room. But that right goes only so far. In the 1980's fan-comics of Bob and Bobbette[®] (Dutch: Suske en Wiske[®]) and Asterix[®] were sold in large numbers. The original copyright holders objected to both the political opinions and the sexual behavior associated with their characters in these works. As they were not interested in part of the proceeds they used their copyright to forbid further sales of these books. The judges agreed that the derived works where not persiflage but were only using the copyright holders popular characters for the political/financial ends of the creators of these works. So these works are bootlegs and we would kick you out of the dealer room of you tried to sell these "fan-comics".

In the case of dolls, figures, posters and stickers using the copyright holder's art, copies of DVDs or CDs, etc... not even the right of persiflage can be invoked, so permission from the copyright holder is ALWAYS required. Without this permission the product is a bootleg, i.e. counterfeit product and it is not legal to create, sell or own it.

We think the basic system of copyright makes sense and enables an industry whose products we enjoy very much. Everybody is free to think differently but if you want to visit the festival we organize you will have to stick to our rules while on location. If you want to convince us we're wrong you can try, but as some of us own copyrights we are not talking about some abstract political idea.

HOW TO RECOGNIZE BOOTLEGS

Alas! If only there were a simple method of knowing which products are bootlegs. In general you can see it by the copyright notices, but some bootleggers have caught on and put copyright notices on their merchandise. We even know a few cases where a copyright holder simply forgot to put the copyright notice on their product, but that is really rare so in general: without copyright notice a product is certainly bootleg.

As no single person knows all about bootlegs we use a team of experts each covering a different area. E.g. game-related merchandise is checked by people from the game room, others specialize in e.g. figures, the works of certain anime studios, etc. If you are knowledgeable in any of these areas you are welcome to join the team.

In the end the only way to spot bootlegs is by pooling the knowledge of multiple people and when in doubt checking and double checking information online.

WHY DO WE FIGHT BOOTLEGS?

The reason we fight bootlegs at our festival is not just that we happen to think the law is right in this case. Just imagine two dealer rooms: one filled with dealers selling bootlegs, one filled with clean dealers. Think deeper: one room filled with traders without regard for the law and the property and rights of other people, one room filled with traders who do respect the law and other people's property and rights. We can tell you from experience that you will have a better shopping experience with the honest dealers.

What about a mix of bootleggers and legal dealers? It doesn't work! As soon as some dealers start selling bootlegs the legal dealers start losing money because their wares are more expensive because the copyright holder is paid. Within no time there'll remain only bootleggers in the dealer room.

We actually have a dark past where we did not check on bootlegs for a couple of years and saw this happening to our dealer room. It costed us another couple of years to climb back out of that hole. Then something unexpected happened! The complaints that there was nothing worthwhile in the dealer room died down! Sure, there were people complaining that things were expensive and of course some negative comments remain, but even the loudest complaining people started complementing the quality and diversity on offer in our dealer room. We actually get compliments for our dealer room!

We started the hunt for bootlegs because some, but not all, of our staff were personally affronted by the bootlegs sales. Little did we realize that by throwing out the bad dealers we had opened the door for good dealers! By getting good dealers we were pleasing our visitors. Now if you ask around most of our visitors will tell you they are neither concerned nor interested whether there are bootlegs on sale or not. But what visitors do care about is the quality of the dealers themselves; they just don't realize the direct link between keeping bootlegs out and keeping quality dealers in.

YOU LIE! YOU ALLOW DEALER XYZ AND HE SOLD BOOTLEGS AT ABC!

While we prefer dealers who won't sell bootlegs even if they already spent the money paying for it and dislike those dealers who sell bootlegs willingly, we also know dealers who sell bootlegs unwillingly because alas at many European festivals so many bootlegs are sold that joining the herd is the only way they can prevent a loss. While we may or may not sympathize with a dealer selling bootlegs at other festivals, we certainly do not allow them to sell bootlegs at our festival. So as long as a dealer doesn't sell bootlegs at our festival we grudgingly accept that they may sell bootlegs elsewhere.

We do give advice to new dealers concerning bootlegs, often explaining the rules to them as they sign up. We also support other festivals in their fight against bootlegs, but we are just a volunteer organization and in the end we can only create a level-playing field at our own festival. Changing the whole world is beyond our means.

Not that this stops us from trying to change the world! Therefore we announce our:

PARTNERS AGAINST PIRACY

Partners Against Piracy are deals festivals make with other festivals. We check for bootlegs at their festivals and they at ours. Not only do we keep our partner informed of anything we find and they inform us: we will also tell the dealers in question that they will not be allowed entry at our festival unless they remove the bootleg items from our partner's dealer room. Of course we check for bootlegs at every event we visit, but as it is rude to announce that you will enforce rules on a festival that is not a partner we will ask for removal only on events announced on this page.

The partnerships are strictly one-on-one. While we encourage our partners to start other partnerships with other events, there is no central blacklist. The fact that another event bans a dealer does not mean that we will do so as well. Only dealers we have personally told to remove bootlegs at another convention may be banned from our dealer room for a year or longer depending on how serious we think their infraction is. The same should go for our partners. In fact we think this will work better than a blacklist system as we think five festivals telling you to remove your wares will leave more of an impression than just one.

The current Partners Against Piracy

- Abunai
- Animecon
- Tsunacon
- YayCon

As a last step in the fight against bootlegs we claim no copyright on this article. Even though we wrote it ourselves, please share and reuse it with as many people as you can. You may even make a persiflage or an erotic fan-comic using this text. We only care that our message comes through! Together we can get Europe bootleg free!

- Animecon 2014.