



WORLD OF WEARABLEART

Copyright and Trade Mark Guidelines

Every garment entered into the World of WearableArt™ Competition must be an original creation designed and created by the designer(s). Designers are responsible for ensuring that their entry does not infringe or pose a risk of infringing a third party's copyright, trade mark or other intellectual property rights.

WOW™ reserves the right to disqualify any entry which does not, in WOW™'s opinion, conform to these guidelines and/or the Terms and Conditions of entry into the WOW™ Competition.

We often receive questions regarding copyright and other intellectual property issues. The following information about copyright and trade mark rights does not constitute legal advice but addresses some issues to be aware of when creating your work. Please contact Head of Competition, Sarah Nathan, at sarah@worldofwearableart.com if you have any questions or if you would like to discuss the originality of your garment. However, please note that WOW™ does not provide legal advice to designers and it remains the designer's responsibility to ensure that their entry is original and does not infringe or pose a risk of infringing a third party's copyright, trade mark or other intellectual property rights.

Copyright

The purpose of copyright is to provide an incentive to create original artistic, literary, musical and dramatic works (such as paintings, sculptures, books, garments) by providing the author/artist/composer with a monopoly in and protection for that work for a set period of time.

The copyright in these works may have different durations depending on the type of work and the circumstances surrounding the work. Generally, copyright will expire 50 years from the year in which the author/artist/composer dies. However, where an artistic work has been industrially applied, the copyright in that work may only last 16 or 25 years depending on the exact nature of the work.

It is important to be aware that although copyright in an original work may have expired, another version of the original work may have since been created. Copyright in this new work will run from the year of the new creation rather than the year of the original creation.

Copyright infringement occurs where:

- a. the reproduction is a copy of an entire work or a substantial part of it, and
- b. there is some objective similarity between the reproduction and the copyright work, and
- c. the copyright work is the source from which the reproduction is derived.

There is no formula or percentage for what constitutes a 'substantial part'. There is also no formula for what constitutes 'objective similarity'. Each case is different and will depend on the work involved and the nature of the alleged reproduction.

If a designer is inspired by the works of others they must be conscious of the risk of copyright infringement and be mindful of their responsibility to ensure their garment is an original creation and doesn't infringe or pose a risk of infringing a third party's intellectual property rights.

Trade Mark Rights

Trade marks are signs such as words, logos, labels or shapes used in trade to distinguish the goods and/or services of one entity from the goods and/or services of others. Unauthorised use of someone's trade mark can constitute trade mark infringement and/or passing off. Therefore, when deciding on a name for a garment or if contemplating use of any words, logos or other types of signs on a garment, designers must be conscious of the risk of trade mark infringement and be mindful of their responsibility to ensure their garment doesn't infringe or pose a material risk of infringing a third party's intellectual property rights.