

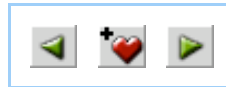
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davenfonet ( [davenfonet](#)) wrote in  [otakon](#),
 @ [2006-01-27](#) 12:50:00



Current mood:  at otakucorp

Current music: Simple Plan - Shut Up

Heads up from the Otakon forums:

Otakon's Artists Alley will be actively disallowing the sale of unlicensed copyrighted materials. If you own it, you can sell it. If you have license to it, you can sell it. But if it has material (images, sounds, etc.), in whole or in part, to which you DO NOT have permission to sell, then that material will not be allowed in the Artists Alley. Anyone found in violation of this rule loses their retail space in Artists Alley for the remainder of the convention. (The above statement will be officially/legally worded and posted on the site during February, after our lawyer and Otakorp President have approved it.)

5b. Policy for the DISPLAY of unlicensed copyrighted material - provided it is NOT FOR SALE - is currently under review.

Now that's the news what comes next is the commentary.

So basically what they are saying is no fan art. Period. You can't even do fan art of other peoples (web comics stuff), no chibis no bishonen, and no cross over art unless you own the rights to them (which you don't). Which is (in one word) SHIT.

This is the ultimate "Up yours" from Otakon, they don't even know why they are holding a convention each year, besides making a ton of money. Hell they have a freaking corporation behind it.

Artist alley is expensive to run (for artist) and generally they (the artists) don't make a profit, they simply finance their trip with it. Most of the money stays in the convention! For example, people will use their excess cash to buy, DVD's manga, wall scrolls, and stuff from other artists. Why crack down on it now. There are 300+ tables in there, and they are probably going to expand it again. Otakon even takes a cut from the art show.

This is coming from a con which has 30,000 people (give or take) in attendance. But by fucking with even 1/100 of them (if all 300 tables have one artist on them but generally they have 3 or 4 people a table). That's 1/25 of the attendees, plus the artists friends, or fans and what not. Let us guess and say 1/20 of Otakon has something to do with artist's alley/art show. That's a lot of people, 1500 to be exact. That's not even counting the people who actually go there to buy art, and what not.

If they are doing this to the artists who's next. The cosplayers? The AMV makers? The candlestick makers? The panelists, (oops you showed a picture you don't have rights to show your out). I can just see the next announcement Otakon will make.

"Due to legal constraints Otaku corp will no longer allow cosplayers."

We are anime fans and we bite back, don't mess with our fandom.

EDIT:

i'll be posting stuff on fair use, and what not in the near future, but get your pens ready. i think we are gonna be doing some writing.

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[jakethejuggalo](#)

2006-01-27 05:53 pm UTC ([link](#))

i'm pretty sure its because otakon doesnt want to get a big "up yours" from ADV or something. this is hardly beneficial to otakon's bottom line.

[\(Reply to this\)](#)





[essenceofmalice](#)

2006-01-27 05:58 pm UTC ([link](#))

That's such bullshit. Most of what artists sell at the alley IS fanart. Making it prohibited is just going to make the artist alley nearly non-existent.

([Reply to this](#))



Yay for no fan art

[k0dama](#)

2006-01-27 05:58 pm UTC ([link](#))

:d makes sense to me. It's kind of hard to pick out what's fanart and what's steal art anyway.

.. I was at otakon 2005 and I'm pretty sure I saw at least dozen steal arts in the alley, and also in the Art Show (a rather big one too, which was an obvious ripoff of a popular FMA illustration merely on a bigger piece of paper.)

As a former artist alley participant I'd rather see more creative artwork than a big pile of inuyasha/FMA/FFX fanart. :/ it gets so damn redundant and it also leave out people who aren't fans of those shows.

The only thing I wonder now is how they'll impose this new rule on other mediums, like the piano guy .. will they stop him from playing songs?

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[tehkey](#)

2006-01-27 05:59 pm UTC ([link](#))

Wow. Well, that really sucks for artist alley people I guess. o_O;

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[princessfire](#)

2006-01-27 06:00 pm UTC ([link](#))

What about the art show?! I go there to see art of other people's in person and have them draw the characters I like in their own style! I don't go there to see people's original art! If I want that, then I'll put our money in a common art show! That is the stupidest thing I've ever heard!

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[lunarscape](#)

2006-01-27 06:03 pm UTC ([link](#))

I'm sure the same rule will apply there since they usually have the same general policies.

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[leechan](#)

2006-01-27 06:03 pm UTC ([link](#))

They had this same rule enforced last year, and guess what, I still saw fan art.

I'm thinking this is more a "don't sell images that are CLEARLY someone else's and make them into buttons".

Like, I bought a Carl (from Aqua Teen Hunger Force) button. The artist did no art, just stuck a pre-existing image of Carl onto a button. I think *that* kind of thing is what Otakon is trying to stop. Not fanart.

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[lunarscape](#)

2006-01-27 06:05 pm UTC ([link](#))

The rule was not enforced last year. It wasn't really "announced" until this year.

And it's fan art in all forms (except maybe parody). Check out the Otakon official forums for the discussion.

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 [prismaya](#)

2006-01-27 06:05 pm UTC ([link](#))

There was a big hooplah about this last year, but Rachel Ann eventually confirmed that fan art was allowed.

It doesn't look that way this time around though.

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 [prismaya](#)

2006-01-27 06:03 pm UTC ([link](#))

.....WHAT.

Why is fan art the first thing to go? What about the freaking AMVs? Don't AMV's use TWO copyrighted media (the music and the anime)? Isn't fan art more or less tributes to anime moreso than direct copies of another's work (with a few exceptions)?

This is total bullshit.

Don't get me wrong, I'm all FOR selling original stuff, but to not allow fanart at an ANIME convention is going to REALLY hurt artists. :(

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 [lunarscape](#)

2006-01-27 06:08 pm UTC ([link](#))

Otakon made the argument that the AMV entrants aren't making a profit, so it's okay. In reality, their application of the rules of copyrights is inconsistent. Profit shouldn't be the deciding factor in copyrights, so by Otakon's rules, AMVs would be banned, as would cosplaying.

Yes, Otakon has shot itself in the foot on this one. But the artists will suffer the most.

([Reply to this](#))([Parent](#))



[otakugeekboy](#)

2006-01-27 06:08 pm UTC ([link](#))

Considering the potential DISPLAY of Fan Art is being OKed, as the issue is more the sale of these items than the showing of them, Anime Music Videos, since they aren't "For Sale", aren't really an issue.

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[ashyukun](#)

2006-01-27 06:46 pm UTC ([link](#))

Otakon (and most conventions) pay a blanket license fee for performance of music during the event, which covers the music half of AMVs. And the anime companies, both domestic and Japanese, have always essentially at worst turned a blind eye towards AMVs and at best support them under the table, because we both make no money off their creation and they also realize they can be *excellent* free advertisement.

The primary difference comes in what we get back: Artists alley artists make money (or at least take it in) using other people's characters/ideas whereas AMV creators often spend huge amounts of money and get nothing back (or a cheap trophy and a few random DVDs).

Still, that doesn't mean I think this is wise or fair... after all, how many doujinshi are published each year in Japan using characters of popular series??? I think if someone is found to be selling someone else's artwork as their own (i.e., made exact copies of it) than they shouldn't be allowed- just like bootleg tapes and CDs shouldn't be allowed- but fan-art of anime characters should be perfectly fair game.

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[otakugeekboy](#)

2006-01-27 06:07 pm UTC ([link](#))

Well, I'm happy to see I'm not the only one who's pointing this out, it's far from an attack on the Otakon-goers or anything like that.

As OTAKON grows, it becomes a larger, and more pronounced target for organizations such as ADV, Bandai, etc. as well as the Japanese license owners to attack the convention, and even individual artists for copyright infringement and/or the selling of unlicensed goods. This sort of thing was bound to happen with the growth of the con.

Also, does anyone familiar with Comiket and the general doushinji scene know the legality related to that?

I know a lot of doushinji displayed at Comiket is original works, but there are also examples of licensed work being used...could be a legal precedent to assist members of things such as Otakon's artist alley here in the US.

In any case, I'll be there with an artist, whoring our original work, so I'm not too worried. I just hope everyone has a good con.

[\(Reply to this\)](#)[\(Thread\)](#)



[moonbunnychan](#)

2006-01-27 06:27 pm UTC ([link](#))

This kind of makes me wonder if they're gonna start banning the doujin that gets sold in the dealer room.

But as far as the legal bit goes, Comiket is held in Japan, and so it wouldnt matter since laws are different here.

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[otakugeekboy](#)

2006-01-27 06:37 pm UTC ([link](#))

From the other posts regarding doujin on the board, there seems to be a general non-response regarding it, almost as if they're going to be looking into it...

I wouldn't be surprised if they ban it like all other "unofficial" goods.

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[endless_waste](#)



2006-01-27 06:09 pm UTC ([link](#))

Ya know... a friend of mine and myself were planning on going down to artist alley this year with various cosplay props we've made or are making, not with the intent to make money, but more to get our names out and just because we can.

Now, we're being told we can't by this... so a thought came to mind...

sure, something's copyrighted, but the slightest change of it, changes what it is. they do it with songs, and I've even seen it with the swords from Lord of the Rings.

They wanna be difficult, I say "screw you, my names on it."

If they want to try and stop artist alley from being run the way the artists run it, I say we fight back right. make this year fan art year, and don't bring anything that isn't from a game or anime.

what will they do, shut down artist alley?

I know I spent a third of my time down there last year, and it's the only place I bought anything.... that will hurt them far too mush so....

WE UNITE!

I DEMAND AN ARTIST ALLEY UNION!

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 [davenfonet](#)

2006-01-27 06:11 pm UTC ([link](#))

i'm gonna be making another post (after this one dies down) about demanding the precidence for this move.

Its a load of shit. Stuff thats "inspired" by a anime (i.e.) chibis and stuff fall under fair use. i'll be posting more.

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 [endless_waste](#)

2006-01-27 06:16 pm UTC ([link](#))

my only thought is... I don't see nintendo there selling replicas of the Master Sword for the cosplayers.

And I've seen fan art I like more than the OG stuff. It's art, they can't say "that's my tree I forbid you to draw it!"
but I can understand them putting a stop to making copies of actual art.

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 [jakethejuggalo](#)

2006-01-27 06:40 pm UTC ([link](#))

ianal, but..

there is no such thing as absolute fair use, it's decided on a case-by-case basis by the courts, and moreover, the burden to prove that the work is fair use is on the defendant, not the holder of the original copyright.

i will also add that its generally considered very much against fair use if the derivative work is being used in a commercial way (e.g. selling it at the artists alley)

i think otakon did the right thing in making this decision. since they're probably going to allow displays of fan art as long as it's not being sold, its a much better decision for otakon to piss off a number of people at the artist's alley than to take the risk of getting sued by some company. they're going to be in bad shape if they have to mount some sort of legal defense.

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 [lunarscape](#)

2006-01-27 06:44 pm UTC ([link](#))

I concur with the fact that Otakon took the right steps to protect itself legally. My problem is that members of the Otakon staff are proclaiming that this is not a big deal and will not affect the turnout of artists or buyers in the Artists Alley. It will affect it. A lot. I just hope artists who think they'll still make as much money as they have in the past think first before sending in their table registrations this year.

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 [neogeen](#)

2006-01-27 06:30 pm UTC ([link](#))

AW SHIZNIT.

As much as I love original art, I spend a huge chunk of cash on fanart. I love, *love* seeing other peoples interpretations of characters/games/shows.

While I understand while Otakon has decided to do this [They don't want the Big Name Companies to come and beat thier ass], I can't help but think how much this is just going to **suck**.

Last year was my first Otakon and I spent a good chunk of time wandering the AA randomly. Always something new to find and always friendly people to meet and artists to chat with.

I wonder how many people are SOL on even going to Otakon becasue of this. There has to be people out there that use the money they make in the AA to support their convention trip. That' sshortchanging a huge group right there.

It was expected to happen soon enough. Sooner or later the other larger conventions will probably take up the same policy.

Suck.

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 [otakugeekboy](#)

2006-01-27 06:41 pm UTC ([link](#))

For whatever it's worth, I doubt that with the lack of fan art the Alley's going to change from a place with "always something new to find and always friendly people to meet and artists to chat with" to a retched hive of scum and villany.

Speaking as someone who will be in the Artist's Alley supporting an original work, I surely hope that you fine congoers don't ignore us just because we don't have your favorite Full Metal Alchemist character in a wacky situation.

This isn't the end of the world, nor is the sky falling. It's just a change, and at the end of the day, this would mean that people could be exposed to more interesting original works...

Besides, I do think that Otakon will be fine with the DISPLAY of these arts, and the Art Auction policy will be defined by a different group...and remember, e-mails can be exchanged, things can occur OUTSIDE of the con. No longer Otakon's responsiblity, nor worry. There are ways for this to occur.

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 [neogeen](#)



2006-01-27 06:49 pm UTC ([link](#))

Haha, oh god no. I still expect to find the same amount of amazing artists and people there to chitchat with. The whole no-fanart thing will just dampen a lot of spirits.

I do think this is a great opportunity for the fine artists of the AA to change its outlook from fanart mostly to something where original art is fully supported. Don't be disheartened about the lack of fanart, but instead push everyone's original works and talents. It could grow to be really grand that way!

And you are pretty much thinking on the same lines as I am. You can still display fanart. You just can't sell it. So display your fanworks along with your website/email/contacts and have those business cards handy so people can purchase outside of the convention. It'll work out.

I still look forward to purchasing prints/posters/buttons/whathaveyous in the AA. Here's to hoping they still have the turnout of artists.

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[paintobscura](#)

2006-01-27 06:43 pm UTC ([link](#))

I think my only point may be that unless an Otakon staff member sees an actual transaction involving fan art, they aren't going to be able to enforce this very well. Artist's Alley is EXTREMELY crowded as it is, I don't see how they'd be able to have 50 Otakon staff members in there observing every transaction all the time. I also think this will greatly decrease interest in the Art Show-very few original pieces get sold. There's nothing to stop people from putting up signs that say: "Lineart \$5, Inked \$10 and Color \$15" and just say it's referring to their original art if asked. They can say that the fanart is simply there for display.

As far as I know, if the fanart is on display but is not technically being "sold", there's not a lot that Otakon can really do. I suspect they created this policy mostly to cover their asses, rather than having any real intention of enforcing it. Unless the "under review" policy of displayed fanart turns out to also be banned, then I doubt much will change.

And if I'm completely off base, please feel free to tell me.

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[lunarscape](#)

2006-01-27 07:05 pm UTC ([link](#))

I think Otakon's lawyer is going to tell them that they'll *have* to enforce it. Of course, that means allocating more people to patrol the art room and fewer staff for things like line security or helping keep the other events running smoothly.

Otakon does have ways of enforcing the rule if they choose to. They've put people undercover in the art room and Dealer's Room in the past to fish out vendors trying to sell forbidden items.

And as I've mentioned before, if Otakon truly wants to follow copyright law to its strictest letter, they'll have to also ban the display of fan art. And AMVs. And cosplay. And pretty much everything else that U.S. anime distributors tell them they can't have.

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[paintobscura](#)

2006-01-27 07:08 pm UTC ([link](#))

That's such a sad thought, really. I think that would take away a lot of what makes Otakon, well, Otakon. Hell, that's what makes a convention.

I suppose at this point all I can do is just hope for the best :)

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[naru_chan](#)

2006-01-27 06:47 pm UTC ([link](#))

Hoo boy...

I can see their reasons for doing this, but it's a huge bummer, at least for me. (hah. I said bummer >_>) I love looking at the fanart on sale and buying stuff from my friends - hell, I was looking forward to *finishing* a bunch of

fanart to sell there this year. But now I think I won't bother wasting money and time on an artist's table, since not many people care so much about original work. :\

[\(Reply to this\)](#)



 [sanada](#)

2006-01-27 07:16 pm UTC ([link](#))

I don't think this is a malicious crusade against fan art - American companies that hold licenses to anime and manga tend to be a lot less lenient in copyright infringement issues than Japanese companies, which traditionally allow a certain degree of copyright infringement for profit by artists (in doujinshi). Selling fanart includes a transfer of money in exchange for copyrighted goods (while AMVs do not, although they're probably not "legal" either unless you managed to work them into the fair use section of copyright law)- okay, it's on a very small scale, and I haven't heard of a single US anime distributor filing cease and desist orders against fan artists. But there's still a potential legal issue there, however remote. (Legally, you're probably not supposed to do anything with characters or designs or situations owned by another company, even if you're not making a profit...?) I don't think there is any problem at all with showing "not for sale" fanart, though... isn't that what the art show is? If the fanart isn't being sold, it's probably possible to wrangle fair use law enough to pass it off as a parody or whatever.

Hmm, but what will they do about the art auction? I mean, that's really the same thing...

I'm also concerned about the fate of doujinshi sales in the dealer's room. Those are technically copyright infringement for profit as well, although Japanese artists and companies ignore them or even encourage them. However, there have been cases in which Japanese companies (Nintendo, I think) have prosecuted doujinshi artists who they believed to be publishing indecent, defaming art (mostly explicit yaoi porn). These cases are extremely rare and could probably only go so far under Japan's byzantine regulations, but I can see how Otakon wouldn't want to be involved with any legal action against fan artists who got in trouble over explicit art. It wouldn't look very good for their company.

So, I don't like the rule, but I can see where they might be coming from...

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