



Welcome to the Legal Corner of Wizards of the Coast, Inc.'s homepage. Here's where you can look to find out that, yes, you ARE infringing by using all that **Magic: The Gathering®**, **Vampire: The Eternal Struggle™** or **Netrunner®** card art on your homepage!

But seriously, here's what you'll find here:

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Click away! Remember, now you can't say "But, gee whiz, I didn't know that was illegal!"

Questions? legal@wizards.com will be glad to help you. (Please be patient! We get **lots** of mail.)

Can You Spell **I N F R I N G E M E N T** ?

This section is intended to be a general overview of where Wizards of the Coast, Inc. stands on trademark and copyright infringement, as they relate to **Deckmaster®** Games' intellectual property. If you have questions about intellectual property and infringement/fair use issues, we strongly suggest that you seek competent legal counsel.

Phew! Okay, now that THAT is out of the way... what DOES constitute infringement, anyway???

Well, let's start by splitting the discussion into three areas: **copyrights**, **trademarks** and **trade dress**.

First, what is a copyright?

A **copyright** seeks to promote literary and artistic creativity by giving the author the exclusive right to reproduce, distribute or display his or her works, and to create derivative works, such as translations or expansion set. (Note on cards: "©1996 Wizards of the Coast, Inc. All Rights Reserved.") **Copyrights** protect particular expressions of ideas, not the ideas themselves.

What is a trademark?

A **trademark** is any word, symbol, sound, smell, design or other device, or any combination thereof, used by a company to identify a single source of goods and services and to distinguish them from others (e.g., **Magic: The Gathering®**, *Ice Age™*, *Ancient Hearts™*, **Netrunner®**).

What is trade dress?

Trade dress is a term used to refer to the overall "look" of a product (e.g. the style, layout, color, and design elements of both the front and back of a **Deckmaster** card).

Wizards of the Coast's **pending patents, trademarks, trade dress, trade secrets** and **copyrighted material** constitute its **intellectual property**. Wizards of the Coast, Inc.'s intellectual property is being registered worldwide.

Copyright infringement occurs when somebody exercises the rights reserved exclusively for the copyright owner (in this case, WOTC) without authorization. Example? Taking your *Shivan Dragon, Praxis Seizure: Seattle* or *Rockerboy Promotion* card to Kinko's and having a t-shirt made with the card on it!

Misconception #1: "But I'm just doing it for myself! I'm not going to sell it!"

Reality Check #1: It doesn't matter! It's still "without authorization", and that's infringement.

Another interesting fact: *Intent is not a factor.* Copyrights give the owner the right to control and protect use of the material. So "borrowing" a card image, even if you don't intend to "keep" it, is still infringement.

The basic test of **trademark** and **trade dress infringement** is to ask if there is a likelihood of confusion as to source, sponsorship or affiliation of the product or service in question. If you decide to publish your own strategy guide, and you use our logos, card back, mana symbols, card layout... it just MIGHT look like the book was produced by Wizards of the Coast, wouldn't it?

Misconception #2: "But there are so many **Deckmaster** cards out there... aren't all these images and marks in 'The Public Domain' now, so anyone can use them?"

Reality Check #2: Sorry, wrong again. The popularity and recognition of the **Magic, V:TES** and **Netrunner** name does not diminish the protection of the intellectual property associated with the game and Wizards of the Coast, Inc.

WHEN IN DOUBT, PLEASE ASK!

STRATEGY GUIDES

So, you want to write your own book about one of our games:

Here's what's possible (without further permission or a license - don't hold your breath):

1. Wizards of the Coast will not authorize, review or edit content.
2. Wizards of the Coast will provide no more than ten (10) color or black & white card images (with text) for reproduction to legitimate publishers who have entered into an agreement with WOTC. These cards must be selected from a card list provided by Wizards of the Coast. A fee will be charged to cover the cost of providing these images. No other card imagery may be used. Cards must be reduced to a maximum of 80% of original size.
3. Mana, tap, clan, and other symbols and expansion set symbols may not be reproduced out of context (e.g. they may not be used as design elements). Colors must be represented by letters, words or other identifiers that are not WOTC property. Card layout may not be used as page format.
4. Card text may not be excerpted or reproduced out of context, except in discussions about card abilities and game play within the text. Unless changed wording is the subject of discussion, most recent card text must be used.

Please include on cover or back cover:

THIS BOOK IS NOT PUBLISHED OR ENDORSED BY WIZARDS OF THE COAST, INC.

Please identify trademarks correctly:

Trademarks should have the circled R or the TM next to them and the reader should be reasonably able to tell that this is a Wizards of the Coast trademark. (See [Legal Text Guidelines](#) for more information on how to draft this text.)

MAGAZINES and NEWSLETTERS

If you have a club and would like to produce a newsletter, or you want to publish a magazine, the following explains what you can do without obtaining either further written permission or a license (Note: these Guidelines apply to printed material only, not electronic):

Use of card art, entire card:

- For articles promoting, commenting on, or proving card lists for our games, quantity of reproductions will be limited to 7 full-face cards per each 10 pages of publication, up to a maximum of 70 cards per issue. (This number does not include cards reproduced in advertisements.) All other use must be by permission.
- Card reproduction must be at 80% or 120%-200%, and must be proportionate (e.g., no condensing or stretching of card image).
- Artist must be credited; WOTC's ownership of copyright must be clearly identified:
Illustration Jane Doe. ©1995 Wizards of the Coast, Inc.

Use of card layout:

- Card layout may not be used as page background format or to present magazine's text or images.

Use of images out of context:

- Card art (back or front) may not be excerpted or otherwise manipulated or reproduced other than in card format. Under special circumstances, permission *may* be granted to otherwise use card imagery.

Use of mana and tap symbols/expansion set symbols:

- Mana, tap, clan and other symbols and expansion set symbols may not be reproduced out of context or used as design elements (e.g. as end of section markers).

Card text:

- Card text may not be excerpted or reproduced out of context, except in discussions of card power and/or game play. Unless specifically discussing change of wording, most recent text must be used.
 - Special permission must be requested to publish card lists that include verbatim card and/or flavor text.
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CARD TRACKING SYSTEMS/DATA BASES

The following guidelines apply to both electronic and non-electronic databases:

The following material may be included on any list or product, provided that the appropriate copyright notice is included and readily apparent to the casual viewer (a sample notice is included below):

Card Name
Card Color
Card Type
Card Rarity
Artist's Name

Casting Cost
Card Source (i.e., First Edition, expansion set)

Card text may not be excerpted or reproduced out of context, except in discussions of card power and/or game play. The most recent text must be used, unless specifically discussing change of wording,

Special permission must be requested to publish card lists that include verbatim card and/or flavor text.

Please display the following text prominently on any product (whether the product is distributed free or offered for sale):

This product is not published or endorsed by Wizards of the Coast, Inc.

The following material may not be used:

Any element of the card back
Card illustration
Tap symbol
Border patterns
Mana symbols
V:TES symbol
Clan symbols
Expansion set symbols

900 NUMBERS

So, you want to start a 900-number so folks can chat about WOTC's **Deckmaster** games, give advice on deck construction or card combinations, talk about their love of the game (or try to find a date whose idea of a good time is Fireballing your Clockwork Beast or "breaking your subroutines")??

Here are some restrictions:

- You may not use any of our trademarks as part of the name of the service.
- You may not use any Wizards of the Coast logo or card art (back or front) in your advertising.
- Please display a disclaimer as follows on all written, electronic or telephone advertising:

This service is not affiliated with or endorsed by Wizards of the Coast, Inc.

MERCHANDISE

This is one area in which we get many requests, and we have to be a bit hard-nosed. Just imagine how bad things could get if we let every Tom, Dick and Susie make **Magic: The Gathering**, **V:TES** and/or **Netrunner** t-shirts? Our intent is to protect our trademarked and copyrighted material, thereby maintaining a high quality of **Deckmaster**-related goods on the market.

Requests for permission to produce the following types of merchandise are not likely to be authorized by Wizards of the Coast, Inc.:

- Counters; tokens
- Card boxes
- Posters
- Game playing boards

- Videos (instructional; comic)
- T-Shirts, hats
- On-line or video games

If you're still determined to try, you'll need to get a license. To get a license, you need to submit your request to our licensing manager, David Lee - davidl@wizards.com

GENERAL LEGAL TEXT GUIDELINES:

TRADEMARKS

Trademarks of Wizards of the Coast, Inc. may not be incorporated as part of your name for your product, service, or company. Potentially confusing variations of any WOTC trademark may also not be used in your name. Your product, service, or company name must appear more prominently than any WOTC trademark. Any WOTC trademark should be visually distinguished from your product, service, or company name by putting your name in a different font, color, or on a different line. This is important to avoid any implication that your product, service, or company is produced, endorsed, supported, or affiliated with Wizards of the Coast, Inc.

If any WOTC trademark is used per above, you must use the complete and accurate trademark - don't abbreviate or modify it.

Following are trademarks of Wizards of the Coast, Inc., and must be identified as such. The trademark symbol should appear with the product title or name the first time it's used in text; thereafter, it is not necessary so long as the reader can fairly easily refer back to the first use.

Magic: The Gathering ®

Wizards of the Coast®
 Deckmaster®
 Garfield Games™
 Magic: The Gathering™
 Magic L'Assemblée™
 Magic El Encuentro™
 Magic Die Zusammenkunft™
 Magic L'a Dunanza™
 Magic™
 Antiquities ®
 Arabian Nights ®
 The Dark ®
 Legends ®
 Fallen Empires™
 Ice Age™
 Chronicles™
 Homelands™
 Alliances™
 Mirage™
 Visions™
 Mana symbols
 Tap symbol
 Expansion set symbols
 Pocket Player's Guide®
 The 5 sphere design®
 Dominia™
 Dominaria™
 Multiverse™
 Gameplex
 Duelist®

Sample Wording:

WIZARDS OF THE COAST® and **Magic: The Gathering**® are registered trademarks of Wizards of the Coast, Inc. *Ice Age*™ is a trademark of Wizards of the Coast, Inc.

Vampire: The Eternal Struggle™

Following are joint trademarks of Wizards of the Coast, Inc. and White Wolf, Inc.:

Jyhad™
Vampire: The Eternal Struggle™
Jyhad (three snake) symbol
The Sabbat™

Darkness Unveiled™ and *Ancient Hearts*™ are trademarks of Wizards of the Coast, Inc.

Sample wording:

Vampire: The Eternal Struggle™ and the **Jyhad**™ symbol are trademarks of Wizards of the Coast, Inc., and White Wolf, Inc. *Ancient Hearts*™ is a trademark of Wizards of the Coast, Inc.

Netrunner®

Proteus™ is a trademark of Wizards of the Coast, Inc.

Cyberpunk 2020, **Cyberpunk**, and *Netrunner* therein are trademarks of R. Talsorian Games, Inc. Copyrights in certain text, graphic designs, characters, and places derived from **Cyberpunk 2020**® are the property of R. Talsorian Games, Inc., and are produced under license to Wizards of the Coast, Inc.

BattleTech®

BattleTech, Mechwarrior, and Mech are trademarks of FASACorporation.

The BattleTech universe is owned by FASA Corporation and used by Wizards of the Coast, Inc. under license.

All copyrights in the BattleTech trading card game are owned by Wizards of the Coast, Inc.

Deckmaster, the Tap symbol, and the resource symbol are trademarks of Wizards of the Coast, Inc.

COPYRIGHTS

Card art must be credited as follows:

Illustration Jane Doe. ©1996 Wizards of the Coast, Inc. All Rights Reserved.

WWW Guidelines

You've probably noticed there are many home pages out there which use Wizards of the Coast's intellectual property quite liberally. And you may also have some idea that "infringement in cyberspace" is a relatively new area of the law. Recognizing both those facts, let's move on to where Wizards of the Coast stands in regard to use of our trademarked and copyrighted material on the Web. Keep in mind that seeing another page that violates these guidelines does not make it acceptable for you to do so.

We want you to enjoy **Deckmaster** games, and we encourage a certain degree of creativity in that enjoyment. However, our lawyers tell us that we do need to draw a line, and here are some examples of when we will take action:

- You produce a home page that looks and feels like it could be originating from Wizards of the Coast.

- You are making money from Wizards of the Coast's intellectual property without a license.
- You are infringing on our copyrights, trademarks or trade dress by downloading from our Web site or scanning in our cards and using card art imagery to enhance your own Web page.

So, what CAN you do with our intellectual property?

Good question. If you want to create a parody expansion, for example, here are some guidelines:

Make up *your own* mana symbols, expansion symbols, border patterns, and card back... that don't look like ours. (Be creative! Isn't that the idea?)

Use a disclaimer! *This parody expansion is not produced or endorsed by Wizards of the Coast, Inc.*

Identify Wizards of the Coast as owner of the intellectual property. For example: "**Magic: The Gathering** is a registered trademark of Wizards of the Coast, Inc."

Displaying and distributing your own **Deckmaster** cards or expansion set, electronically or otherwise, is not permitted under the copyright laws without first obtaining permission from Wizards of the Coast. It is a difficult problem for us, because we realize our fans enjoy these activities. However, we cannot permit uncontrolled distribution of such material because it could result in the loss of our copyrights and trademarks. Only WOTC authorized licensees may engage in these activities.

Please be advised: WE CANNOT GIVE YOU LEGAL ADVICE!

If you have questions, you should consult an attorney who specializes in intellectual property law. We are merely trying to give some general guidelines and to let people know where we stand in the ever-growing cyberspace realm.

Let's play nice, and we'll all be able to continue to enjoy **Deckmaster** games in cyberspace!

COUNTERFEITING

No, this section will NOT give you detailed instructions on how to produce counterfeit **Magic** cards...

By now, much to our dismay, a lot of you have encountered counterfeit cards... some of you have been burned (and some of you reading this have probably done the burning)

Yes, it is a problem. Unfortunately, there are people out there who see a good thing, and immediately come up with ways to exploit those who enjoy and promote that good thing. We don't have a "WOTC Posse", but we are doing what we can to investigate and pursue counterfeiters worldwide.

How can you tell if it's counterfeit?

- **Take the card out of the plastic!** Many fakes can be easily identified, once the card is out of the sleeve. You can check the thickness, the color, the general feel of the card. Obviously all counterfeits are not created equal, so take your time to check the card or cards out.
- **Magic** cards are printed on card stock, a special type of paper which allows the cards to be handled and shuffled without losing their "bounce," or bendability. If you take a **Magic** card and bend it slightly, it will not crease. It will bounce back. Most counterfeit cards will either crease when bent, or they just won't bend much at all. This "bend test" is probably one of the most reliable ways to determine the authenticity of a card.
- If you are unable to determine whether a card or cards are real, you may send them to us, and we'll let you know (and try to return your cards). If they do turn out to be

fakes, however, we might want to keep them for awhile while we pursue the counterfeiter.

Some other words of Advice...

- Be particularly careful buying/trading over the Net. We hear from many people who have been duped through on-line trades, even after lengthy dialogs with e-mail friends they thought they could trust. We've even heard of a service that was set up just to identify people who had engaged in fraudulent or misleading trades. (We love people like that!!!)

What to do if you encounter counterfeit cards:

We'd like you to let us know if you have information about counterfeit cards. However, as frustrating as we know it can be to get ripped off, it really doesn't help us much if you just call Wizards of the Coast, Inc. and complain for 15 minutes. The facts, please, get the facts (if possible)! The more information we get, the greater the possibility that we will be successful in pursuing the culprit. This means try to get the name, address, phone number, whatever you can about the source of the counterfeits.

You can also file a complaint with you local law enforcement agency. Trafficking in counterfeit goods is not only a lousy thing to do, it's a crime!

Please be advised that the National Stolen Property Act, U.S.C. sec. 2314 provides for penalties that include a fine of up to \$10,000 and/or imprisonment for up to ten years for trafficking in counterfeit property. In addition, criminal infringement of a copyright is punishable by fine and/or imprisonment.

Yes, we mean it!

Enter keywords you wish to find information about:

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