Etsy - Marine Corps Products Q & A

1. Question: Why did Etsy remove all my Marine Corps-branded Products?

Answer: The United States Marine Corps Trademark Licensing Office contacted Etsy and requested all unlicensed Marine Corps-branded products be removed from their site.

2. Why did the Marine Corps ask Etsy to remove my Marine Corps-branded products?

Answer: According to law (see below), permission is required from the Marine Corps in order to sell Marine Corps-branded products commercially. All companies and individuals wishing to sell Marine Corps-branded products must first enter into a license agreement with the Marine Corps Trademark Licensing Office. As the Trademark Licensing Office has yet to enter into a license agreement with Etsy and/or any of its shop keepers to sell on Etsy (you), all products that make a trademark use of USMC marks are unauthorized.

3. Question: What trademarks require permission to use from the Marine Corps?

Answer: The Eagle, Globe and Anchor (EGA), the terms Marine (if used in reference to the U.S. Marine Corps), Marine Corps, Marines, U.S. Marine Corps, U.S. Marines, the initials USMC, Marine Corps Digital Pattern (MARPAT) camouflage (with or without the embedded EGA), unit insignia, Marine Corps slogans such as Marines. The Few. The Proud., Earned. Never Given, enlisted rank insignia, and the official Seal are deemed insignia owned by the United States Marine Corps. This list is not exhaustive, and if you have any questions about any Marine Corps-branded marks, please request permission before proceeding.

4. Question: I can see why the above insignia need a license agreement, but I am **NOT** selling any products which incorporate the seal, emblem, name, or initials USMC. Why did Etsy take down my non-Marine Corps-branded products?

Answer: The Marine Corps requested Etsy take down all Marine Corps-branded products which used the seal, emblem, name, slogans, unit emblems, enlisted rank insignia, camouflage MARPAT fabric, or initials USMC. If your products do not contain any of these elements then please send us an electronic version so we may confirm. There should be no reason as far as we are concerned for Etsy to pull any products which do not incorporate the above mentioned materials.

5. I see that my products incorporating Marine Corps marks have been removed but why do I still see Marine Corps products for sale on Etsy?

Etsy requires an itemized product removal method. As such the USMC must provide Etsy with a specific product listing of items that need to be removed. This process takes time.

6. Now that I understand permission from the Marine Corps is needed to sell products bearing their owned trademarks, how can I get permission?

Answer: The Marine Corps is similar to any other major brand owner such as Nike or Disney. We have strict guidelines and standards in order to ensure USMC products are of the highest quality and come from approved sources. We are sure you understand the need to protect the integrity of historic Marine Corps insignia. Even though Etsy vendors mean well and love the Marine Corps unfortunately, much of the content on Etsy displays incorrect use of Marine Corps trademarks which in turn degrades the strength of our brand. (We’ve seen every liberty taken with the Eagle, Globe and Anchor, stretching, skewing, distorting, incorrect color, scandalous or overly “edgy” products, etc.)

In order to best serve our Hobbyists who sell through Etsy and other channels such as craft shows we have created a Hobbyist license agreement. Obtaining a Hobbyist agreement is simple and doesn’t even require an application. Please visit our website “Apply Now” section to download a Hobbyist license agreement to sign and send back to us.

7. I am not a Marine Corps licensee, but I do resell products that I have purchased from an official licensee. Is it OK for me to resell products I purchase from licensees?

Answer: Yes, it is OK for you to purchase and resell products offered by our licensees through Etsy so long as these items have not been augmented or transformed into new products. For example, if you purchase t-shirts from one of our licensees and cut them up to make a quilt you intend to sell, you have created a new product which would need to be licensed. However, if you are only reselling the t-shirts as-is, please feel free to do so. The same goes for the MARPAT camouflage fabric. If you purchase fabric from a licensed vendor and sell it as a bolt of fabric then no license is required. However, if you create a new product from that fabric such as a tote bag or decoration, then you have created a new product for which licensing is required.

8. How do I know if the Marine Corps items I purchase to resell on Etsy are authorized by the USMC?

Answer: Easy, all officially licensed USMC products incorporate an official Marine Corps branded hologram label. If a company claims to be licensed by the USMC but does not affix these hologram labels to their products then they are not selling authorized products. If you are still unsure if you are purchasing licensed products please feel free to contact the Trademark Licensing Office for a list of Licensees.

9. What about the resale or recycling of vintage items? What if I’m just selling old uniform buttons, collar insignia, or hat pins?

Answer: It depends, and the answer is similar to the answer to #7. If you’re merely re-selling vintage items, such as old uniforms, hat pins, dog tags, collar insignia, and similar items, no license is required. But if you are converting such items into belt buckles, cufflinks, money clips, jewelry, or other items, a license is probably required.

10. All I’m doing is cutting up an old Marine Corps set of cammies to create my products. Is this OK?

Answer: We’re sorry this is not authorized unless you enter into an agreement with the USMC. The camouflage pattern is a trademark of the USMC, with or without the embedded EGA. You are more than welcome to use old cammies to create items for your own personal use, but to sell them commercially requires licensing.

11. I did not know I needed permission to use Marine Corps insignia on products I was selling. What laws or terms and conditions have I violated?

Answer: When you first signed up for an Etsy account you signed a User Agreement or Terms of Service.

Here’s a sample of what **ALL** Etsy users have agreed to when creating an Etsy account;

*“You are solely responsible for your conduct and activities on and regarding to Etsy and any and all data, text, information, usernames, graphics, images, photographs, profiles, audio, video, items, and links (together, "Content") that you submit, post, and display on Etsy”*

*Restricted Activities: Your Content and your use of Etsy shall not:*

1. *Infringe upon any third-party's copyright, patent, trademark, trade secret or other proprietary or intellectual property rights or rights of publicity or privacy (see also, Etsy's* [*Copyright and Intellectual Property Policy*](http://www.etsy.com/policy/ip)*)*

In our view, your sale of Marine Corps-branded products was an infringement of the Marine Corps trademark rights, and possibly also a violation of 10 U.S.C. 7881, and therefore was a violation of law, which we view as a breach of the Etsy terms of agreement. Further, the USMC Trademark Licensing website is the number one search engine result for Marine Corps trademark use searches ensuring these licensing requirements are easy to find.

Please understand if you are selling Marine Corps products via any other distribution channel you will need permission from the Marine Corps in the form of a trademark license agreement.

12. Is it difficult to obtain a license agreement with the Marine Corps to sell products through Etsy?

Answer: Not at all. We’ve created a Hobbyist program just for you! Please visit our website “Apply Now” section to download a Hobbyist license agreement. There is actually no need to apply, just print out the agreement, sign, and send in your annual administrative fee ($25-$50). The Hobbyist program caters to hobbyists who hand make products and sell them directly to customers. No manufacturers are authorized in the Hobbyist agreement.

We also have a small business program available if your company grosses more than $5k per year and you use a manufacturer. Please visit our website “Apply Now” section for more information, [www.marines.mil/trademark](http://www.marines.mil/trademark)

13. Question: Aren’t Marine Corps insignia in the public domain?

Answer: No they are not. Please see 10 USC 7881, as well as 15 U.S.C. 1225 and 10 U.S.C. 2260. In addition to being protected by specific statute, Marine Corps insignia are considered to be trademarks and, as such, are not to be used by third parties without permission. While it is true that works (such as written works) created by Federal employees are generally not protected by copyright, and are in the public domain, this does not apply to trademarks. Also, under 10 U.S.C. 2260, the U.S. Marine Corpsmay license trademarks and may retain and expend fees received from such licensing, to be used to cover the costs of securing trademark registrations, the costs of operating our trademark licensing program, and to be used for Marine Corps morale, welfare, and recreation activities.

14. Question: What about fair use? I was told military insignia were fair use.

Answer: "Fair use" is a principle of copyright law that allows for the limited unauthorized use of another's original copyrighted work for the purposes of criticism, commentary, news reporting, teaching, scholarship, and research. Commercial sales are not included in fair use. In the trademark law context, “fair use” contemplates the use of another party’s trademark that is not considered to be a “trademark use,” where the use does not function as a brand or identifier of source. While some instances of use of military insignia (such as in the background, or some other incidental use) might qualify as “fair use,” each such use must be reviewed in order to determine if it is a fair use, or a trademark use (requiring a license).

In the context of “fair use,” many Marines have used USMC insignia and slogans (such as the EGA, “The Few, The Proud,” etc.) on personal items such as tattoos, handmade items which are not offered for sale, the names of their boats, etc. As we do not consider these to be “trademark uses,” we don’t consider them as requiring a license, nor could or would we prohibit such uses if we wanted to.

14. Is this about money?

Answer: Our priority is to protect the integrity of our name and historical USMC marks. However, money is also a factor. Did you know that proceeds from the revenues generated from licensed USMC products go back to Marine Corps morale welfare and recreation quality of life programs? Indeed, as is noted above, 10 U.S.C. 2260 allows for the use of licensing revenues to be used for Marine Corps morale, welfare, and recreation activities, which is a very honorable cause.

15. So what you’re telling me is that by selling USMC products without a license is actually taking away from Marine Corps quality of life programs?

Yes, that’s exactly right. When we have thousands of unlicensed vendors (like you) selling unauthorized products there is less money going into licensed product sales. Much of the money generated from the sales of USMC licensed products goes right back to the Marines, as referenced above.

Historic USMC insignia deserve protection. Many of the products previously being sold on Etsy were augmented or modified tremendously. In our view, many of the USMC-branded products were in bad taste and offensive to the integrity of the Marine Corps’ image, which damaged the true historic value of the Marine Corps brand. If the USMC does not protect the use of its trademarks in the marketplace, we will have no ability to prevent the misuse of USMC indicia on items such as sexually explicit products, bogus honorable discharge certificates, illegal weapons, and other items.

16. Do vintage USMC recruiting posters need to be licensed?

Answer: No they do not, provided they are faithful reproductions of the original artwork, and assuming they are not subject to copyright. Please be sure to maintain their historic integrity by not adding or deleting any of the original elements. (for example, if the poster was created by a private artist)

17. I’m a Marine Corps veteran and taxpayer. I bled for the Marine Corps Eagle, Globe and Anchor and if I want to make a buck off of it I should have that right!

Answer: First, thank you for your faithful service. There are hundreds of thousands of USMC veterans out there who are proud of their military service. Being a veteran does not give one the authority to launch a product line of Marine Corps-branded products. The USMC is the best custodian of its insignia and names which is why Marine Corps-branded products need to first be approved.

1. I’m just a small time shop I can’t possibly qualify to become a licensee on my own.

Answer: We know that and are sensitive to your situation. For this reason we have approached Etsy to discover if they will hold the license agreement on your behalf ensuring products adhere to USMC design guidelines. This solution would enable you to sell products via Etsy without having to obtain an agreement directly from the USMC.

19. Can I still make stuff for my Marine Corps friends using the term Marine Corps and Eagle Globe and Anchor?

Answer: You do not have the authority to create, promote and sell USMC-branded products without a license agreement. Department of Defense employees and their immediate families have an implied license to use the Eagle, Globe and Anchor on personal products such as printed materials, literature, briefings, coins and hand-made items. These items must be intended for personal use and not for sale, advertising or potential endorsements. Use of the Eagle, Globe and Anchor must adhere to guidelines set by the Trademark Licensing Office.