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Inkwell (claimant) v. Laetificat (accused by Claimant of violating RBDN license policy)

- ---Facts---

==Laetificat==

1.a. A submission made by Laetificat (Real name withheld do to privacy policy) on Wednesday April 27th 2011 10:28 EST for our RP site logo contest was made via email.

1.b. Infact, the above named submitted four (4) photographs, each nearly identical to the one complained, and at my descretion, I have included them into my findings and will act upon them as if they were one photograph.

1.c. Under the site rules, all content submitted to the rainbowdash.net domain are automatically covered by 3.0 Commons Attribution license, which in summery give permission for anyone to copy, modify and relicense under the same license, whist (if required) giving attribution to the original author who submitted under same.

1.c. For Reference, here is the link to the above mentioned <http://creativecommons.org/licenses/by/3.0/>

1.d. Laetificat gave permission under that license when he signed up to rainbowdash.net (henceforth RBDN). At the time of submission it was assumed that he owned the work.

==Inkwell==

2.a. A claim by Inkwill (real name undisclosed) was submitted by email Saturday April 30 2011 at 3:00 am EST and made the following claim that the logo submitted by Laetificat was stolen from him.

2.b. A request for evidence was requested by site administrator via email reply to the address the claim was originated on Sat, Apr 30, 2011 3:18.

2.c. Inkwell provided links to a deviantart account (see evidence) with a identical photograph Copyright of April 2, 2011 via email.

==Decision==

1. Inkwell has full rights to the photo under US copyright issued by Deviantart.

2. Inkwell's photo will be removed, as his license is incompatible with ours.

3. Laetificat violated site policies regarding the licensing policy, which can be viewed at the bottom of the main page.

4. Laetificat is ADMONISHED for Plagurism. Futher violations will result in much harsher punishment.

5. Moderators and Secondary Administrator, PurpleTinker, is given the following directives.

DIRECTIVE 1. Look through all posts by Laetificat (and any known puppet accounts) on both main and rp, and delete any posts with pictures resembling the works of Inkwell. Take your time.

DIRECTIVE 2. Although Laetificat violated site policy, Moderators are not to take any action, nor harass/bring up about it with him if he/she violates another policy unrelated to copyright.

DIRECTIVE 3. Questions may directed to Cabal via PM or Email. When in doubt, ask!

6. The Community is reminded to please be careful when editing other's work for something else. Plagurism will not be tolerated.

7. The Community is to leave Laetificat alone regarding this issue. But DO NOT Shun him.

==Notes==

1. Inkwell was asked in the initial response email if he would like to donate the picture under the 3.0 commons license. He did not respond to that request directly. But did mention we could use it if we attached his logo. That request can be honored, but since he did not explicitly donate his copyright, his image cannot be used as normal Copyright is incompatible with 3.0-BY-CC.

2. Although a much harsher punishment would be considered since plagurism is a serious issue. Inkwell's art is actually an expression of fair use. Hasbro owns My Little Pony, and Chrono-Trigger is owned by Square-Enix. Inkwell has no basis in a legal court to claim copyright, but does have protections under Fair-Use laws that are slowly disappearing, into meaningless phrases today do to the rise of the copy-paste culture the Internet has provided.

3. I have made it clear time and time again that I can always be reached at webmaster@rainbowdash.net regarding complaints and feedback. I was personally blamed by Inkwell and the peanut gallery over at EquestriaDaily.com for this incident, and it has minorly damaged both mine and rainbowdash.net reputations.

4. Ponies may be "srs bizness" And it is, since Hasbro is the one making all the money. But seriously, lets not get carried away...

FOR GREAT JUSTICE, *~Cabal~* (RBDN Admin)

PS, I hereby grant 3.0 Commons Attribution licence of this document, as long as you name rainbowdash.net as the original author. <http://creativecommons.org/licenses/by/3.0/>

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