Wizards of the Coast's Fan Content Policy

Last Updated: November 15, 2017

We (that's Wizards of the Coast) are continuously amazed at our Community's creativity and engagement. We love that you enjoy creating and sharing Fan Content (that's the stuff you make) and we want to encourage you to continue to create and share your stuff!

You probably have a lot of questions about what you can and can't do with Wizards' intellectual property (IP), so we summoned our law mages to put together this Fan Content Policy and FAQ. We hope that you understand that any restrictions in this Fan Content Policy are intended to protect Wizards and its games. We've got to protect our IP if we want to keep the lights on!

In short, your use of Wizards' IP in your Fan Content is governed by the same rules you learned on the playground: share freely, keep it clean, and don't hurt others.

That means we ask you follow these rules:

- 1. **One word:** F-R-E-E. You can use Wizards' IP (except for the restrictions listed in #3) to make Fan Content that you share with the community for free. Free means <u>FREE</u>:
 - You can't require payments, surveys, downloads, subscriptions, or email registration to access your Fan Content;
 - You can't sell or license your Fan Content to any third parties for any type of compensation; and
 - Your Fan Content must be free for others (including Wizards) to view, access, share, and use without paying you anything, obtaining your approval, or giving you credit.

You can, however, subsidize your Fan Content by taking advantage of sponsorships, ad revenue, and donations—so long as it doesn't interfere with the Community's access to your Fan Content.

 Tell the Community it's unofficial. Make it clear that your Fan Content is not endorsed or sponsored by Wizards—i.e., unofficial. Please include a note with your Fan Content explaining that:

"[Title of your Fan Content] is unofficial Fan Content permitted under the Fan Content Policy. Not approved/endorsed by Wizards. Portions of the materials used are property of Wizards of the Coast. ©Wizards of the Coast LLC."

- 3. **Don't hurt others**. Please respect other people's IP. If you don't have the rights to use another person's stuff in your Fan Content—don't. If we learn that your Fan Content also includes other people's IP (*e.g.*, crossovers/mashups) without their permission, we may ask you to take it down.
- 4. **Don't hurt Wizards**. We ask that you refrain from doing any of the following:
 - **Don't use Wizards' logos and trademarks.** We've included a list of our most frequently asked-about trademarks in the FAQ;

- Don't mess with the legal notices in our stuff. If the Wizards IP you are
 incorporating into your Fan Content already has copyright notices, logos,
 trademarks, or other notices existing within it, don't remove them;
- **Don't use Wizards' IP in other games**. This includes your own or other people's games or game components (*e.g.*, rule books, tokens, figures), regardless of whether it is distributed for free;
- **Don't use Wizards' Video or Music in your Fan Content.** We know our video trailers are awesome, but use of our videos and music are governed by contracts with third parties. Please don't use any of our video or music content, unless you're embedding a video from an authorized third-party's website (*e.g.*, Twitch or YouTube);
- 5. **No bad stuff.** We have the right to stop or restrict your use of Wizards' IP at any time—for any reason or no reason—including when we think your use is inappropriate, offensive, damaging, or disparaging (and we'll make that call in our sole discretion). If this happens, you must immediately take down your Fan Content or face the Demogorgon (yeah, the big bad is back from being on loan).
- 6. **Practice safe sponsorship**. We understand that great Fan Content can sometimes require special equipment (*e.g.*, videos, podcasts, prop fabrication). We are OK with you using third-party sponsors to subsidize costs if you follow a few rules:
 - Don't use a sponsor that would be harmful to Wizards. Please don't promote our competitors or endorse inappropriate or offensive sponsors;
 - Make it clear (verbally or visually) that they are acting as a sponsor only;
 - Keep any shout-outs, mentions, and credits to a reasonable length; and
 - Do not associate Wizards with your sponsor in any way.
- 7. **Follow the law of the land**. It's your Fan Content, so you are solely responsible for ensuring that your creations don't violate the laws of your region, country, plane, or dimension. In addition to this Policy, your use of any Wizards' IP must also comply with Wizards' Terms of Use and Code of Conduct (together, the "Wizards Terms"). If there's a conflict between anything in this Policy and the Wizards Terms, the Wizards Terms win. Those agreements include important legal terms (such as limitations of lability, indemnification, and dispute resolution), so please review them carefully.

One last thing—Please don't pull us into any legal battles! Our lawyers are busy enough. If Wizards of the Coast, our partners, affiliates, or employees get hit with any legal claims, fees, or expenses related to your Fan Content, you're responsible for paying all of our costs (including attorney's fees) and any resulting judgment or settlement.

FREQUENTLY ASKED QUESTIONS

What kind of stuff does "Fan Content" cover?

Pretty much anything you create based on or incorporating our IP. Fan Content includes fan art, videos, podcasts, blogs, websites, streaming content, tattoos, altars to your cleric's deity, etc.

The key is that it is your creation. It should go without saying, but Fan Content does <u>not</u> include the verbatim copying and reposting of Wizards' IP (*e.g.*, freely distributing D&D® rules content or books, creating counterfeit/proxy *Magic: The Gathering*® cards, etc.), regardless of whether that content is distributed for free.

So, what exactly is Wizards IP?

Wizards IP includes the cards, creatures, books, games, gameplay, pictures, stories, logos, animations, artwork, plots, locations, histories, characters, graphics, files, text, and other materials published by Wizards of the Coast.

Can I use all of Wizards' IP?

Unfortunately, no. You cannot incorporate Wizards patents, game mechanics (unless your Fan Content is created under the D&D Open Game License), logos, or trademarks into your Fan Content without our prior written permission.

Below is a list of Wizards' most frequently asked about trademarks and logos that you may <u>not</u> include in your Fan Content:





































Please note, if a trademark or logo does not appear on the list above, this doesn't mean Wizards waives any rights that Wizards has established in any of its products, features, service names or logos.

Q: Can I create a fan page about your games? And use Wizards' art?

A: Yes! We love it! Just follow the policies outlined above.

Q: If I'm using art on my fan page that includes one of the above trademarks and logos, should I remove it?

A: No. If the Wizards' IP you are incorporating into your Fan Content already has logos or trademarks existing within it, don't remove them (see above). You can use those in your Fan Content as long as they aren't changed in any way.

Q: Does "Fan Content" include web videos and live streams?

A: Yes! We love it! Just follow the policies outlined above.

Q: My Fan Content is free to access, but may I take donations or derive ad revenue?

A: Yep! We know you put lots of time and energy into your Fan Content and are OK with you recouping some of that investment in the form of donations on sites like Patreon or ad/click revenue on sites like Twitch and YouTube—so long as it follows this Policy and doesn't interfere with the Community's access to your Fan Content.

Q: You said I can't license my content to third parties for money. Aren't partner programs with YouTube or Twitch technically licenses that I earn money on? Is this allowed?

A: . . . who let the rules lawyers into the FAQ? Yes, you don't need prior written permission from us to participate in these type of partner programs. For any other licensing of Fan Content that earns you compensation, you'll need our advance written permission.

Q: Does this mean I can get a Beholder eyelid tattoo?

A: Uh . . . sure. Actually, we get this question a lot. You're free to tattoo as you please, but Wizards won't be responsible for future tattoo removal costs (or your life choices).

Q: How does this Policy affect other content policies, like the D&D Dungeon Master's Guild?

A: This Policy applies to Fan Content generally. If Wizards' or its partners have provided specific guidelines for your type of Fan Content (*e.g.*, DM's Guild; D&D Adventurer's League), please follow those policies.

Q: May I include my Fan Content in my artistic portfolio?

A: Yes, so long as you are not selling it and you make it clear that your work is not affiliated with or used by Wizards of the Coast.

Q: May I sell my Fan Content online or at conventions?

A: No. We are fine with you producing Fan Content for your own enjoyment, to give away as a gift, or to post pictures of online. But we don't allow anyone to sell Wizards-related content without our permission.

Q: May I put a logo on a t-shirt or a hat?

A: Nope. Sorry, you would need permission from us for that. You may not incorporate any Wizards of the Coast logos and trademarks in your Fan Content without our prior, written consent.

Q: Does this mean that Wizards of the Coast can use and display my Fan Content?

A: Yes! This Policy is dedicated to removing barriers to sharing. By making Fan Content, you agreed to let everyone (including Wizards) share and use your stuff without asking your permission. This includes Wizards. We don't want to get sued for spotlighting your awesome Fan Content on our media channels or making something that may resemble someone's Fan Content

Q: Can I tag or share with Wizards of the Coast my Fan Content?

A: Yes! We hope you'll show us the cool stuff you make. But please, don't send us your ideas for our games or future products. Those will be deleted without review.

Q: What constitutes "inappropriate, offensive, damaging, or disparaging" Fan Content that you'll take down?

A: Anything that might reflect poorly on Wizards or hurt our fans. Wizards' Code of Conduct outlines some examples. In short, we ask that you keep your Fan Content focused on our games and away from overtly controversial topics. Keep it (relatively) clean; kids play this game! And absolutely no racist, sexist, homophobic, transphobic, ableist, ageist or any other offensive content.

Q: My friends and I run our D&D campaigns online in private groups that require a login/sign in to access the game. Is this allowed under the Policy?

A: Yes. You can require a login/sign up to play a private group game. That doesn't violate our condition that you let the Community freely access Fan Content.

Q: How can I contact Wizards of the Coast about my Fan Content?

A: If your Fan Content isn't covered by this Policy, you'll need our prior, written approval. If you have any questions or the Fan Content you want to make isn't covered by this Policy, contact us by logging into the Wizards Help System at https://support.wizards.com. We'll reply back as soon as we can.

Please understand that if you don't hear from us, it does not mean we approve of your requested use of Wizards IP; it probably just means your question is covered by the Fan Content Policy.