



US Department of the Interior

Indian Arts and Crafts Board

Beadwork logo by Paul McDaniels, Jr. (Kiowa)

Making and selling traditional arts and crafts is both a way to preserve the integrity of Alaska Native and American Indian culture and to ensure its survival for future generations.



Laverna Standing Capes, Kiowa-Wichita,
Oklahoma Indian Arts and Crafts Cooperative, © 2011

The Indian Arts and Crafts Board



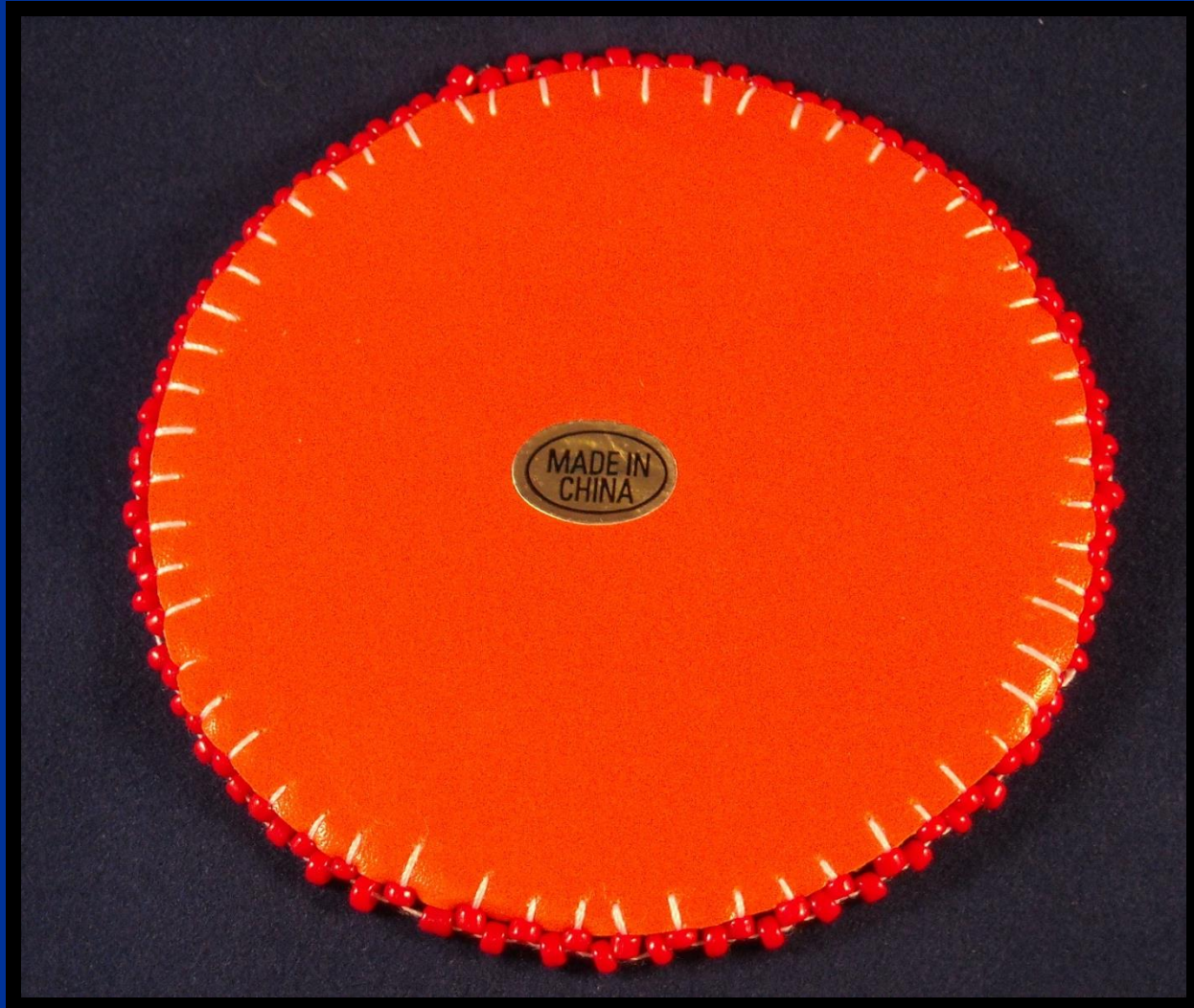
The Indian Arts and Crafts Board was created by Congress to promote the economic development of American Indians and Alaska Natives through the expansion of the Indian arts and crafts market.

A top priority of the IACB is the implementation and enforcement of the Indian Arts and Crafts Act of 1990, a truth-in-advertising law that provides criminal and civil penalties for marketing products as "Indian-made" when such products are not made by Indians, as defined by the Act.


Indian Craftwork is Beautiful...



But is Often Copied



The Indian Arts and Crafts Act

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- The Act prohibits the offer or display for sale, or sale of any art or craft product in a manner that falsely suggests it is American Indian or Alaska Native made
 - The Act has both criminal and civil provisions

Criminal Penalties



Individual

- fines up to \$1,000,000
- imprisonment up to 15 years

Corporate

- fines up to \$5,00,000

Civil Suits – Who Can Sue?



- Indian Tribe
- Indian Arts and Crafts Organization
- Individual Indian
- Attorney General of the United States
(on behalf of the above)

Civil Penalties

- Injunctive or other equitable relief
- Treble damages, or no less than \$1,000 for each day of offer or display for sale
- Punitive damages
- Costs of suit

Types of art and craft products misrepresented may be both traditional and non-traditional styles of:



Northwest Coast totem pole.
Manufactured in Indonesia.

- Jewelry
- Beadwork
- Weavings
- Clothing
- Carvings
- Basketry
- Fine art



Counterfeit Zia basket.
Produced in Pakistan.

United States v. Morris (2007)

In 2007, in the District of New Mexico, Rose Morris plead guilty to fraudulently selling imported Navajo style rugs as Navajo made to more than 25 individuals. She was fined \$200 and ordered to pay restitution to her victims.



United States v. Schlieff (2012)

On August 1, 2012, Edward R. Schlieff was sentenced to three years of probation and fined \$7,500 in the District of Alaska for falsely advertising seal skin bow hunting tabs as Alaska Native made. Schlieff had sold more than 1,000 of the tabs, made by non-Natives using illegally obtained sealskin.



United States v. Alvarez (2013)

On June 19, 2013, noted jeweler Andrew “Redhorse” Alvarez pled guilty to a misdemeanor count under the Act for falsely selling his work as “Colville/Apache.” He was sentenced to 30 months of probation and ordered to cease marketing his work as Indian produced.



Pendleton Woolen Mills (2013)



- Pendleton Woolen Mills offered an imported “Sioux Star Quilt” and “Lakota Dinnerware,” as well as a “Sioux Star Blanket,” and several other items making unqualified use of tribal names through its catalog and in a “Native American” section of its web site.
- The IACB and the U.S. Department of Justice contacted Pendleton Woolen Mills about the unqualified use of these terms in the marketing of their products.

Pendleton Woolen Mills (2013)



- In December 2013 the IACB, the DOJ, and Pendleton Woolen Mills reached a settlement agreement under which Pendleton Woolen Mills:
 - Donated \$41,250 to the Heritage Center at the Red Cloud Indian School in Pine Ridge, South Dakota, for the promotion of authentic Sioux arts and crafts products
 - Revised its web site and catalogues to clarify its advertising language
 - Added information about the Indian Arts and Crafts Act to its catalogues and web site

United States v. Whetstone (2015)

- On September 9, 2015, painter, sculptor, and performer Terry Whetstone pled guilty to one count of misrepresentation under the Act in the Western District of Missouri.
- Whetstone had used either a fraudulent Cherokee Nation of Oklahoma identification card, or membership in an unrecognized tribe, to bolster his misrepresentations.



Operation Al-Zuni (2015)

- U.S. Fish and Wildlife Service
- FBI
- DEA
- U.S. Marshals Service
- Homeland Security Investigations
- Philippines National Bureau of Investigations

Operation Al-Zuni (2015)



- Interconnected businesses in several States and the Philippines
- 15 search warrants in New Mexico and 1 in California
- Three indictments in District of New Mexico
- 350,000 pieces seized, potential value in marketplace exceeding \$35 million

Economic Impact



- 1985 Department of Commerce study on imported Native American-style jewelry and handicrafts
- Estimated size of industry in 1985, \$400-800 million
- Estimated impact of unmarked imports as 10-20% of total value of industry

Economic Impact

- 2011GAO Study “Indian Arts and Crafts: Size and Extent of Misrepresentation Are Unknown”

Countries of Concern



- China
- Philippines
- Thailand
- Indonesia
- Pakistan
- Mexico



Possible Additional Protection

- Federal Trade Commission
 - Copyright
 - Trademark
 - State Laws
- Customs Regulations



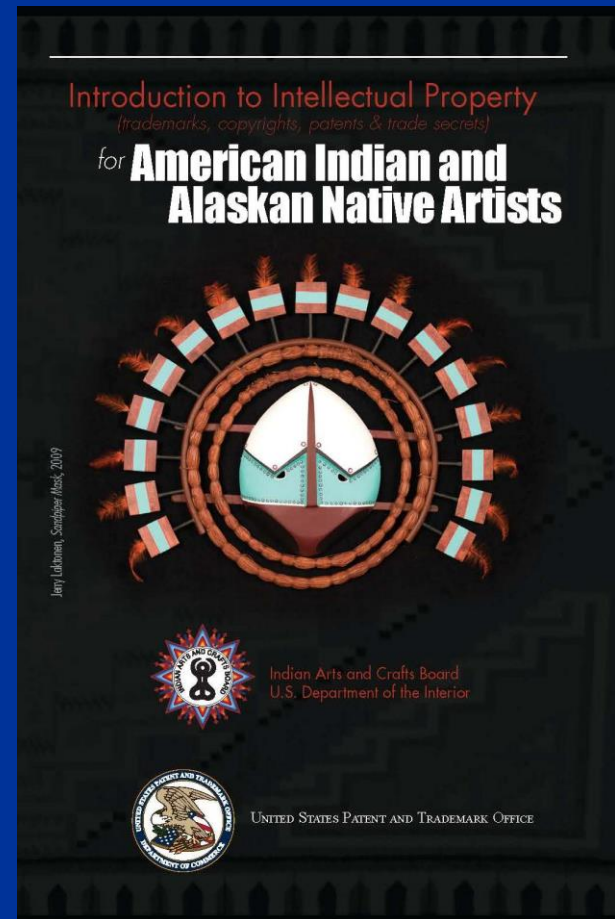
Wilson Oozeva, St. Lawrence Island, Yupik, *Walrus*, © 1982

Copyright and Trademark

The IACB and the U.S. Patent and Trademark Office have produced a joint brochure on Intellectual Property for Native Americans, including copyright and trademark protections.

Free download available here:

www.doi.gov/iacb/iacb-publications





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