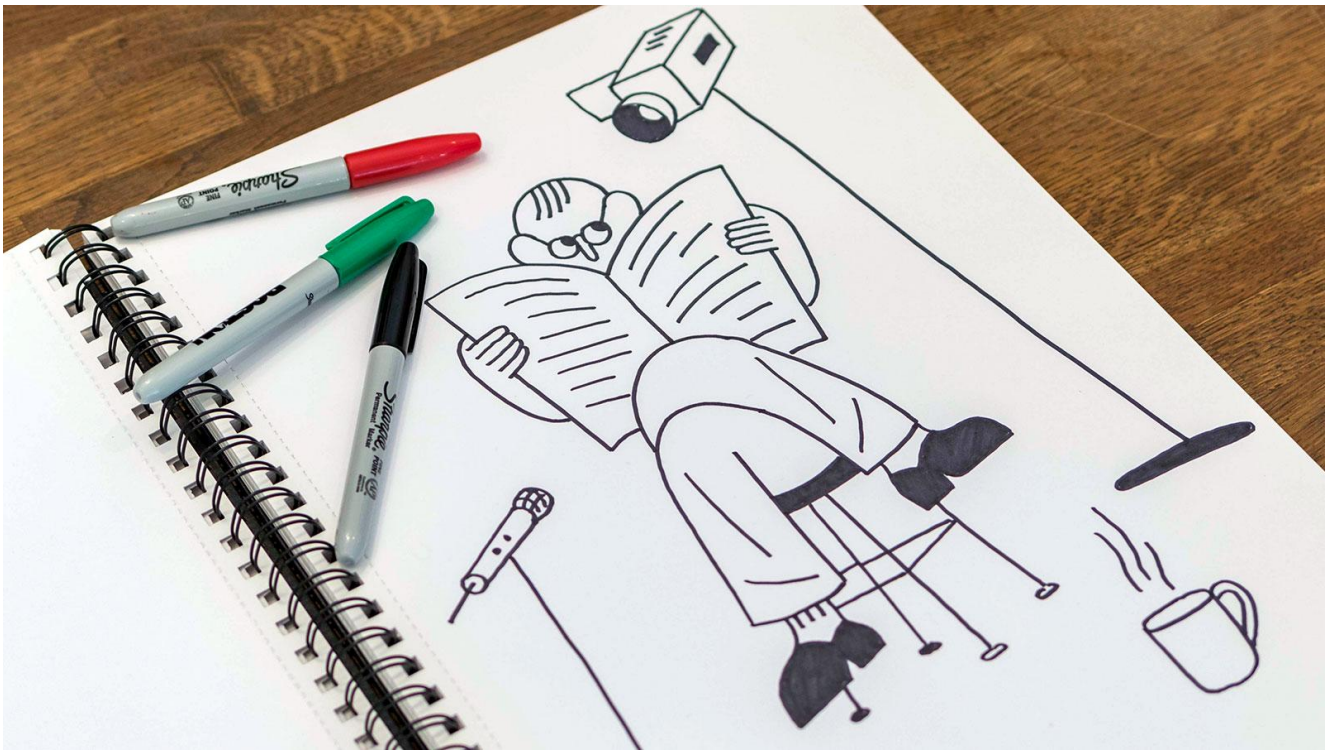
Is Inktober in peril?



Legal pressures have angered fans of the art community's most beloved movement – and the creator has responded.

If anything has defined the decade for the art community, it's been Inktober, the month-long challenge where artists post one ink-drawn work for each day of October according to a series of prompts.

Begun in 2009 by Jake Parker and carried on with his suggested prompts every year since, the creative event has got bigger every year with no sign of waning, the rise of Instagram et al being the perfect place for artists to show off their creations and give each other praise and support. The perfect community enterprise, then, but one that may be under threat due to the intervention of over-keen legal eagles.

With Inktober getting so big, it was no surprise to see artists releasing books and works online showcasing their month-long efforts. Parker himself has himself followed suit, trademarking the term and planning to release Inktober art books (to seeming less than public knowledge.) However,

asking his lawyers to protect this trademark has led to ‘cease and desist’ messages like the one below received by Kristen Kiomall-Evans through Amazon.

> *New receipt tweet*
>
> *— Queen?Krampus (@BatichiKristen) December 20, 2019*

Update: As of tonight Jake has responded with a, from which these three points seek to clarify the confusion:

“Please don’t use my Inktober logo—this is reserved for sponsors.

(It’s) totally cool to use the word Inktober together with the year of participation (i.e. Inktober 2019).

Use Inktober + Year as a subtitle, not as a leading title on the cover of your sketchbook. For example, it’s OK to use the subtitle ‘based on Inktober 2019 prompts’ or similar reference. The public needs a way to distinguish my stuff from your stuff. It is no more complicated than that.”

His statement confirmed a desire to take down pirates selling unofficial merch e.g. shirts, mousepads, mugs, books, etc.

“My lawyers and I are in the early stages of this enforcement. It is possible that we may have cast our initial nets too broadly in some cases, and inadvertently blocked legitimate artists.

If you believe that your use of Inktober is legit and consistent with my above requests, again,. I will certainly work with you.”

The post is a helpful one, although some artists may not have been aware the Inktober logo had been trademarked too, or since when. Legally this shouldn’t affect anything created before the trademark was established, but with news of the

trademark not being shared with the community until now, it's unclear how many artists will be affected.

Prior to the update, the debate had led to a Twitter response calling on artists to no longer participate in Inktober. The main point of contention is that Inktober became popular off the back of the many artists who participated, shared the hashtag and are now being penalised for selling the works that it inspired. After all, it's always been a public, nay *global* endeavour as opposed to a one-man project.

Such endeavour can on one hand remain the same outburst of creative expression as it always had; on the other, some artists are wary that the next time they sketch for fun with no intention to sell anything, they'll be in effect providing free advertising for this new status of Inktober as brand.

> *This is bullshit. It was a public tag started to promote artist growth. It got popular after THOUSANDS of artists participated, and to NOW decide "Only I can make money off of it, all of you, who made it popular, can't even sell your own work utilizing the word" is predatory.*
>
> *— Kikidoodle & Purrmaids (@KikiDoodleTweet) December 19, 2019*

The discourse has been interesting as an exploration of what a trademark is for. Trademarking your brand isn't needed to make you money as it's not the same thing as designating copyright, which proves you to be the owner of a work. It instead prevents others making money from your brand without sharing a profit.

Inktober isn't cancelled yet, but any more legal pressures may put off artists participating next October 2020. Let's hope it doesn't come to that.

Read next: What is Inktober?

https://www.digitalartsonline.co.uk/news/illustration/is-inkto

ber-imperilled/