

LAWS PROTECTING INDIAN ARTS & CRAFTS:

THE INDIAN ARTS AND CRAFT ACT OF 1990

(Public Law 101-644) which is now 2000 Indian Arts and Crafts Enforcement Act (Public Law 106-497) prohibits the misrepresentation of Indian arts and craft products within the United States. This act is a truth-in-advertising law making it illegal to offer or display for sale any good in a manner that falsely suggests it is Indian-produced, or the product of a particular Indian tribe or Indian arts and crafts organization within the United States. The law provides criminal and civil penalties for misrepresenting Indian arts and crafts.

There are a number of ways that you can support the efforts of CIAC in protecting Indigenous arts and culture. To file a complaint for misrepresentations contact the following that apply:

Indian Arts and Crafts Board, U. S. Dept of the Interior

1849 C Street, NW MS 2528-MIB • Washington, DC 20240
888-ART-FAKE or 888-278-3253

www.iacb.doi.gov • email: iacb@ios.doi.gov

NEW MEXICO INDIAN ARTS AND CRAFTS SALES ACT

("IACSA") NMSA 1978, §30-33-1 to 30-33-11, Makes it illegal to represent an item as having been made by a Native American or American Indian unless that is true. The IACSA creates three important definitions that consumers should know. "Indian Handmade" and "Authentic Indian Arts and Crafts" mean any product that is entirely made by Indian hand labor using manually controlled methods, and not by machine. "Indian Crafted" is any item that is made only in part by an Indian, or that is partly or completely made by an Indian using machines.

New Mexico Office of the Attorney General

Consumer Protection Division

408 Galisteo Street • Santa Fe, New Mexico 87504-1508

Toll free: 800-678-1508 or Fax 505-827-6685 • www.nmag.gov

ARIZONA STATUTES 44-1231-44-1231.05

It is unlawful to sell or offer to sell any products represented to be authentic Indian arts and crafts unless the products are authentic. Authentic Indian Arts and Crafts products are Indian Handcrafted and are not made by a machine or from unnatural materials, except stabilized or treated turquoise.

Arizona Office of the Attorney General

1275 West Washington Street • Phoenix, AZ 85007

Phoenix: 602-542-5763 • Tucson: 520-628-6504

Toll free: 800-352-8431 • www.azag.gov



COUNCIL FOR INDIGENOUS ARTS AND CULTURE

In accordance with the by-laws, the majority of the Board is represented by Native Americans.

CIAC BOARD OF DIRECTORS

President: Tony Eriacho Jr.

Vice-President: Andy Abeita

Secretary: Belma Navakuku

Treasurer: Pam Phillips

CIAC Japan Foreign Market Advisor: Ito Atsunori

Midwestern Office

Pam Phillips
103 E. 173rd Ave.
Lowell, IN 46356
219.689.4026
pamskystone@earthlink.net

Western Office

Tony Eriacho
Drawer B
Zuni, New Mexico 87327
505.350.7867
zunitraveler@msn.com

For a list of **Safe Places to Buy** and more information, please go to our website: www.ciacnative.org

www.newmexico.org www.arizonaguide.com

A publication of the Council for Indigenous Arts and Culture in partnership with the New Mexico Tourism Department, Indian Tourism Program and the Arizona Office of Tourism



WHICH ONE IS AUTHENTIC, INDIAN MADE ART?





BEFORE YOU BUY!

Educate yourself by following these guidelines:

- Handmade? Hand-fabricated from raw materials by the artist.
- Handcrafted? Assembly of premade components requiring less skill than handmade.
- Make sure that you obtain an original receipt for your purchase. Make sure that it includes the following pieces of information:
 - Name, full address and phone number of the business/artist;
 - The artists' name and tribal affiliation;
- Specific description of the item purchased, including the materials used, the style, type of stones used (natural, stabilized or imitation);
- Value of the purchase; and
- If the art or craft was discounted, ask that the original price be written on the receipt.

WHAT YOU SHOULD LOOK FOR

Materials

Metals

- Silver should be marked sterling or .925 (though this symbol is rarely used in the U.S.)
- Gold should be marked 14k, 18k, gold-filled or otherwise indelibly stamped with the metal content.

Stone or Other Raw Materials

- Written disclosure as to the raw components of your purchase should be included on your receipt or certificate.

Stone Material Content, or Plastic?

- Is it natural, treated or stabilized?

Crafts

- Furs, feathers, plastic or glass beads, cast components, etc. may be used to express an artist's innovative or artistic works. Are any feathers or animal parts from an endangered species?

Following these buying guidelines helps to protect the consumer as well as the artist's intellectual property rights.

THREE WAYS TO PROTECT INTELLECTUAL PROPERTY

Copyright

This protection gives the owner of the copyright the exclusive right, and authorizes others, to do the following:

- To reproduce the work in copies;
- To prepare similar works based upon the original work;
- To distribute copies of the work to the public by sale or other transfer or ownership, or by rental, lease, or lending;
- To display the copyrighted work publicly.

Patents

Patents protect inventions, devices and process. For instance, you may have a new way of making jewelry or a chemical finish, or you have developed a new jewelry finding. Patents are very expensive and may vary between \$5,000 - \$10,000 and last for 20 years. If you sell your products, you have only one year in which to file a patent application with the U.S. Patent Office. The term of the patent is 20 years from the date in which the application was filed.

Trademark

A Trademark is a work, name or symbol or device, which is used in trade with goods to indicate the source of the goods and to distinguish them from the goods of others. There are three types of trademarks recognized under international Trademark law:

- Standard trademarks
- Collective trademarks
- Certification marks

For more information, contact a member of the CIAC at the address and phone number in this brochure.



WHO WE ARE

The **Council for Indigenous Arts and Culture** is a non-profit 501 (c) (3) organization whose purpose is to foster, develop and contribute to the support and understanding of authentic Indian arts, crafts, customs, traditions and cultures.

CIAC provides the following services to Indian communities/governments, Indian artisans, law enforcement agencies and others:

- Workshops provide consumer education on buying authentic Indian arts and crafts;
- Work with law enforcement to provide services and conduct training in identifying authentic Indian arts and crafts;
- Technical assistance to artisans on business-related issues, such as business plan and marketing plan development;
- Technical assistance to Indian artisans and governments on trademarks, patents, copyrights, and insignias;
- Advocacy for Indigenous people regarding cultural and arts issues;
- Native People helping Native People.

CAN YOU TELL THE DIFFERENCE?

The Indian handmade piece, made by a Zuni Pueblo jeweler, is on the top. The piece on the bottom is a copy of a sunface buckle. Many non-Native people are copying Native artist's designs. These actions contribute to the loss of culture and personal income of many Native Americans. Your awareness of these serious issues and your efforts to buy authentic native-made arts and crafts will help Native artists and businesses to prosper.