Stanton, Meridith <meridith_stanton@ios.doi.gov>

Fwd: Emailing: Tribal Names - Not A Free-For-All - Law360

1 message

Group, IACB <iacb@ios.doi.gov> Thu, Jul 11, 2013 at 8:31 AM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Kenneth VanWey <kenneth_van_wey@ios.doi.gov>, Ashley Fry <ashley_fry@ios.doi.gov>

——— Forwarded message ———
From: **Phil Brader** <pbrader@austin.rr.com>
Date: Thu, Jul 11, 2013 at 7:56 AM
Subject: RE: Emailing: Tribal Names - Not A Free-For-All - Law360
To: "Group, IACB" <iacb@ios.doi.gov>

Meridith:

Thanks for the input.

I have not read the regs yet, but plan to ultimately.

It's disappointing. It looks to me like a law was written that implies one thing, and regulations were written to really narrow the scope in the law.
That may be what the original plan was, but makes me wonder if it is all worth it.

What are you protecting today ?

Apparently my very competent IP attorney misinterpreted it many years ago. And, it appears that the Navajo Nation & Brian Lewis are reading too much into it in the Urban Outfitters lawsuit.

But, most confusing is: Is the PTO misinterpreting it ? I was required to show that I had a legal relationship with the Navajo Nation on every one of the 21 NAVAJO® Trademarks I filed with the PTO. Is that because of the Lanham Act, or the IACA ?

I should note that my, principally E-Bay, research indicates that there are some people who appear to be taking "industrial products" and transforming them into Indian looking products using a lot of Native American looking trim. I will study the regs to see what they say about this.

In any event, thanks for the input. No further response is necessary at this time.

Best, phil brader

From: michele_hill@ios.doi.gov [mailto:michele_hill@ios.doi.gov] **On Behalf Of** Group, IACB
Sent: Thursday, July 11, 2013 6:03 AM
To: Phil Brader
Subject: Re: Emailing: Tribal Names — Not A Free-For-All - Law360

Phil,

I defer to the Navajo Nation with regards to discussions about their lawsuit, and believe that IACB Program Specialist Ashley Fry accurately covered the Indian Arts and Crafts Act in great detail with you during your July 5 telephone conversation.

That said, in answer to your question, the Navajo Nation lawsuit does include what I perceive to be Indian Arts and Crafts Act violations.

As previously mentioned, the IACB can not provide legal advice and recommends that you consult a private attorney to address your questions regarding the defense of your trademark and products and associated truth in marketing questions.

Best Regards,

Meridith

On Fri, Jul 5, 2013 at 9:18 AM, Phil Brader <pbrader@austin.rr.com> wrote:

...

[Message clipped]

Group, IACB <iacb@ios.doi.gov>

Re: Emailing: Tribal Names — Not A Free-For-All - Law360

1 message

Fry, Ashley <ashley_fry@ios.doi.gov> Fri, Jul 5, 2013 at 10:10 AM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Kenneth VanWey <Kenneth_Van_Wey@ios.doi.gov>
Cc: "Group, IACB" <iacb@ios.doi.gov>

I must be "Allison."

The article that he includes is mostly about trademarks. The section on the Act is, literally, quoting the Act. In answer to his question, "In the suit brought by the NN against Urban Outfitters, how can the NN sue over the IACA if it is so narrowly defined (regs)," just because someone brings a suit doesn't mean they will be successful. As of May 24, the Albuquerque Journal reported, "The Navajo Nation's case against Urban Outfitters is on hold while the parties work toward a settlement."

In their initial complaint the NN claims that earrings, a bracelet, gloves, and a jacket were being sold by UO in violation of the Act. Additionally, the regs state, "Apparel made or substantially decorated by an Indian, including, but not limited to, parkas, JACKETS, coats, moccasins, boots, slippers, mukluks, mittens, GLOVES, gauntlets, dresses, and shirts, are Indian products." [redacted]

[redacted]

[redacted]

On Fri, Jul 5, 2013 at 9:36 AM, Group, IACB <iacb@ios.doi.gov> wrote:

---------- Forwarded message ----------
From: **Phil Brader** <pbrader@austin.rr.com>
Date: Fri, Jul 5, 2013 at 9:18 AM
Subject: Emailing: Tribal Names — Not A Free-For-All - Law360
To: "Meridith Stanton @ IACB" <iacb@ios.doi.gov>
Cc: Fermín Návar <fermin@maisondenavar.com>, "Meridith Stanton @ IACB" <iacb@ios.doi.gov>

Meridith:

I appreciate Allison's and (associate) time recently. The input was pretty discouraging.

I am struggling to understand the Act. A very cursory read of the regs suggests that the Act is broader than the regs. I will study for awhile, and develop some questions. Too bad.

One of the first questions I have is: "In the suit brought by the NN against Urban Outfitters, how can the NN sue over the IACA if it is so narrowly defined (regs)" ?

Plus, the article below (1 year old) seems to imply a stronger statute than it actually is.

Hope you will have a few minutes this Summer to answer some of my questions.

I am spending a huge amount of time having e-bay remove infringing items It has been very successful, but is unsustainable, because there are some many people who think they have unlimited rights to use the NAVAJO® name in keywords on the site. And, most of these people are of modest means, and have nothing to lose by infringing and violating e-bay policies.

It is basically out of control. Companies like e-bay, I think, are creating new challenges for IP law and enforcement.

Have not started on Yahoo, Zazzle, et al.

The wholesalers and retailers I have contacted have caved rather quickly, which was my experience at Esprit, and other companies.

Kind regards,

phil brader
navajo brands holding, inc.

LAW360
A LexisNexis® Company

Overall

All cases

Advanced search

Key cases

Class actions

Public companies

Industries

Banking & finance

Consumer goods

Health

Hospitality

Life sciences

Media & entertainment

Oil & gas

Retail

Technology

Intellectual Property

Copyright

Patent

Trademark

Labor & Employment

Employment class actions

Discrimination

ERISA

Labor/management

Corporate

Antitrust

Bankruptcy appeals

Commercial contracts

Environmental

Insurance

Product liability

Real estate

Securities

Tax

Practice Areas

Appellate

Bankruptcy

Class Action

Commercial Contracts

Competition

Corporate

Employment

Environmental

Government Contracts

Insurance

Intellectual Property

International Trade

Mergers & Acquisitions

Privacy

Product Liability

Project Finance

Public Policy

Securities

White Collar

Industries

Banking

Energy

Health

Life Sciences

Media & Entertainment

Private Equity

Real Estate

Technology

Regions

California

Florida

New Jersey

New York

Pennsylvania

Texas

Legal Industry

Law Firms

Companies

Industries

Government Agencies

FCPA Powerhouses

Global 20

Innovative Managing Partners

MVPs of the Year

Practice Groups of the Year

Pro Bono Firms of the Year

Rising Stars

Top Female Trial Attorneys

Printable Version Share Article © Rights/Reprints Editorial Contacts

Tribal Names — Not A Free-For-All

Share us on: Twitter Facebook LinkedIn 0 Comments

Law360, New York (April 10, 2012, 1:23 PM ET) -- The Navajo Nation American Indian tribe's recent lawsuit reminds companies that unauthorized use of American Indian tribal names might be considered infringement and might also violate the federal Indian Arts and Crafts Act.

The Navajo Nation recently filed a lawsuit in federal court in New Mexico against popular clothing retailer Urban Outfitters Inc. and its affiliates Anthropologie and Free People.[1] The lawsuit, based on the defendants' unauthorized use of the terms "Navajo" and "Navaho," alleges trademark infringement, trademark dilution, and violation of the federal Indian Arts and Crafts Act (25 U.S.C. Section 305 et seq.). By obtaining multiple federal trademark registrations for the word "Navajo" and policing its marks as part of a planned enforcement strategy, the Navajo Nation positioned itself well to assert its intellectual property rights in federal court.

Navajo Nation's Trademark Claims Against Urban Outfitters

In its complaint, the Navajo Nation alleges that Urban Outfitters and its affiliates used, without the permission of the Navajo Nation, the terms "Navajo" and "Navaho" in connection with the sale of clothing, jewelry, footwear, handbags and other items. Some such items allegedly "evoke the Navajo Indian Tribe's tribal patterns, including geometric prints and designs fashioned to mimic and resemble Navajo Indian and Tribal patterns, prints, and designs." Other items, such as the defendants' alleged use of "Navajo" on underwear and liquor flasks, are described as "derogatory and scandalous."

The Navajo Nation has asserted claims of intentional federal trademark infringement and dilution, as well as related claims of unfair competition under state and federal laws on the basis that the items allegedly compete directly with the Navajo Nation's own retail goods. The crux of those claims is that (1) the defendants' sale of the unauthorized items causes a likelihood of consumer confusion about whether the Navajo Nation is associated with or has approved the sale of such items, and (2) the unauthorized use of "Navajo" and "Navaho" dilutes the strength and distinctive, source-identifying nature of the Navajo Nation's "Navajo" trademarks.

In regard to the scandalous and derogatory items, the Navajo Nation again asserts trademark dilution — specifically a claim of dilution by tarnishment. For example, the complaint alleges that the use of "Navajo" on liquor flasks harms the Navajo Nation's reputation and the goodwill associated with its "Navajo" trademarks, because the Navajo Nation has "long banned the sale, manufacture, possession, transport, delivery, and consumption of alcohol within [the Navajo Nation's] borders."

Navajo Nation's Claims Under the Indian Arts and Crafts Act

The Navajo Nation's complaint also alleges violations of the federal Indian Arts and Crafts Act (25 U.S.C. § 305 et seq.), which prohibits the direct or indirect offer, sale or display for sale of a good in a manner that "falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization" (25 U.S.C. § 305e).

That act, which allows for both criminal and civil liability, was adopted in part to "promote the economic welfare of the Indian tribes and Indian individuals through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship." 25 U.S.C. § 305a.

When a tribal name is used to falsely suggest that a product is of Indian origin, the act permits a successful plaintiff

to obtain injunctive relief (e.g., a court order immediately barring a defendant from selling the unauthorized products), monetary relief (including the greater of treble damages or not less than $1,000 per day that the violation continues), punitive damages, and reimbursement for costs of the lawsuit and reasonable attorneys' fees.

Benefits of Trademark Registration, Enforcement and Licensing

Even for those not entitled to the protections afforded via the Indian Arts and Crafts Act, many of the steps that the Navajo Nation took years ago to protect its trademark rights serve as a good model to follow. (My steps, not theirs !)

Federally registering one's trademarks can be extremely helpful in protecting and asserting those trademark rights, and, like many other tribes within the United States, the Navajo Nation has prioritized the protection of its identity and intellectual property by pursuing such registrations. Through tribe-owned corporations, the Navajo Nation has registered more than 80 trademarks with the U.S. Patent and Trademark Office, including approximately 10 registrations of the mark "Navajo" for clothing, footwear, other household products, and online retail sales.

The Navajo Nation has also spent significant time and money to promote and preserve its trademarks. Under U.S. trademark law principles, an owner may be deemed to have abandoned its trademark rights if it does not use the trademarks in commerce and take action to halt others' infringement or dilution. Failure to stop an infringing use can also make it more difficult to later halt a different infringing use.

To protect its trademark rights, in addition to pursuing the latest lawsuit filed against Urban Outfitters and its affiliates, the Navajo Nation has initiated several trademark protests at the U.S. Patent and Trademark Office and claims to regularly send cease-and-desist letters to halt the unauthorized use of its trademarks.

The Navajo Nation has also reportedly expanded the authorized use of its trademarks by licensing to others the right to use "Navajo." Trademark license agreements — if drafted and performed correctly — enhance rather than dilute the licensor's trademark rights and can generate substantial revenue through royalties.

Cautionary Tale

Before adopting new names, designs or slogans for one's products or services, it is important to "clear" such proposed trademarks to reduce the potential for conflict with others' registered and unregistered trademarks. It is also important to consider whether the terms (or associated designs) used to describe a product or service are already used as the trademarks of others and/or falsely suggest an association with another entity, including a Native American tribe.

Furthermore, many tribes have successfully registered their marks with the U.S. Patent and Trademark Office, and a proper search of the U.S. Patent & Trademark Office's records should uncover such registrations. The USPTO also maintains a searchable "Native American Tribal Insignia Database," on which federally and state-recognized Native American tribes can record their official insignia even if the insignia do not technically meet the legal definition of a "trademark."

In the United States, however, where "common law" trademark rights arise through use of a trademark in commerce regardless of registration, a simple search of the U.S. Patent and Trademark Office's records, though helpful, may not be sufficient to clear a proposed trademark for use, and a full U.S. trademark search covering both registered and unregistered trademarks is generally recommended.

Lastly, it is important to note that the federal trademark registration process in the United States generally takes at least one year (and potentially two years or more) to complete, and that a federal trademark application can be filed before the trademark is used (so long as the applicant has a bona fide intent to use the mark). Therefore, Native American Indian tribes and others should begin the trademark registration process as soon as possible, rather than in response to or anticipation of a particular litigation.

--By Blaine I. Green, Robert B. Burlingame and Jeffrey Jacobi, Pillsbury Winthrop Shaw Pittman LLP

Blaine Green is a partner in Pillsbury's San Francisco office, where he chairs the firm's Indian law practice. Robert Burlingame is a counsel, and Jeffrey Jacobi is an associate, in the firm's San Francisco office.

The opinions expressed are those of the authors and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

[1] Navajo Nation v. Urban Outfitters Inc., et al., U.S. Court for Dist. of New Mexico, Case No. 12-cv-00195 (filed Feb. 28, 2012).

Related Articles

- Urban Outfitters In Hot Water Over 'Navajo' Trademark
- Urban Outfitters Loses Bid To Toss Navajo Trademark Suit
- Hanover Sues To Avoid Covering Urban Outfitters IP Defense
- USPTO Stepping Up Work on Database of Native American Insignia
- Little-Known Statute Can Create Staggering Liability

Fwd: Emailing: Tribal Names — Not A Free-For-All - Law360

Stanton, Meridith <meridith_stanton@ios.doi.gov> Tue, Jul 9, 2013 at 12:55 PM
To: Michele Hill <Michele_Hill@ios.doi.gov>
Cc: Ashley Fry <Ashley_Fry@ios.doi.gov>, Ken <Kenneth_Van_Wey@ios.doi.gov>

Michele - Sometime this week, can you send the response to Phil on the main IACB email address? Thanks, Meridith

——— Forwarded message ———
From: **Fry, Ashley** <ashley_fry@ios.doi.gov>
Date: Tue, Jul 9, 2013 at 11:37 AM
Subject: Re: Emailing: Tribal Names — Not A Free-For-All - Law360
To: "Stanton, Meridith" <meridith_stanton@ios.doi.gov>
Cc: Ken <Kenneth_Van_Wey@ios.doi.gov>, Michele Hill <Michele_Hill@ios.doi.gov>

I just added an "s" to the end of "recommend" in the last paragraph and made "law suit" one word. Otherwise, I think it sounds good.

On Tue, Jul 9, 2013 at 10:25 AM, Stanton, Meridith <meridith_stanton@ios.doi.gov> wrote:

> How does this sound? Comments/suggested changes?
>
> Phil,
>
> I defer to the Navajo Nation with regards to discussions about their lawsuit, and believe that IACB Program Specialist Ashley Fry accurately covered the Indian Arts and Crafts Act in great detail with you during your July 5 telephone conversation.
>
> That said, in answer to your question, the Navajo Nation lawsuit does include what I perceive to be Indian Arts and Crafts Act violations.
>
> As previously mentioned, the IACB can not provide legal advice and recommends that you consult a private attorney to address your questions regarding the defense of your trademark and products and associated truth in marketing questions.
>
> Best Regards,
>
> Meridith
>
> ——— Forwarded message ———
> From: **Phil Brader** <pbrader@austin.rr.com>
> Date: Fri, Jul 5, 2013 at 9:18 AM
> Subject: Emailing: Tribal Names — Not A Free-For-All - Law360
> To: "Meridith Stanton @ IACB" <iacb@ios.doi.gov>
> Cc: Fermín Návar <fermin@maisondenavar.com>, "Meridith Stanton @ IACB" <iacb@ios.doi.gov>

Meridith:

I appreciate Allison's and (associate) time recently. The input was pretty discouraging.

I am struggling to understand the Act. A very cursory read of the regs suggests that the Act is broader than the regs. I will study for awhile, and develop some questions. Too bad.

One of the first questions I have is: "In the suit brought by the NN against Urban Outfitters, how can the NN sue over the IACA if it is so narrowly defined (regs)" ?

Plus, the article below (1 year old) seems to imply a stronger statute than it actually is.

Hope you will have a few minutes this Summer to answer some of my questions.

I am spending a huge amount of time having e-bay remove infringing items It has been very successful, but is unsustainable, because there are some many people who think they have unlimited rights to use the NAVAJO® name in keywords on the site. And, most of these people are of modest means, and have nothing to lose by infringing and violating e-bay policies.

It is basically out of control. Companies like e-bay, I think, are creating new challenges for IP law and enforcement.

Have not started on Yahoo, Zazzle, et al.

The wholesalers and retailers I have contacted have caved rather quickly, which was my experience at Esprit, and other companies.

Kind regards,

phil brader
navajo brands holding, inc.

LAW360
A LexisNexis® Company

Overall

All cases

Advanced search

Key cases

Class actions

Public companies

Industries

Banking & finance

Consumer goods

Health

Hospitality

Life sciences

Media & entertainment

Oil & gas

Retail

Technology

Intellectual Property

Copyright

Patent

Trademark

Labor & Employment

Employment class actions

Discrimination

ERISA

Labor/management

Corporate

Antitrust

Bankruptcy appeals

Commercial contracts

Environmental

Insurance

Product liability

Real estate

Securities

Tax

Practice Areas

Appellate

Bankruptcy

Class Action

Commercial Contracts

Competition

Corporate

Employment

Environmental

Government Contracts

Insurance

Intellectual Property

International Trade

Mergers & Acquisitions

Privacy

Product Liability

Project Finance

Public Policy

Securities

White Collar

Industries

Banking

Energy

Health

Life Sciences

Media & Entertainment

Private Equity

Real Estate

Technology

Regions

California

Florida

New Jersey

New York

Pennsylvania

Texas

Legal Industry

Law Firms

Companies

Industries

Government Agencies

FCPA Powerhouses

Global 20

Innovative Managing Partners

MVPs of the Year

Practice Groups of the Year

Pro Bono Firms of the Year

Rising Stars

Top Female Trial Attorneys

Printable Version Share Article © Rights/Reprints Editorial Contacts

Tribal Names — Not A Free-For-All

Share us on: Twitter Facebook LinkedIn 0 Comments

Law360, New York (April 10, 2012, 1:23 PM ET) -- The Navajo Nation American Indian tribe's recent lawsuit reminds companies that unauthorized use of American Indian tribal names might be considered infringement and might also violate the federal Indian Arts and Crafts Act.

The Navajo Nation recently filed a lawsuit in federal court in New Mexico against popular clothing retailer Urban Outfitters Inc. and its affiliates Anthropologie and Free People.[1] The lawsuit, based on the defendants' unauthorized use of the terms "Navajo" and "Navaho," alleges trademark infringement, trademark dilution, and violation of the federal Indian Arts and Crafts Act (25 U.S.C. Section 305 et seq.). By obtaining multiple federal trademark registrations for the word "Navajo" and policing its marks as part of a planned enforcement strategy, the Navajo Nation positioned itself well to assert its intellectual property rights in federal court.

Navajo Nation's Trademark Claims Against Urban Outfitters

In its complaint, the Navajo Nation alleges that Urban Outfitters and its affiliates used, without the permission of the Navajo Nation, the terms "Navajo" and "Navaho" in connection with the sale of clothing, jewelry, footwear, handbags and other items. Some such items allegedly "evoke the Navajo Indian Tribe's tribal patterns, including geometric prints and designs fashioned to mimic and resemble Navajo Indian and Tribal patterns, prints, and designs." Other items, such as the defendants' alleged use of "Navajo" on underwear and liquor flasks, are described as "derogatory and scandalous."

The Navajo Nation has asserted claims of intentional federal trademark infringement and dilution, as well as related claims of unfair competition under state and federal laws on the basis that the items allegedly compete directly with the Navajo Nation's own retail goods. The crux of those claims is that (1) the defendants' sale of the unauthorized items causes a likelihood of consumer confusion about whether the Navajo Nation is associated with or has approved the sale of such items, and (2) the unauthorized use of "Navajo" and "Navaho" dilutes the strength and distinctive, source-identifying nature of the Navajo Nation's "Navajo" trademarks.

In regard to the scandalous and derogatory items, the Navajo Nation again asserts trademark dilution — specifically a claim of dilution by tarnishment. For example, the complaint alleges that the use of "Navajo" on liquor flasks harms the Navajo Nation's reputation and the goodwill associated with its "Navajo" trademarks, because the Navajo Nation has "long banned the sale, manufacture, possession, transport, delivery, and consumption of alcohol within [the Navajo Nation's] borders."

Navajo Nation's Claims Under the Indian Arts and Crafts Act

The Navajo Nation's complaint also alleges violations of the federal Indian Arts and Crafts Act (25 U.S.C. § 305 et seq.), which prohibits the direct or indirect offer, sale or display for sale of a good in a manner that "falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian

arts and crafts organization" (25 U.S.C. § 305e).

That act, which allows for both criminal and civil liability, was adopted in part to "promote the economic welfare of the Indian tribes and Indian individuals through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship." 25 U.S.C. § 305a.

When a tribal name is used to falsely suggest that a product is of Indian origin, the act permits a successful plaintiff to obtain injunctive relief (e.g., a court order immediately barring a defendant from selling the unauthorized products), monetary relief (including the greater of treble damages or not less than $1,000 per day that the violation continues), punitive damages, and reimbursement for costs of the lawsuit and reasonable attorneys' fees.

Benefits of Trademark Registration, Enforcement and Licensing

Even for those not entitled to the protections afforded via the Indian Arts and Crafts Act, many of the steps that the Navajo Nation took years ago to protect its trademark rights serve as a good model to follow. (My steps, not theirs !)

Federally registering one's trademarks can be extremely helpful in protecting and asserting those trademark rights, and, like many other tribes within the United States, the Navajo Nation has prioritized the protection of its identity and intellectual property by pursuing such registrations. Through tribe-owned corporations, the Navajo Nation has registered more than 80 trademarks with the U.S. Patent and Trademark Office, including approximately 10 registrations of the mark "Navajo" for clothing, footwear, other household products, and online retail sales.

The Navajo Nation has also spent significant time and money to promote and preserve its trademarks. Under U.S. trademark law principles, an owner may be deemed to have abandoned its trademark rights if it does not use the trademarks in commerce and take action to halt others' infringement or dilution. Failure to stop an infringing use can also make it more difficult to later halt a different infringing use.

To protect its trademark rights, in addition to pursuing the latest lawsuit filed against Urban Outfitters and its affiliates, the Navajo Nation has initiated several trademark protests at the U.S. Patent and Trademark Office and claims to regularly send cease-and-desist letters to halt the unauthorized use of its trademarks.

The Navajo Nation has also reportedly expanded the authorized use of its trademarks by licensing to others the right to use "Navajo." Trademark license agreements — if drafted and performed correctly — enhance rather than dilute the licensor's trademark rights and can generate substantial revenue through royalties.

Cautionary Tale

Before adopting new names, designs or slogans for one's products or services, it is important to "clear" such proposed trademarks to reduce the potential for conflict with others' registered and unregistered trademarks. It is also important to consider whether the terms (or associated designs) used to describe a product or service are already used as the trademarks of others and/or falsely suggest an association with another entity, including a Native American tribe.

Furthermore, many tribes have successfully registered their marks with the U.S. Patent and Trademark Office, and a proper search of the U.S. Patent & Trademark Office's records should uncover such registrations. The

USPTO also maintains a searchable "Native American Tribal Insignia Database," on which federally and state-recognized Native American tribes can record their official insignia even if the insignia do not technically meet the legal definition of a "trademark."

In the United States, however, where "common law" trademark rights arise through use of a trademark in commerce regardless of registration, a simple search of the U.S. Patent and Trademark Office's records, though helpful, may not be sufficient to clear a proposed trademark for use, and a full U.S. trademark search covering both registered and unregistered trademarks is generally recommended.

Lastly, it is important to note that the federal trademark registration process in the United States generally takes at least one year (and potentially two years or more) to complete, and that a federal trademark application can be filed before the trademark is used (so long as the applicant has a bona fide intent to use the mark). Therefore, Native American Indian tribes and others should begin the trademark registration process as soon as possible, rather than in response to or anticipation of a particular litigation.

--By Blaine I. Green, Robert B. Burlingame and Jeffrey Jacobi, Pillsbury Winthrop Shaw Pittman LLP

Blaine Green is a partner in Pillsbury's San Francisco office, where he chairs the firm's Indian law practice. Robert Burlingame is a counsel, and Jeffrey Jacobi is an associate, in the firm's San Francisco office.

The opinions expressed are those of the authors and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

[1] Navajo Nation v. Urban Outfitters Inc., et al., U.S. Court for Dist. of New Mexico, Case No. 12-cv-00195 (filed Feb. 28, 2012).

Related Articles

- Urban Outfitters In Hot Water Over 'Navajo' Trademark
- Urban Outfitters Loses Bid To Toss Navajo Trademark Suit
- Hanover Sues To Avoid Covering Urban Outfitters IP Defense
- USPTO Stepping Up Work on Database of Native American Insignia
- Little-Known Statute Can Create Staggering Liability

–

Meridith Z. Stanton

Director
Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

–

Meridith Z. Stanton
Director
Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may

be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

Fwd: Emailing: Tribal Names — Not A Free-For-All - Law360

Group, IACB <iacb@ios.doi.gov> Fri, Jul 5, 2013 at 9:36 AM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Ashley Fry <ashley_fry@ios.doi.gov>

——— Forwarded message ———
From: **Phil Brader** <pbrader@austin.rr.com>
Date: Fri, Jul 5, 2013 at 9:18 AM
Subject: Emailing: Tribal Names — Not A Free-For-All - Law360
To: "Meridith Stanton @ IACB" <iacb@ios.doi.gov>
Cc: Fermín Návar <fermin@maisondenavar.com>, "Meridith Stanton @ IACB" <iacb@ios.doi.gov>

Meridith:

I appreciate Allison's and (associate) time recently. The input was pretty discouraging.

I am struggling to understand the Act. A very cursory read of the regs suggests that the Act is broader than the regs. I will study for awhile, and develop some questions. Too bad.

One of the first questions I have is: "In the suit brought by the NN against Urban Outfitters, how can the NN sue over the IACA if it is so narrowly defined (regs)" ?

Plus, the article below (1 year old) seems to imply a stronger statute than it actually is.

Hope you will have a few minutes this Summer to answer some of my questions.

I am spending a huge amount of time having e-bay remove infringing items It has been very successful, but is unsustainable, because there are some many people who think they have unlimited rights to use the NAVAJO® name in keywords on the site. And, most of these people are of modest means, and have nothing to lose by infringing and violating e-bay policies.

It is basically out of control. Companies like e-bay, I think, are creating new challenges for IP law and enforcement.

Have not started on Yahoo, Zazzle, et al.

The wholesalers and retailers I have contacted have caved rather quickly, which was my experience at Esprit, and other companies.

Kind regards,

phil brader
navajo brands holding, inc.

LAW360
A LexisNexis® Company

Overall

All cases

Advanced search

Key cases

Class actions

Public companies

Industries

Banking & finance

Consumer goods

Health

Hospitality

Life sciences

Media & entertainment

Oil & gas

Retail

Technology

Intellectual Property

Copyright

Patent

Trademark

Labor & Employment

Employment class actions

Discrimination

ERISA

Labor/management

Corporate

Antitrust

Bankruptcy appeals

Commercial contracts

Environmental

Insurance

Product liability

Real estate

Securities

Tax

Practice Areas

Appellate

Bankruptcy

Class Action

Commercial Contracts

Competition

Corporate

Employment

Environmental

Government Contracts

Insurance

Intellectual Property

International Trade

Mergers & Acquisitions

Privacy

Product Liability

Project Finance

Public Policy

Securities

White Collar

Industries

Banking

Energy

Health

Life Sciences

Media & Entertainment

Private Equity

Real Estate

Technology

Regions

California

Florida

New Jersey

New York

Pennsylvania

Texas

Legal Industry

Law Firms

Companies

Industries

Government Agencies

FCPA Powerhouses

Global 20

Innovative Managing Partners

MVPs of the Year

Practice Groups of the Year

Pro Bono Firms of the Year

Rising Stars

Top Female Trial Attorneys

Printable Version Share Article Rights/Reprints Editorial Contacts

Tribal Names — Not A Free-For-All

Share us on: Twitter Facebook LinkedIn 0 Comments

Law360, New York (April 10, 2012, 1:23 PM ET) -- The Navajo Nation American Indian tribe's recent lawsuit reminds companies that unauthorized use of American Indian tribal names might be considered infringement and might also violate the federal Indian Arts and Crafts Act.

The Navajo Nation recently filed a lawsuit in federal court in New Mexico against popular clothing retailer Urban Outfitters Inc. and its affiliates Anthropologie and Free People.[1] The lawsuit, based on the defendants' unauthorized use of the terms "Navajo" and "Navaho," alleges trademark infringement, trademark dilution, and violation of the federal Indian Arts and Crafts Act (25 U.S.C. Section 305 et seq.). By obtaining multiple federal trademark registrations for the word "Navajo" and policing its marks as part of a planned enforcement strategy, the Navajo Nation positioned itself well to assert its intellectual property rights in federal court.

Navajo Nation's Trademark Claims Against Urban Outfitters

In its complaint, the Navajo Nation alleges that Urban Outfitters and its affiliates used, without the permission of the Navajo Nation, the terms "Navajo" and "Navaho" in connection with the sale of clothing, jewelry, footwear, handbags and other items. Some such items allegedly "evoke the Navajo Indian Tribe's tribal patterns, including geometric prints and designs fashioned to mimic and resemble Navajo Indian and Tribal patterns, prints, and designs." Other items, such as the defendants' alleged use of "Navajo" on underwear and liquor flasks, are described as "derogatory and scandalous."

The Navajo Nation has asserted claims of intentional federal trademark infringement and dilution, as well as related claims of unfair competition under state and federal laws on the basis that the items allegedly compete directly with the Navajo Nation's own retail goods. The crux of those claims is that (1) the defendants' sale of the unauthorized items causes a likelihood of consumer confusion about whether the Navajo Nation is associated with or has approved the sale of such items, and (2) the unauthorized use of "Navajo" and "Navaho" dilutes the strength and distinctive, source-identifying nature of the Navajo Nation's "Navajo" trademarks.

In regard to the scandalous and derogatory items, the Navajo Nation again asserts trademark dilution — specifically a claim of dilution by tarnishment. For example, the complaint alleges that the use of "Navajo" on liquor flasks harms the Navajo Nation's reputation and the goodwill associated with its "Navajo" trademarks, because the Navajo Nation has "long banned the sale, manufacture, possession, transport, delivery, and consumption of alcohol within [the Navajo Nation's] borders."

Navajo Nation's Claims Under the Indian Arts and Crafts Act

The Navajo Nation's complaint also alleges violations of the federal Indian Arts and Crafts Act (25 U.S.C. § 305 et seq.), which prohibits the direct or indirect offer, sale or display for sale of a good in a manner that "falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian tribe or Indian arts and crafts organization" (25 U.S.C. § 305e).

That act, which allows for both criminal and civil liability, was adopted in part to "promote the economic welfare of the Indian tribes and Indian individuals through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship." 25 U.S.C. § 305a.

When a tribal name is used to falsely suggest that a product is of Indian origin, the act permits a successful plaintiff to obtain injunctive relief (e.g., a court order immediately barring a defendant from selling the unauthorized products), monetary relief (including the greater of treble damages or not less than $1,000 per day that the violation continues), punitive damages, and reimbursement for costs of the lawsuit and reasonable attorneys' fees.

Benefits of Trademark Registration, Enforcement and Licensing

Even for those not entitled to the protections afforded via the Indian Arts and Crafts Act, many of the steps that the Navajo Nation took years ago to protect its trademark rights serve as a good model to follow. (My steps, not theirs !)

Federally registering one's trademarks can be extremely helpful in protecting and asserting those trademark rights, and, like many other tribes within the United States, the Navajo Nation has prioritized the protection of its identity and intellectual property by pursuing such registrations. Through tribe-owned corporations, the Navajo Nation has registered more than 80 trademarks with the U.S. Patent and Trademark Office, including approximately 10 registrations of the mark "Navajo" for clothing, footwear, other household products, and online retail sales.

The Navajo Nation has also spent significant time and money to promote and preserve its trademarks. Under U.S. trademark law principles, an owner may be deemed to have abandoned its trademark rights if it does not use the trademarks in commerce and take action to halt others' infringement or dilution. Failure to stop an infringing use can also make it more difficult to later halt a different infringing use.

To protect its trademark rights, in addition to pursuing the latest lawsuit filed against Urban Outfitters and its affiliates, the Navajo Nation has initiated several trademark protests at the U.S. Patent and Trademark Office and claims to regularly send cease-and-desist letters to halt the unauthorized use of its trademarks.

The Navajo Nation has also reportedly expanded the authorized use of its trademarks by licensing to others the right to use "Navajo." Trademark license agreements — if drafted and performed correctly — enhance rather than dilute the licensor's trademark rights and can generate substantial revenue through royalties.

Cautionary Tale

Before adopting new names, designs or slogans for one's products or services, it is important to "clear" such proposed trademarks to reduce the potential for conflict with others' registered and unregistered trademarks. It is also important to consider whether the terms (or associated designs) used to describe a product or service are already used as the trademarks of others and/or falsely suggest an association with another entity, including a Native American tribe.

Furthermore, many tribes have successfully registered their marks with the U.S. Patent and Trademark Office, and a proper search of the U.S. Patent & Trademark Office's records should uncover such registrations. The USPTO also maintains a searchable "Native American Tribal Insignia Database," on which federally and state-recognized Native American tribes can record their official insignia even if the insignia do not technically meet the legal definition of a "trademark."

In the United States, however, where "common law" trademark rights arise through use of a trademark in commerce regardless of registration, a simple search of the U.S. Patent and Trademark Office's records, though helpful, may not be sufficient to clear a proposed trademark for use, and a full U.S. trademark search covering both registered and unregistered trademarks is generally recommended.

Lastly, it is important to note that the federal trademark registration process in the United States generally takes at least one year (and potentially two years or more) to complete, and that a federal trademark application can be filed before the trademark is used (so long as the applicant has a bona fide intent to use the mark). Therefore, Native American Indian tribes and others should begin the trademark registration process as soon as possible, rather than in response to or anticipation of a particular litigation.

--By Blaine I. Green, Robert B. Burlingame and Jeffrey Jacobi, Pillsbury Winthrop Shaw Pittman LLP

Blaine Green is a partner in Pillsbury's San Francisco office, where he chairs the firm's Indian law practice. Robert Burlingame is a counsel, and Jeffrey Jacobi is an associate, in the firm's San Francisco office.

The opinions expressed are those of the authors and do not necessarily reflect the views of the firm, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

[1] Navajo Nation v. Urban Outfitters Inc., et al., U.S. Court for Dist. of New Mexico, Case No. 12-cv-00195 (filed Feb. 28, 2012).

Related Articles

- Urban Outfitters In Hot Water Over 'Navajo' Trademark
- Urban Outfitters Loses Bid To Toss Navajo Trademark Suit
- Hanover Sues To Avoid Covering Urban Outfitters IP Defense
- USPTO Stepping Up Work on Database of Native American Insignia
- Little-Known Statute Can Create Staggering Liability

5 attachments

image001.png
3K

image002.gif
1K

image003.gif
1K

image004.gif
1K

image005.gif
1K

BISON CONNECT

Stanton, Meridith <meridith_stanton@ios.doi.gov>

Fwd: FW: [redacted] NAVAJO JEANS VERO COMPLAINT

1 message

Group, IACB <iacb@ios.doi.gov> Tue, Jun 25, 2013 at 8:48 AM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Kenneth VanWey <kenneth_van_wey@ios.doi.gov>, Ashley Fry <ashley_fry@ios.doi.gov>, Ferdousi Khanam <ferdousi_khanam@ios.doi.gov>

---------- Forwarded message ----------
From: **Phil Brader** <pbrader@austin.rr.com>
Date: Tue, Jun 25, 2013 at 8:41 AM
Subject: FW: [redacted] NAVAJO JEANS VERO COMPLAINT
To: "Meridith Stanton @ IACB" <iacb@ios.doi.gov>
Cc: Fermin Návar <fermin@maisondenavar.com>, Tony Schaffer <tschaffer@sstexaslaw.com>

Meridith:

I have been fairly successful in having E-Bay remove infringing listings on a "navajo jeans" search. Next, I will attack "navajo apparel"

However, they have dug in their heels on this one customer ---- [redacted] It is interesting because they have removed other listings not as onerous as [redacted] but won't remove [redacted] I am guessing that [redacted] sells a good bit of merchandise, and E-Bay makes some money off it. If so, maybe E-Bay is willing to fudge for a good customer.

I have talked to several IP attorneys about the Navajo's action against Urban Outfitters, and they all have said that the Navajo's failure to attack the broad infringement in the marketplace could scuttle their case. I have encouraged them to do so, but they ordered me to butt out. (See recent Navajo Times article, attached above, which basically says the same thing.)

So, I am working frantically on my own to try to reduce infringement. I have gotten several major wholesalers to agree to stop using the name. None of them have resisted. E-Bay has done well, but is resisting on Robin. What I would like to know is may I file an IACA Complaint against this individual ?

Yesterday, I did sent the Navajos notice of my attempts to reduce infringement. I remained concerned that they are going to lose this case, and that their Trademarks will start to cancel.

Are you available to discuss sometime this week ? I am travelling, but could call in.

Best, phil brader

From: Phil Brader [mailto:pbrader@austin.rr.com]
Sent: Tuesday, June 25, 2013 7:23 AM
To: EBAY VERO PROCESS (vero@ebay.com)
Cc: Fermín Návar (fermin@maisondenavar.com); Tony Schaffer (tschaffer@sstexaslaw.com)
Subject: [redacted] NAVAJO JEANS VERO COMPLAINT

VERO:

Please process the attached VERO Complaint.

I have filed several VERO Complaints on this E-Bay customer. You have not acted. At this juncture, you are giving this customer "a bye", and ignoring your own published Intellectual Property Policy. Why ?

If you are not going to remove these listings, please give me your reasoning.

The listings shown on the attached NOCI are an obvious violation of our Trademarks:

- IC 025, 74500278, Apparel/Jeans
- IC 035, 76646510, On-Line Retail for Apparel / Jeans

I have highlighted the infringement in red font below.

Your customer is using the NAVAJO name simply as a keyword. We believe that this jean has nothing to do with the Navajo Nation, or Navajo people. It is simply a self-serving exploitation of the Navajo people for profit.

These 3 listings are: a) Trademark violations, and b) violations of the Indian Arts and Crafts Act.

Please remove them.

300924603240
EUC [redacted] denim NAVAJO JEANS STUDS & STONES MENS 32x31" AWESOME
"Beautiful and clean Navajo denim jeans..great stitching and studs with black stones Made in the USA!"

330945669857

EUC [redacted] denim NAVAJO JEANS STUDS & STONES MENS 32x31" AWESOME

"Beautiful and clean Navajo denim jeans..great stitching and studs with black stonesMade in the USA!"

121132391797

[redacted] Jean Navajo Studded Low-Rise Boot Cut Jeans - Size 25 x 29

This is a pair of Robin's Jean Navajo Studded Low-Rise Boot Cut Jeans in Size 25 x 29.

phil brader

navajo brands holding inc.

austin, tx

---

3 attachments

11.1_NAVAJO BRANDS HOLDING INC. IP STANDING & COMPLAINT_V2.pdf
199K

11.2_NOTICE of CLAIMED INFRINGEMENT_06252013.pdf
726K

UO_SETTLEMENT.pptx
1203K

RE: Navajo Civil Suit/Indian Arts and Crafts Act

1 message

Harwood, Charles A. <charwood@ftc.gov> Sat, Jun 1, 2013 at 2:42 PM
To: "Stanton, Meridith" <meridith_stanton@ios.doi.gov>, Robert Stanton <Robert_Stanton@ios.doi.gov>, harvey pratt [redacted], Rose Fosdick <RFosdick@kawerak.org>, "jonesrutheb@aol.com" <jonesrutheb@aol.com>, [redacted]

Thanks Meridith.

Of course, part of the case concerns trademark laws—which means that some of the conduct discussed in the article is alleged to have violated trademark laws, but not the Indian Arts and Crafts Act (IACA).

My fellow Commissioners may also be interested in a ruling the court hearing the Urban Outfitters case issued in March. The court was responding to a motion by Urban Outfitters to dismiss the case, including the part of the case alleging violations of the IACA. The court declined to dismiss the part of the case concerning the IACA (though that does not mean the Navajo Nation will ultimately convince the court the IACA was violated). (1) The court said the defendants might have violated the IACA because of the manner in which they marketed the goods (for example, using search terms in Urban Outfitters online catalogue such as Navajo, Indian, tribal, Native American). (2) Also the court said the IACA may apply to contemporary clothing and contemporary clothing accessories.

[redacted] I look forward to talking with Commissioners on June 14.

Chuck Harwood

Charles Harwood
Federal Trade Commission - Bureau of Consumer Protection
202-326-2280 | charwood@ftc.gov

From: Stanton, Meridith [mailto:meridith_stanton@ios.doi.gov]
Sent: Friday, May 31, 2013 1:34 PM
To: Robert Stanton; harvey pratt; Rose Fosdick; Harwood, Charles A.; jonesrutheb@aol.com;

[redacted]

Subject: Navajo Civil Suit/Indian Arts and Crafts Act

Hi All,

I wanted to bring this article to your attention regarding the Navajo civil suit involving the Indian Arts and Crafts Act, http://www.navajotimes.com/news/2013/0513/053013urb.php

Additionally, I will be sending additional information to you via snail mail today for your briefing binders to update them prior to the June 14 telephonic Board meeting.

Best Regards,

Meridith

–

Meridith Z. Stanton
Director
Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

Urban Outfitters Update and Teleconference

Stanton, Meridith <Meridith_Stanton@ios.doi.gov> Fri, Sep 28, 2012 at 4:58 PM
To: harvey pratt [redacted], Rose Fosdick <RFosdick@kawerak.org>, Ruthe Blalock Jones <jonesrutheb@aol.com>, [redacted] "Harwood, Charles A." <charwood@ftc.gov>

Hi All,

I have attached an update on the Urban Outfitters trademark/Indian Arts and Crafts Act civil suit brought by the Navajo Nation.

Additionally, I wanted to circle back to you again to see when you would be available for a teleconference in preparation for Harvey's trip to D.C. in mid October for the USPTO Trademark Expo and – hopefully – Departmental and other possible meetings?

Mr. Stanton reports that he is still working on arranging the meeting with Harvey and Laura Davis, Secretary Salazar's Chief of Staff.

In the meantime, it appears that the President will be signing – if he has not already - the Continuing Resolution to keep the federal government operating through to March 2013. (September 30 is the last day of FY 2012.) It is our understanding that until the formal budget has been passed for FY 2013, while the federal government remains under the Continuing Resolution, we anticipate that the IACB will temporarily remain within the Office of the Secretary. *However, once the FY 2013 budget is passed, the IACB is still slated to be transferred to BIA.*

In the meantime, we are waiting to hear from the Department of the Interior's White House Appointment Desk regarding Chuck's reappointment. They report that his information is at the White House being vetted. As soon as we hear from the White House Appointment Desk, I will promptly let you know.

I look forward to hearing from your regarding your availability for a teleconference.

Meridith Z. Stanton

Director

Indian Arts and Crafts Board

Office of the Secretary

MS 2528-MIB

U.S. Department of the Interior

Washington, D.C. 20240

202-208-3773 (main)

202-208-3889 (direct)

1-888-Art-Fake (toll free)

202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

Urban Outfitters Seeks to Move Trademark Case to Pennsylvania.docx
102K

Urban Outfitters Seeks to Move Trademark Case to Pennsylvania

By ICTMN Staff September 27, 2012

RSS

- **Read More:**
- *Cultural Appropriation*
- *Indian Arts and Crafts Act*
- *Navajo Nation*
- *Urban Outfitters*

In February, the Navajo Nation filed a lawsuit against Urban Outfitters for alleged trademark infringement and violation of the Indian Arts and Crafts Act. At issue was a range of products sold by the retailer labeled "Navajo," including, for example, a "Navajo Print Fabric Wrapped Flask" and a "Navajo Hipster Panty." After quite a bit of negative press, Urban Outfitters renamed the products — at least on the company's website.

The case is pending in U.S. District Court in New Mexico. According to an AP report, Philadelphia-based Urban Outfitters, through its lawyers, is now asking the court to move the case to the eastern district of Pennsylvania. The arguments offered in court for the change of venue are that a Pennsylvania court would be more convenient, more experienced in matters of copyright law, and more expedient.

As a report at Albuquerque's KRQE.com points out, there are no federally recognized Indian tribes in the state of Pennsylvania.

Read more:http://indiancountrytodaymedianetwork.com/2012/09/27/urban-outfitters-seeks-to-move-trademark-case-to-pennsylvania-136330 http://indiancountrytodaymedianetwork.com/2012/09/27/urban-outfitters-seeks-to-move-trademark-case-to-pennsylvania-136330#ixzz27nTawQBX

Fw: questions from a student

Stanton, Meridith <Meridith_Stanton@ios.doi.gov> Mon, Sep 24, 2012 at 9:15 AM
To: "VanWey, Kenneth J" <Kenneth_Van_Wey@ios.doi.gov>

This is the USC gal-Elise

—— Original Message ——
From: IACB Group
Sent: Tuesday, September 11, 2012 07:22 AM
To: Stanton, Meridith; Fry, Ashley; VanWey, Kenneth J
Subject: FW: questions from a student

——Original Message——
From: Elise Hennigan [mailto:[redacted]]
Sent: Monday, September 10, 2012 6:30 PM
To: IACB Group
Subject: Re: questions from a student

Hi Ashley,

Great. Thank you for getting back to me on this, I appreciate it. I hope that you have a great week.

Best,

Elise

On Fri, Sep 7, 2012 at 4:21 AM, IACB Group <IACB@ios.doi.gov> wrote:
> In answer to your additional questions, the Indian Arts and Crafts Board (IACB) works with federal law enforcement officers within and outside of the Department of the Interior, as provided for under the Indian Arts and Crafts Amendments Act of 2010, to address potential violations of the Indian Arts and Crafts Act. Since the release of the GAO report, it is the opinion of the IACB that there has been an increase in awareness of the Act and cooperation by other federal agencies. This should result in both greater Act compliance and civil and criminal actions under the Act.
>
>
> Sincerely,
>
> Ashley Fry,
>
> Program Specialist
> Indian Arts and Crafts Board
>
> ——Original Message——
> From: Elise Hennigan [mailto:[redacted]]

> Sent: Tuesday, August 28, 2012 3:52 PM
> To: IACB Group
> Subject: Re: questions from a student
>
> Hello Ms. Fry,
>
> My thanks for following up and sending this over and congratulations to IACB for this victory.
>
> This leads into a quick question that I wanted to send over for clarity's sake: According to the GAO report on the Indian Arts and Crafts Market, one of the major hurdles to reaching convictions like this in the past was that the Indian Arts and Crafts Board did not have a dedicated, full-time investigator on staff and had to rely on other law enforcement agencies for assistance.
>
> Has the IACB hired an investigator since the GAO published this report in April 2011 or is the above statement still factually correct? Is it the opinion of the Board that there has been a noticeable increase in awareness of the law and cooperation by other federal agencies? Does IACB expect more convictions to come?
>
> Thank you for your help–
>
> Sincerely,
>
> Elise Hennigan
>
> On Tue, Aug 28, 2012 at 4:16 AM, IACB Group <IACB@ios.doi.gov> wrote:
>> Ms. Hennigan,
>>
>> You may also be interested to know about the most recent conviction under the Indian Arts and Crafts Act. An IACB news release is available at http://www.iacb.doi.gov/news.html. The case involved a man from Anchorage, Alaska, who was illegally selling seal skin bow hunting tabs as Alaska Native products.
>>
>> Sincerely,
>> Ashley Fry
>>
>> ——Original Message——
>> From: Elise Hennigan [mailto:[redacted]]
>> Sent: Monday, August 27, 2012 4:29 PM
>> To: IACB Group
>> Subject: Re: questions from a student
>>
>> Dear Ken Van Wey and Ashley Fry,
>>
>> Thank you for your response. The GAO study appears to contain much of the information that I am after. I do appreciate your taking the time to address my questions and point me to relevant resources.
>>
>> All the Best,
>>
>> Elise Hennigan
>>
>> On Mon, Aug 27, 2012 at 12:25 PM, IACB Group <IACB@ios.doi.gov> wrote:

>>> Dear Ms. Hennigan,
>>>
>>> Thank you for contacting the Indian Arts and Crafts Board (IACB) with your questions about the IACB and the Indian Arts and Crafts Act (Act). You may be interested to know that the U.S. Government Accountability Office recently performed a review of Act cases, and that the results of that review have been published at http://www.gao.gov/products/GAO-11-432. We believe that this report either contains the answers to your first, second, fourth, sixth and ninth questions or explains why the IACB is not able to provide you with an answer based on reliable data. You may also wish to read about the most recent case brought under the Act at http://www.iacb.doi.gov/news.html.
>>>
>>> With regard to your third question, the IACB protects against counterfeits through Act educational and consumer protections publications-which are available on the IACB website, www.iacb.doi.gov, media advertisements, outreach booths at key Indian art market events, intellectual property rights protections workshops, town hall meetings, presentations at Indian tourism and economic development conferences, and law enforcement training, investigations, and civil and criminal actions.
>>>
>>> To answer your fifth question, regarding Tribal trademarks and what colors or combinations could be trademarked by Tribes, we suggest you consult the U.S. Patent and Trademark Office. Contact information at the U.S. Patent and Trademark Office is available from our Introduction to Intellectual Property for American Indian and Alaskan Native Artists brochure, available from the IACB website, www.iacb.doi.gov.
>>>
>>> We also recommend, in response to your seventh question, that you contact the Navajo Nation Attorney General's Office in Window Rock, Arizona, about possible comments on any legal action being undertaken by the Navajo Nation against Urban Outfitters.
>>>
>>> With regard to your eighth question, the IACB monitors the overall Indian arts and crafts market, particularly in terms of potential Indian Arts and Crafts Act violations.
>>>
>>> Finally, in answer to your tenth question, the IACB is not at liberty to issue public comments on pending legislation that would broaden the definition of Indian under the Indian Arts and Acts Act.
>>>
>>> Thank you again for contacting us with your questions about the IACB, the Act, and the Indian arts and crafts market. We wish you well in your project and your studies.
>>>
>>> Sincerely,
>>>
>>> Ken Van Wey and Ashley Fry,
>>>
>>> Program Specialists
>>> Indian Arts and Crafts Board
>>>
>>> ----Original Message----
>>> From: Elise Hennigan [mailto:[redacted]]
>>> Sent: Tuesday, August 21, 2012 2:19 PM
>>> To: IACB Group
>>> Subject: questions from a student

>>>
>>> Hi there,
>>>
>>> It was nice meeting you briefly over the phone. I am a graduate student at USC in journalism, currently working on an article about the Native American handicrafts and jewelry industry. This article is for school, but when it is complete I am hoping to shop it around and get it published. My last article was published by CNN International and I have high hopes for this one.
>>>
>>> As requested, I have written my questions out in an email below.
>>> Please feel free to forward them to whomever is most appropriate. If preferred, I am also available to speak over the phone and can be reached at [redacted]
>>>
>>> 1. Do you have data on the size of the Indian Arts and Crafts
>>> industry? How much money is exchanged annually? How many people are
>>> employed in this industry? I am also wondering where the industry is
>>> centralized (I have heard Gallup, NM, is this true?)
>>>
>>> 2. I know that the IACB works to both develop this industry and protect artists and consumers from counterfeit work. Do you have an idea of how big the counterfeit industry is that you are up against?
>>> ie, how much money is spent on counterfeit goods? What percentage of handicrafts that are sold are possibly knock-offs?
>>>
>>> 3. How does the IACB protect against counterfeits? What resources are spent against this problem annually?
>>>
>>> 4. When knock-offs are found, are they tracked to their origin of production? Do you have any idea where most of these goods are coming from?
>>>
>>> 5. Some tribes, like the Navajo and Cherokee have trademarks on their own names, but do you know if any designs that are unique to specific tribes, such as a pattern or color combination, are trademarked or can be trademarked?
>>>
>>> 6. Since the Indian Arts and Crafts Act was updated in 1990, how many cases have gone to court that use this law as its central argument against the offender and how many have been successful?
>>>
>>> 7. Do you know where the lawsuit between the Navajo Nation and Urban Outfitters currently stands and whether it looks like the Navajo Nation will prevail?
>>>
>>> 8. Native American-inspired designs and jewelry have been popular in mainstream fashion since the 70s and even more so in the past 5-10 years. What are the feelings of the IAC Board on these trends? Is this something your organization monitors?
>>>
>>> 9. I see both the influx of fake goods from overseas and "Native American-inspired" goods as having strong effects on the industry. Is this accurate? What are some these effects?
>>>
>>> 10. Finally, Representative Nick Rahall recently introduced HR 6274, a bill that will amend the Indian Arts and Crafts Act by clarifying the

definition of Indian and Indian organization. I know that bills are constantly introduced to Congress, but is this something that is on the radar of the Indian Arts and Crafts Board? Is it significant?

>>>

>>> I sincerely thank you for your time and consideration of my inquiry. I expect that the IIACB will be an important source for my story as you are the only federal agency that is doing this type of work. My many thanks!

>>>

>>> Kind Regards,

>>>

>>> Elise Hennigan

Stanton, Meridith

From: Stanton, Meridith
Sent: Friday, July 27, 2012 5:51 PM
To: 'Brian Lewis'
Subject: Follow up from yesterday call

Brian,

To follow up on yesterday's call regarding a possible declaration, I spoke with [redacted] as she is the [redacted] She is also a [redacted] Unfortunately, [redacted] is in transit and is swamped with [redacted] and will not be able to provide you with anything in writing by early next week. We also have a call into an Indian art gallery owner, but have not yet heard back from them.

In the meantime, I would suggest you consider approaching Bruce McGee, Manager, Heard Museum Shop, Phoenix, Arizona, http://www.heard.org/shops/shops-details.html; Kelly Kavanaugh, Retail Shops Manager, Museum of Northern Arizona, Flagstaff, Arizona, kkavanaugh@mna.mus.az.us, www.musnaz.org, 928-774-5211, ext. 208; Steve Pickle of the Hubbell Trading Post, Ganado, Arizona, http://www.nps.gov/hutr/contacts.htm, or Bill Malone, of the Bill Malone's Trading Company, Gallup, Arizona, http://www.friendsofhubbell.org/Malone.htm. Particularly given Bill and Steve's close proximity to Window Rock, I would think that they might be able to give you something sooner than others further away. In the meantime, I have not been able to get through to our attorney to discuss.

Will keep you posted.

Best Regards,

Meridith

Stanton, Meridith

To: [redacted]
Subject: My Apologies!

[redacted]

I am so sorry that I missed your call this morning, but am glad the Ken was able to speak with you on my behalf. I am really run down and hope to finally get some rest this weekend – something that I have not have for quite some time. Regarding the Navajo matter, a colleague of mine with the Navajo Attorney General's office, a staff attorney, called me yesterday to request a declaration from the IACB or an expert in the field of Indian arts and crafts to help support the Navajo civil suit against Urban Outfitters by - I think – providing a definition of Indian art and craftwork beyond what is provided for in the Indian Arts and Crafts Act regs. The suit focuses on Urban Outfitters use of the trademarked Navajo name on non Navajo products, as well as violations of the Indian Arts and Crafts Act. The IACB is unable to provide a declaration to the attorney by his Tuesday deadline, as anything legal would have to be vetted by the Department of the Interior's Solicitor's office, which would take months given how backlogged they are. So the Navajo attorney asked that we recommend an expert in the field to provide a declaration. Frankly, I don't know exactly what the attorney wants in the declaration and I doubt one can be provided to the attorney by his Tuesday deadline. That said, I did mention that [redacted] and that I would be willing to reach out to you...not knowing if you were even in the country given your frequent travel and many projects. I thought that if you were possibly interested in speaking with the attorney, I would provide him your contact information. However, you are extremely busy and I just don't see how the attorney will be able to obtain the declaration with the content he needs, which again is not particularly clear to me, by Tuesday.

I would be happy to discuss this further with you this afternoon, if you'd like. Otherwise, once you come up for air I would really like to hear about the [redacted]. BTW – [redacted]

Meridith

Meridith Z. Stanton
Director
Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:
This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

RE: Free People - Lakota Bead Bag

1 message

Fry, Ashley <Ashley_Fry@ios.doi.gov> Wed, May 16, 2012 at 10:45 AM
To: IACB Group <IACB@ios.doi.gov>, "Stanton, Meridith" <Meridith_Stanton@ios.doi.gov>

We received complaints about the two exact same items before.

From: IACB Group
Sent: Wednesday, May 16, 2012 10:43 AM
To: Fry, Ashley; Stanton, Meridith
Subject: FW: Free People - Lakota Bead Bag

I think we got another complaint a few months ago about this same thing by someone else (if I recall correctly). I can send her acknowledgement email back and enter into the database.

From: [redacted]
Sent: Wednesday, May 16, 2012 7:32 AM
To: IACB Group
Subject: Free People - Lakota Bead Bag

To Whom It May Concern,

I am not sure if your organization is aware of this particular product being sold by Free People. It is being marketed as a "Lakota Bead Bag" made by Vanessa Mooney (jewelry/accessory designer). Doing a quick search on Vanessa Mooney, it does not appear that she is a member of the Lakota Sioux tribe or in any way affilitated with the tribe. According to her bio on her website, she is a descendant of Harry Warner (one of the original Warner Bros.) and she "derives inspiration from different ethnicities and cultures." Without doing further research into her background, this does appear to be a violation of the Indian Arts and Crafts Act.

Here is the link to the various websites:

http://www.freepeople.com/accessories-bags/lakota-bead-bag/

http://www.vanessamooney.com/about/

I found this bag when I was searching for Cherokee made bags (I am an enrolled member of the Cherokee Nation

of Oklahoma). Free People also sells a backpack that is being marketed as a "Vintage Cherokee Backpack." There is not enough information on the bag to determine if it is also in violation of the Act.

Here is that link:

http://www.freepeople.com/accessories-bags/vintage-cherokee-backpack/

Thank you for your time.

[redacted]

Member of the Cherokee Nation of Oklahoma

05/07/12

Call with Navajo Nation attorney Brian Lewis

Director Stanton and I spoke with Brian Lewis regarding the Navajo Nation suit against Urban Outfitters and other Act matters. Brian stated that UO had filed a Motion to Dismiss, which he expected, but was confident that this would be denied. He said that UO's attorneys seemed very unfamiliar with the Act and did not understand that Indian is a political designation. Brian feels very strongly that a court will find UO is in violation of the Act counts included in the Navajo Nation complaint.

Per an earlier conversation regarding licensing the Navajo name, I asked Brian if the Navajo Nation had entered into any licensing agreements. He mentioned that they were looking to sign an agreement with Pendleton regarding the "Navajo Water Blanket" sold in Pendleton's American Indian College Fund line. Director Stanton expressed concern over licensing the name since under the Act marketing an art of craft product using the name of a Tribe will be taken to mean that the product has to be produced by a member of the named Tribe. Brian stated that the licensing agreement would just be for Lanham Act purposes, and it is their position that private corporations should take it upon themselves to make sure that they are abiding by all other laws relating to the marketing of their products. Director Stanton again expressed concern that this could potentially reach farther than the Navajo Nation realizes. Brian made it clear that it was not his decision that this agreement be entered in to, and the pressure was coming from the Navajo Nation elected officials. Brian said that Pendleton approached these elected officials and let them know that Pendleton was willing to drop the Navajo name from its products, but if it did, it would no longer donate a portion of those proceeds to the American Indian College Fund. Pendleton told the Navajo Nation that within the last 9 months it donated $27,000 from the sale of the "Navajo Water Blanket" to the American Indian College Fund. Director Stanton pointed out that our research, based on press releases put out by the American Indian College Fund, indicated that the amount donated from the sale of all of the blankets in the American Indian College Fund series equaled far less than $27,000.

Brian let us know that an agreement had yet to be signed and that he would let us know before it was. He also said that it would probably best to express our concerns to an Assistant Attorney General.

Stanton, Meridith

From: Stanton, Meridith
Sent: Thursday, March 01, 2012 3:00 PM
To: harvey pratt [redacted]); Rose Fosdick (RFosdick@kawerak.org); 'jonesrutheb@aol.com' (jonesrutheb@aol.com); 'Syd Colombe'; 'Harwood, Charles A.'; Stanton, Robert
Subject: This Indian Country Today article is one of many new articles from today regarding the Navajo suit

From*See All*

Recent News Alerts

This item is described at freepeople.com as a "Vintage 1930's Navajo hand tooled charm pendant necklace with etched arrow detailing." Is it?

In a sequel to the drama that unfolded in the fall, the Navajo Nation has sued Urban Outfitters for trademark infringement and violations of the Indian Arts and Crafts Act.

Last year, the Navajo Nation sent Urban Outfitters a cease and desist letter demanding it stop promoting items in its store such as socks, underwear and plastic trinkets as "Navajo." A public furor erupted in October when a member of the Santee Sioux nation distributed "An Open Letter to Urban Outfitters on Columbus Day." With bloggers hurling outrage and mainstream media picking up the story, Urban Outfitters quietly pulled the controversial items from its website.

The Nation's lawsuit, filed yesterday in U.S. District Court in New Mexico, addresses Navajo-branded items in Urban Outfitters catalogs and sold by different arms of the Philadelphia-based company, such as Free People.

The lawsuit states, according to an AP report, "The fame or reputation of the Navajo name and marks is such that, when defendant uses the 'Navajo' and 'Navaho' marks with its goods and services, a connection with the Navajo Nation is falsely presumed."

From Stanton, Meridith **Date** 2/29/2012 4:22:00 PM
To harvey pratt [redacted] Rose Fosdick (RFosdick@kawerak.org); 'jonesrutheb@aol.com' (jonesrutheb@aol.com); 'Syd Colombe'; 'Harwood, Charles A.'; Stanton, Robert
Cc
Subject Navajo sues Urban Outfitters over product names ajc.com

image007.png (14 KB HTML) image008.png (791 B HTML) image009.png (438 B HTML)

Hi All,

Note mention of the Act!

Meridith

- Print this page
- Close

Navajo sues Urban Outfitters over product names

By FELICIA FONSECA

The Associated Press

3:31 p.m. Wednesday, February 29, 2012

FLAGSTAFF, Ariz. — The Navajo Nation has sued Urban Outfitters Inc. months after the tribe sent a cease and desist letter to the clothing retailer demanding it pull the "Navajo" name from its products.

The lawsuit filed late Tuesday in U.S. District Court in New Mexico alleges trademark violations and violations of the federal Indian Arts and Crafts Act, which makes it illegal to sell arts or crafts in a way to falsely suggest they're made by American Indians when they're not.

The tribe has about 10 registered trademarks on the Navajo name that cover clothing, footwear, online retail sales, household products and textiles. Tribal justice officials said they're intent on protecting what they believe are among the tribe's most valuable assets.

"The fame or reputation of the Navajo name and marks is such that, when defendant uses the 'Navajo' and 'Navaho' marks with its goods and services, a connection with the Navajo Nation is falsely presumed," the lawsuit states.

Urban Outfitters set off a firestorm of criticism last year with its line of Navajo-branded clothing and accessories — particularly underwear and a liquor flask, which the tribe said was "derogatory and

scandalous," considering the sale and consumption of alcohol is banned on the reservation that spans parts of northeast Arizona, southeast Utah and northwest New Mexico. The company removed the product names from its website after acknowledging receipt of the cease and desist letter.

But the Navajo Nation wrote in its lawsuit that products with the Navajo name still are sold through other company brands, like Free People, in catalogs and retail stores.

The clothing boutique's website features several pieces of jewelry labeled vintage Navajo with turquoise stones and silver. A description for a handmade cuff says it originally was sold at a trading post, and has etched arrow detailing with a "sterling" stamp on the back.

There was no sign of the word "Navajo" on any products at an Urban Outfitters in downtown Tempe late last week.

The Philadelphia-based company did not immediately respond to messages seeking comment Wednesday.

Company spokesman Ed Looram said in an email last October that Urban Outfitters had no plans to alter its products.

"Like many other fashion brands, we interpret trends and will continue to do so for years to come," he said. "The Native American-inspired trend and specifically the term 'Navajo' have been cycling thru fashion, fine art and design for the last few years."

He later declined further comment, saying the matter was in the hands of legal counsel.

Susan Scafidi, who directs the Fashion Law Institute at Fordham University's law school in New York, said Urban Outfitters could point out the name changes in certain items in response to the tribe's original objections. The "Navajo Hipster Panty" and the "Navajo Print Fabric Wrapped Flask," for example, later appeared on the company's website as "printed" instead of "Navajo."

Other defenses include claiming no likelihood of consumer confusion between an authorized Navajo clothing item and the panty, using alternate spellings of "Navajo" and arguing that the contested product isn't a handicraft, she said.

But she and New York-based fashion lawyer Joseph F. Murphy Jr., agree the trademark infringement is clear. Both pointed to a history in which the Navajo Nation lost real property and now is fighting to protect intellectual property.

"That's what disgusts me about this situation," Murphy said. "I, like many people, thought it would have been resolved. But apparently Urban Outfitters declined to write the big apology and may have to write the big check."

The Navajo Nation's objections to traditionally styled beaded earrings or a hacienda bag that don't carry the tribe's name are much less likely to succeed, Scafidi said. But she said it shows a pattern that could influence a jury, which the tribe has requested in its lawsuit.

"Imagine all of those products piled on a table in the courtroom, looking like Santa Fe meets New York's notorious Canal Street or Beijing's Silk Market," she wrote in an email.

Tuesday's action isn't the first time the Navajo Nation has asserted its trademarks. The tribe successfully forced the cancellation of a "Navaho" trademark last year that was used by a French company doing business in the United States. The tribe argued the name was phonetically identical and infringed on its trademark.

The tribe licenses its name to other businesses in exchange for a share of their profits, and it has identified about two dozen companies it believes are violating the Navajo trademark.

The lawsuit seeks monetary compensation and an order permanently enjoining Urban Outfitters from using the name "Navajo" or variations of it on its products.

February 29, 2012 03:31 PM EST

Copyright 2012, The Associated Press. All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Case Number	Date Received	Assigned To:
2012-014	2/6/2012	

First Name	[redacted]	City	[redacted]	New Complainant
Last Name		State		
Middle Initial		Zip		Edit Complainant
Address		Email		
		Phn. Number		

First Name		Street	30 Industrial Park Blvd	New Offender
Last Name		City	Trenton	
Middle Initial		State	SC	Edit Offender
Company Name	Free People	Zip	29847	
		Email		

Art Craft Type	Region	Complaint About
Other (dolls, drums, medicine bags, etc.)	Cyberspace	Retail

Status	Code of Case	How Filed
~~Open~~ CLOSED	Small	Online Form

City of Incident	State of Incident	Value of Goods	Date Closed
		$0.00	1-22-13

Complaint Summary

On the company's website, www.freepeople.com, they have listed a leather handbag as "Lakota Bead Bag". The desginer of the bag is listed as Vanessa Mooney, http://www.freepeople.com/lakota-bead-bag/_/searchString/lakota/QUERYID/4f311e5f575c1f68ee00014d/SEARCHPOSITION/0/CMCATEGORYID/683d4023-53f5-4900-b5ce-ecf465df31a9/STYLEID/23406069/. The complainant states that she viewed the designer bio and it does not state she is Lakota.

IACB Findings

Hill, Michele K

From: [redacted]
Sent: Monday, February 06, 2012 4:47 PM
To: IACB Group
Subject: Violation Report

Below is the result of your feedback form. It was submitted by [redacted]) on Monday, February 6, 2012 at 16:46:49

Contact_Address: [redacted]

Contact_City: [redacted]

Contact_State: [redacted]

Contact_Zip: [redacted]

Contact_Worknumber: [redacted]

Violator_Name: Free People

Violator_Website: www.freepeople.com

Question4_Complaint: no

Question5_ComplaintAgency: no

Artwork_Description: On Free People's website, a leather handbag is listed as "Lakota Bead Bag". The designer is Vanessa Mooney. I looked at her bio and nowhere does it say she is of the Lakota nation.

Item_for_Sale:
Offered online.

Representations_of_Item: See #6.

Violator_Documents:
http://www.freepeople.com/index.cfm?fuseaction=search.results&searchString=lakota+bead

Submit: Submit

REMOTE_ADDR: 65.36.77.146
HTTP_USER_AGENT: Mozilla/5.0 (Macintosh; Intel Mac OS X 10_5_8) AppleWebKit/534.50.2 (KHTML, like Gecko) Version/5.0.6 Safari/533.22.3

United States Department of the Interior

INDIAN ARTS AND CRAFTS BOARD
Washington, DC 20240

July 23, 2012

Free People Direct
30 Industrial Park Blvd.
Trenton, SC 29847

To Whom It May Concern,

As Free People Direct in the business of marketing a "Lakota Bead Bag" through its website, www.freepeople.com, the Indian Arts and Crafts Board is providing you with the enclosed information on the Indian Arts and Crafts Act (Act), Public Law 101-644, as amended. Upon review of the enclosed material, you will see that the Act is essentially a truth-in-advertising law designed to prevent the marketing of art and craft products as "Indian" made when they are not made by Indians as defined by the Act.

Under the Act, it is unlawful to directly or indirectly offer or display for sale, or sell, any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian Tribe. According to the implementing regulations, unqualified use of the terms "Indian," "Native American," or the names of particular Indian Tribes in connection with the sale or display for sale of an Indian art or craft product will be interpreted to mean that the maker is a member of a federally or officially State recognized Indian Tribe, a member of the Tribe named, or is certified by an Indian Tribe as a non-member artisan; 25 C.F.R. §309.24. In order for an art or craft product to be sold as Indian or Native American or as the product of a particular Indian Tribe, it must be produced by an enrolled member of a federally or officially State recognized Tribe, or by an individual who has been formally certified as a non-member Indian artisan by the federally or officially State recognized Tribe of their direct descent.

For a first time violation of the Act, a business can face civil penalties or can be prosecuted and fined up to $1,000,000.

If the bag offered for sale does not meet the definition of an Indian product, it should not be marketed as "Lakota." However, use of the terms "in the Lakota style" or "inspired by the Lakota people" would be acceptable when describing the bag currently marketed through www.freepeople.com. We believe these changes are important measures to ensure full compliance with the Act.

If you have any questions regarding the Act or the information provided above, please feel free to consult our website, www.iacb.doi.gov, or contact us directly at 202-208-3773.

Sincerely,

Meridith Z. Stanton
Director

CC: SURNAME
CHRONY

Enclosures

Meridith,

Free People changed the marketing of all their turquoise jewelry ages ago. We have also written them a letter. What should we do now?

-Ashley

If they now seem in compliance close
1-11-13

$ USD My Account turquoise

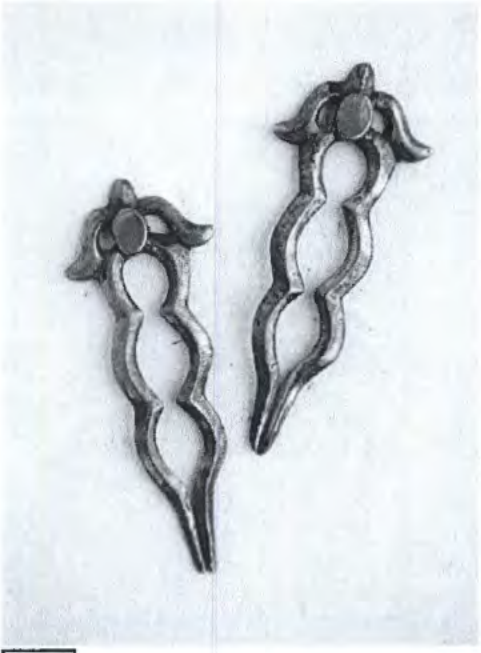
Shopping Bas

WHAT'S NEW CLOTHES DRESS SHOP ACCESSORIES SHOES INTIMATES VINTAGE SWIM SALE

FREE SHIPPING *on* $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information



VINTAGE LOVES
About Vintage Loves

Vintage Turquoise Hair Pins

Style: 24623654

Vintage hair pins with turquoise detailing.

PRICE: $228.00

Help/Info

color: silver

size: one size

quantity: 1

Like 11 OR TELL A FRIEND

sizing:

Length: 3 1/4"
Width (at widest point): 1 1/4"

condition:

condition details:

In mint condition.

How we rate condition

discussion about this product:

Elizabeth at 3:55 AM on 10/18/12

"what type of metal? Is there a stamp indicating silver or alpaca? Do you test the metal in pieces that do not indicate the metal type by marking, in order to price it appropriately? Lizzy"

Vintage Loves at 11:08 AM on 10/22/12

"Hello! There are no markings on this metal indicating what type of metal was used to make these pins and we did not test this item to determine the metal used to make these pins."

ask a question:

Name: Email:

SUBMIT

you may also be interested in one these...

need help?
call (800) 309-1500
or contact us

customer service
help
order status
size chart
shipping information
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

BE THE FIRST TO KNOW - *Sign up for our emails!* enter your email address... SIGN UP *New friends get free shipping on first order!*

USD My Account turquoise

Shopping Bas

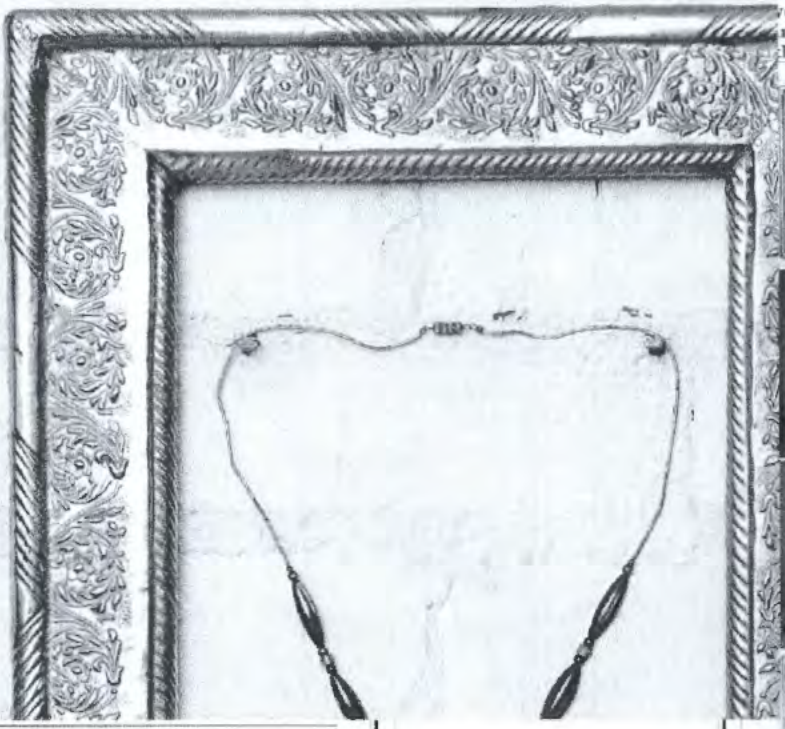
WHAT'S NEW CLOTHES DRESS SHOP ACCESSORIES SHOES INTIMATES VINTAGE SWIM SALE

FREE SHIPPING *on* $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information

click to zoom +



you may also be
nterested in one
hese...

SUBMIT

need help?
call (800) 8[illegible]
or contact us

customer service
help
order status
size chart
shipping infomation
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

BE THE FIRST TO KNOW - *SIGN UP* FOR OUR EMAILS! enter your email address... SIGN UP *New friends get free shipping on first order!*

want to receive our catalogs? *SUBSCRIBE »*

gift cards & e-gift cards *SHOP »*

Follow @freepeople

Free People on Facebook
Like 904,360

follow us here too...

© 2013 FreePeople.com, LLC. All Rights Reserved. Terms Of Use / Privacy & Security / CA Notice / Free People UK

D ▾ M Acco nt

turquoise

Shopping Bas

A NE CL E D E P ACCE E E N MA E V N A E M ALE

FREE SHIPPING *on* $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information

click to zoom +

this is from?"

Vintage Loves at 2:57 PM on 9/13/11

"Hello, this necklace is most likely from the 1990s. Hope this helps!"

Laurie Chase at 1:30 AM on 9/3/11

"What condition is the necklace in? What are the dimensions of the center stone?"

Vintage Loves at 2:19 PM on 9/6/11

"Hello, This necklace is in very good to mint condition. The center stone measures 3 1/2 inches in length and 1 1/4 inches wide. Thanks for your interest!"

ask a question:

Name: Email:

SUBMIT

you may also be interested in one these...

need help?
call (800) 309-1500
or contact us

customer service
help
order status

company
our story
work at fp

explore
find a store
shop catalog

[redacted]

[redacted]

BE THE FIRST TO KNOW - SIGN UP FOR OUR EMAILS! enter your email address... SIGN UP New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

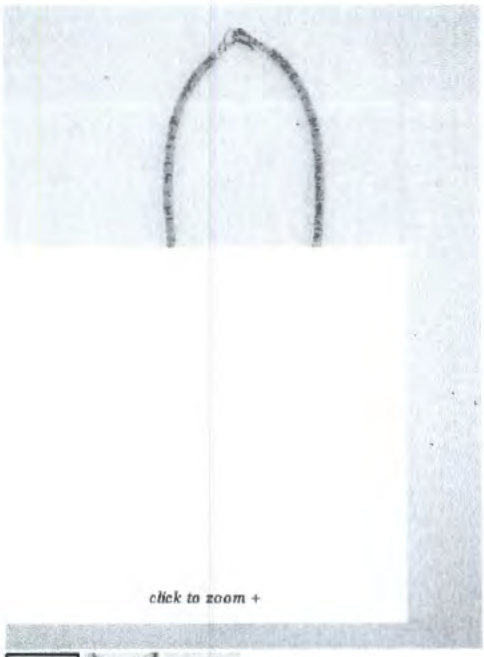
gift cards & e-gift cards
SHOP »

Follow @freepeople

Free People on Facebook
Like 904,360

follow us here too...

© 2013 FreePeople.com, LLC. All Rights Reserved. Terms Of Use / Privacy & Security / CA Notice / Free People UK



you may also be interested in one these...

handled delicately.

How we rate condition

SUBMIT

© 2013 FreePeople.com, LLC. All Rights Reserved. Terms Of Use / Privacy & Security / CA Notice / Free People UK

D ▾ Account turquoise

Shopping Bas

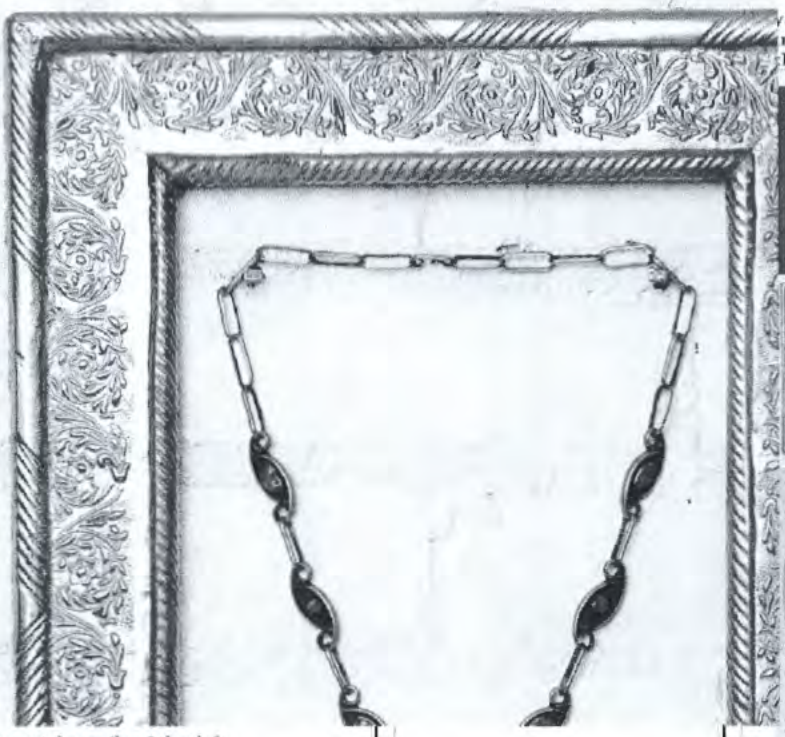
HAT NE CL THE D E H P ACCE E H E NT ATE V NTA E ALE

FREE SHIPPING *on* $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information

click to zoom +



"Is the metal 925 silver? thanks"

Vintage Loves at 3:33 PM on 9/13/11

"Hello, we don't believe that it is, we think that its earlier, but are unable to post specifics since it is not clearly documented on the piece. Sorry we don't have more detail, but we would never want to be misleading!"

ask a question:

Name: Email:

SUBMIT

you may also be interested in one these...

hand help?
call (800) 204-1503
or contact us

customer service
help
order status
size chart
shipping infomation
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

BE THE FIRST TO KNOW - *SIGN UP* FOR OUR EMAILS! *enter your email address...* SIGN UP *New friends get free shipping on first order!*

D ▾ Acco nt turquoise

Shopping Bas

A NE CL E D E P ACCE E E N A E V N A E ALE

FREE SHIPPING *on* $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information

VINTAGE LOVES
About Vintage Loves

Vintage Pendant Necklace

Style: 23550825

1970s beaded necklace with turquoise stone pendant. Hook and eye closure.

PRICE: $298.00

Help/Info

color: turquoise

size: one size

quantity: 1

Like 2 OR TELL A FRIEND

sizing:

Length (closed): 8 ¼"

condition:

condition details:

In good condition with some minor discolocation.

How we rate condition

ask a question:

Name: Email:

SUBMIT

you may also be interested in one these...

need help?
call (800) 309-1500
or contact us

customer service
help
order status
size chart
shipping infomation
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

BE THE FIRST TO KNOW - *SIGN UP* FOR OUR EMAILS! enter your email address... SIGN UP *New friends get free shipping on first order!*

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

Follow @freepeople

Free People on Facebook
Like 904,360

follow us here too...

© 2013 FreePeople.com, LLC. All Rights Reserved. Terms Of Use / Privacy & Security / CA Notice / Free People UK

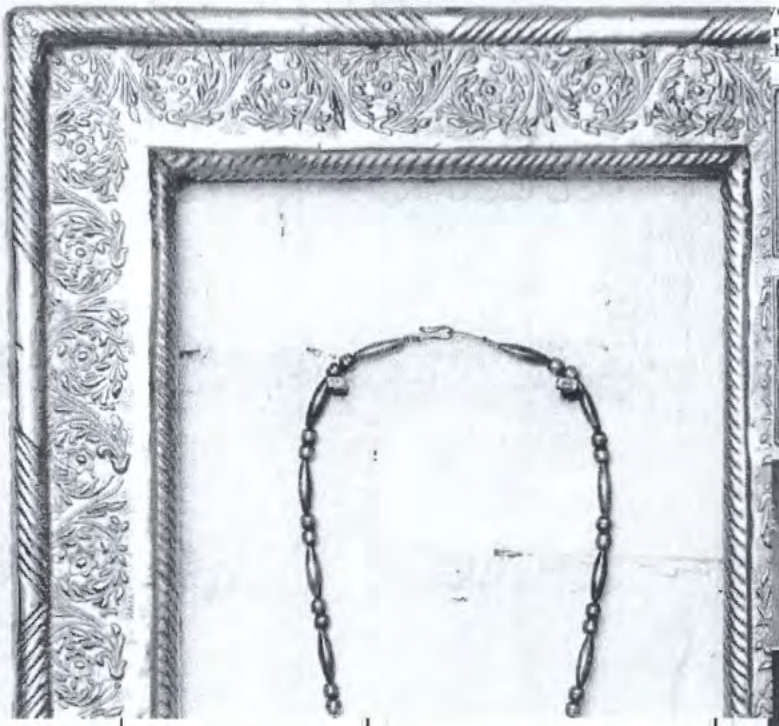
D ▾ Acco nt turquoise Shopping Bas

A NE CL E D E P ACCE E E N A E V N A E ALE

F EE PP N on

previous item next item need help? email us return policy shipping information

click to zoom +



you may also be interested in one these...

SUBMIT

customer service
help
order status
size chart
shipping information
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

BE THE FIRST TO KNOW - SIGN UP FOR OUR EMAILS! enter your email address... SIGN UP New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

Follow @freepeople

Free People on Facebook
Like 904,360

follow us here too...

© 2013 FreePeople.com, LLC. All Rights Reserved. Terms Of Use / Privacy & Security / CA Notice / Free People UK

D ▾ Account turquoise

opping Bas

AT NE CL T E D E P ACCE E E NT ATE V NTA E ALE

FREE SHIPPING on $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information

click to zoom +

ou may also be
nterested in one
hese...

SUBMIT

customer service
help
order status
size chart
shipping information
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

BE THE FIRST TO KNOW - SIGN UP FOR OUR EMAILS! enter your email address... SIGN UP New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

Follow @freepeople

Free People on Facebook
Like 904,360

follow us here too...

2013 FreePeople.com LLC. All rights reserved. Terms of use / Privacy security / CA Notice / Free People

$ USD My Account turquoise

opping Bes

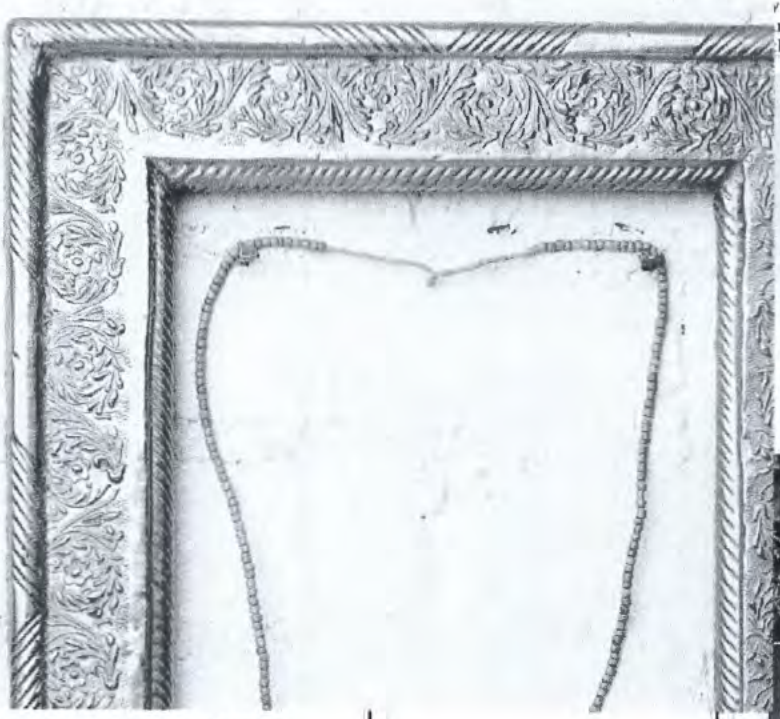
WHAT'S NEW CLOTHES DRESS SHOP ACCESSORIES SHOES INTIMATES VINTAGE SWIM SALE

FREE SHIPPING *on* $100+
EVERY DAY!

FP FREEWHEELIN' SWEEPS!
WIN A BICYCLE & FP WARDROBE!

previous item next item need help? email us return policy shipping information

click to zoom +



you may also be
nterested in one
hese...

Vintage Loves at 10:08 AM on 6/4/12

"Hello, we do not see any cracks in the beads. However, the material appears to be natural, so there are sections that are uneven and contain indentations. This is part of the design, and we would not consider it to be a flaw. Hope this helps! "

Nell at 3:56 PM on 1/12/12

"Hi. What is the length of this necklace? #23196884?"

Vintage Loves at 3:56 PM on 1/12/12

"Hello, This is listed to the right of the product description. Length: 26" Hope this helps! "

View More Questions

ask a question:

Name: Email:

SUBMIT

VINTAGE LOVES

About Vintage Loves

Vintage Snoopy Bolo Necklace

Style: 2355036:

Vintage bolo necklace with Snoopy and turquoise stone pendant.

PRICE: $128.00

Help/Info

color: black

size: one size

quantity: 1

Like 0 OR TELL A FRIEND

sizing:

Length (closed): 18 ½"

condition:

condition details:

In great condition.

How we rate condition

discussion about this product:

MELANIE at 8:58 PM on 4/22/12

"Is it mother of pearl? and a turquoise stone? How tall is Snoopy?"

Vintage Loves at 2:06 PM on 4/24/12

"Hello, This looks like mother of pearl, but there are no markings to indicate for sure. The turquoise piece appears to be made of plastic. Snoopy is about 2" tall. Hope this helps! "

melanie at 4:17 PM on 4/22/12

"How long is it"

Vintage Loves at 11:59 AM on 4/23/12

"Hi, measurements are listed to the right. Length (closed): 18 ½" Hope this helps! "

ask a question:

Name: Email:

SUBMIT

you may also be interested in one these...

D ccount turquoise

Shopping Bas

T E C T E D E P CCE E E T TE V T E E

F EE PP on

previous item next item need help? email us return policy shipping information

VINTAGE LOVES

About Vintage Loves

Vintage Thunderbird Pin

Style: 26418533

Vintage thunderbird pin with real turquoise stone detailing on front.

PRICE: $268.00

Help/Info

color: silver

size: one size

quantity: 1

Like 1 OR TELL A FRIEND

sizing:

Dimension: 3" x 3 3/4"

condition:

condition details:

In good condition overall.

How we rate condition

ask a question:

Name: Email:

SUBMIT

top selling items

need help?
call (800) 309-1500
or contact us

customer service	company	explore
help	our story	find a store
order status	work at fp	shop catalog
size chart	wholesale	wishlists
shipping infomation	affiliates	collections
returns & exchanges	site map	popular searches
international orders		visit mobile site »

BE THE FIRST TO KNOW - SIGN UP FOR OUR EMAILS! enter your email address... SIGN UP New friends get free shipping on first order!

want to receive our catalogs? SUBSCRIBE »

gift cards & e-gift cards SHOP »

Follow @freepeople

Free People on Facebook Like 904,360

follow us here too...

© 2013 FreePeople.com, LLC. All Rights Reserved. Terms Of Use / Privacy & Security / CA Notice / Free People UK

sorry...

Sorry, the Vintage Handmade Zuni Necklace is currently unavailable, please browse our other products.

Vintage Handmade Zuni Necklace

Style: 2355084I

Vintage necklace with gorgeous stone pendant, thin metal chain, and hook closure.

PRICE: $248.00

Help/Info

color: turquoise

size: one size

Will this item come back in stock?

OR TELL A FRIEND

sizing:

Length: 14 1/2" (closed)

condition:

discussion about this product:

laura at 6:57 PM on 12.31.2011

"from where was this necklace recovered? How do you know it is Zuni?"

Vintage Loves at 10:06 AM on 01.03.2012

"Hello, Our buyer has identified this as a Zuni necklace. Unfortunately we're not able to reveal her market sources. Hope this helps! "

condition details:

In great condition.

How we rate condition

ask a question:

Name: Email:

SUBMIT

shop your country

shipping information
returns & exchanges
international orders

affiliates
site map

collections
popular searches
visit mobile site »

enter your email address...

New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

follow us here too...

2012 FreePeople.com, LLC. All Rights Reserved. terms of use | privacy & security | ca notice

download this image

DETAILS & SHOPPING REVIEWS & FITTING (0)

Totem Vintage Cherokee Backpack

Style: 23781560

price: $598.00

availability (web & stores)

Overall Rating **Q&A**

WRITE A REVIEW ASK A QUESTION

color: **tan**

Beautiful patterned woven drawstring backpack with distressed leather trimming. Adjustable straps. Fully lined with canvas. Zipper pocket inside. Buckle closure. Woven part is made from one-of-a-kind blankets, so each backpack will vary.

size: **one size** chart

One Size

quantity: 1

*By Totem
*Textile, Leather
*14" deep, 11 ¼" wide, 7 ¼" thick on the side

SHOP ALL: Bags & Wallets

Share this item with your friends and the Free People community:

9 4

you may also be interested in one of these...

totem vintage cherokee backpack is included in 9 collections including...

Gypsy Love
I Want It
Created 41 days ago
by Zsari

the world traveler
1 person wants this
I Want It
Created 52 days ago
by elliemeyer

Stuff
I Want It
Created 69 days ago
by Saihanle

campfires and ukeleles
I Want It
Created 80 days ago
by chriscross

big bags
I Want It
Created 103 days ago
by shamanbear

need help?
call 800-309-1500
or contact us

shop your country

customer service
help
order status
size chart
shipping information
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

enter your email address...

New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

follow us here too...

2012 FreePeople.com, LLC. All Rights Reserved. terms of use | privacy & security | ca notice

download this image

DETAILS & SHOPPING REVIEWS & FITTING (0)

Lakota Bead Bag

Style: 23406069

price: $468.00

availability (web & stores)

Lambskin crossbody bag with a braided strap, whipstitch trim, and beaded fringe strips. One patch pocket inside.

*By Vanessa Mooney
*Italian Lambskin
*Made in the USA
*10 ½" long, 8" wide
*31" strap rise

SHOP ALL: Bags & Wallets

color: **field brown**

size: **one size** chart

One Size

quantity: 1

Share this item with your friends and the Free People community:

15 3

you may also be interested in one of these...

lakota bead bag is included in 15 collections including...

in distress
I Want It
Created 30 days ago
by taysteandsee

ME ME ME
I Want It
Created 59 days ago
by gabby1127

Blue skys ahead
I Want It
Created 59 days ago
by KELBELL

Free Spirited
I Want It
Created 80 days ago
by lauraloo

primeval
I Want It
Created 83 days ago
by mukwa

need help?
call 800-309-1500
or contact us

shop your country

customer service
help
order status
size chart
shipping information
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

enter your email address...
New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

follow us here too...

2012 FreePeople.com, LLC. All Rights Reserved. terms of use | privacy & security | ca notice

download this image

DETAILS & SHOPPING REVIEWS & FITTING (0)

Lakota Bead Bag

Style: 23406069

price: $468.00

availability (web & stores)

Overall Rating Q&A

WRITE A REVIEW ASK A QUESTION

color: **field brown**

Lambskin crossbody bag with a braided strap, whipstitch trim, and beaded fringe strips. One patch pocket inside.

size: **one size** chart

One Size

*By Vanessa Mooney
*Italian Lambskin
*Made in the USA
*10 ½" long, 8" wide
*31" strap rise

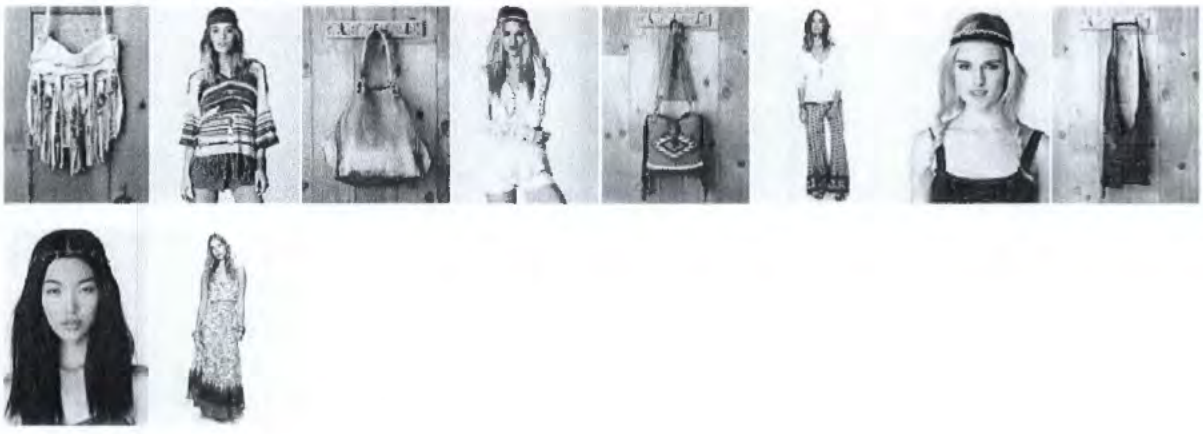
quantity: 1

SHOP ALL: Bags & Wallets

Share this item with your friends and the Free People community:

15 2

you may also be interested in one of these...



lakota bead bag is included in 15 collections including...

in distress
I Want It
Created 21 days ago
by taysteandsee

ME ME ME
I Want It

Created 50 days ago
by gabby1127

Blue skys ahead
I Want It
Created 50 days ago
by KELBELL

Free Spirited
I Want It

Created 71 days ago
by lauraloo

primeval
I Want It

Created 74 days ago
by mukwa

need help?
call 800-309-1500
or contact us

shop your country

customer service
help
order status
size chart
shipping information
returns & exchanges
international orders

company
our story
work at fp
wholesale
affiliates
site map

explore
find a store
shop catalog
wishlists
collections
popular searches
visit mobile site »

enter your email address...
New friends get free shipping on first order!

want to receive our catalogs?
SUBSCRIBE »

gift cards & e-gift cards
SHOP »

follow us here too...

2012 FreePeople.com, LLC. All Rights Reserved. terms of use | privacy & security | ca notice

Stanton, Meridith

From: Brian Lewis [blewis@nndoj.org]
Sent: Wednesday, October 26, 2011 2:46 PM
To: Stanton, Meridith
Subject: RE: Navajo print dress, etc.

Hello, Ms. Stanton:

Thank you for coming to Window Rock and the Navajo Nation Department of Justice. I appreciate the information and the additional materials. The NNDOJ is currently in the process of analyzing this matter and determining the next steps; both pursuant to the IACA and the Lanham Act. I will contact you when the NNDOJ has a definite action plan. Please feel free to contact me at any time with anything related to this matter. Thank you again.

Respectfully yours,

Brian L. Lewis, Attorney
Navajo Nation Department of Justice

From: Stanton, Meridith [mailto:Meridith_Stanton@ios.doi.gov]
Sent: Tuesday, October 25, 2011 1:21 PM
To: Brian Lewis
Subject: Navajo print dress, etc.

Hi Brian,

My thanks to you and Navajo Attorney General Harrison Tsosie for meeting with [redacted] and me last week.

To follow up on our meeting, I have attached a PDF of a page from the October 2011 Conte Nast Traveler, featuring a "Navajo print dress" by L.A.M.B., selling for $650, and a page from the current Vogue featuring a "Navajo Blanket *inspired* cocktail dress" for $3,750 by IKRAM.

If we can be of any assistance with Indian Arts and Crafts Act matters, please do not hesitate to let us know.

Best Regards,

Meridith

Meridith Z. Stanton
Director
Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:
This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further

disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

Stanton, Meridith

From: Brian Lewis [blewis@nndoj.org]
Sent: Saturday, December 10, 2011 8:15 PM
To: Stanton, Meridith
Subject: RE: Bloomberg News

Good evening, Meridith.

Although I was hoping to have substantive information that I could disclose by now, the AG and I are still in negotiations to allow for the next steps to occur concerning protecting the Navajo name and marks. However, I can disclose that the NNDOJ may need your assistance—either as an expert (if allowed as the IACB Director), or by pointing us in the direction of someone who can serve as an expert regarding Indian products—in our forthcoming efforts. I hope to be able to disclose what we have planned by the end of this next week. I will E-Mail or call once everything is in place. Thank you again for staying in touch. I hope all is well.

Respectfully yours,

Brian L. Lewis, Attorney
Navajo Nation Department of Justice

From: Stanton, Meridith [mailto:Meridith_Stanton@ios.doi.gov]
Sent: Friday, December 09, 2011 5:02 PM
To: Brian Lewis
Subject: RE: Bloomberg News

Hi Brian,

I thought I would circle back to see how things were going with your diligent work to defend the Navajo name, trademarks, and art and culture. Congratulations on your excellent successes, and good work to come.

If the Indian Arts and Crafts Board can be assistance with your endeavors, please do not hesitate to let me know.

Best Regards,

Meridith

Meridith Z. Stanton
Director
Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:
This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Brian Lewis [mailto:blewis@nndoj.org]
Sent: Monday, November 28, 2011 10:27 PM
To: Stanton, Meridith
Subject: RE: Bloomberg News

Thank you, Meridith. I will be in contact soon to discuss recent developments in this matter.

Respectfully yours,

Brian L. Lewis

Fwd: FW: Navajo Complaint about Urban Outfitters

Alexander, Nina <nina_alexander@ost.doi.gov> Mon, Jul 7, 2014 at 4:44 PM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Kenneth VanWey <kenneth_van_wey@ios.doi.gov>

FOIA - 4 of 4 emails.

——— Forwarded message ———
From: **Alexander, Nina C.** <Nina_Alexander@ost.doi.gov>
Date: Thu, Oct 20, 2011 at 11:17 AM
Subject: FW: Navajo Complaint about Urban Outfitters
To: [redacted]

After all that, this is what I got back so you see.

From: Stanton, Meridith
Sent: Thursday, October 20, 2011 11:08 AM
To: Alexander, Nina C.
Subject: Re: Navajo Complaint about Urban Outfitters

They have dropped the Navajo name.

From: Alexander, Nina C.
Sent: Thursday, October 20, 2011 01:03 PM
To: Stanton, Meridith; VanWey, Kenneth J; Hill, Michele K
Subject: Navajo Complaint about Urban Outfitters

This is getting bigger and bigger. Navajo attorneys are stating that Urban Outfitters has violated the Indian Arts and Crafts Act and I have had calls from several artists asking what we are doing. I believe it's a trademark issue, not an Act issue but there is a fine line on this one and I understand that the Navajo Nation was going to the Indian Affairs Committee so you might get some questions.

Also, there is a Native American reporter at KOAT and I may get a call from her but will refer them to your office. There is a lot on Facebook about this but here's some links and information I have gathered from various sources for your review.

There is an article out today that states Urban took the words Navajo off the website but they have had no comment during the entire issue.

Urban Outfitters hasn't a clue what Navajo means

- Add a comment

Elizabeth Rose

, Native American Jewelry and Art Examiner

October 16, 2011 - Like this? Subscribe to get instant updates.

Apparently the retailer, Urban Outfitters, has launched a line of "Indian type" items and has chosen to label the items with the moniker "Navajo." Now these items, neither made by or endorsed by Navajo people, are getting them in hot water. And rightfully so!

An excellent article, written by Allison Berry and published on Time Newsfeed, explains how important authenticity is when it comes to Native American products. She points out the range of products offered on the Urban Outfitters website and we then have to consider if Navajo can be used as a descriptive term.

Personally, I think not!

After spending a week serving the Navajo traditional elders on the Navajo Reservation, I know Navajo when I see it and Urban Outfitters hasn't a clue!

Indian Country Article

Here's a submission we received from a concerned member of the Santee Sioux nation; it's a letter addressed to the CEO of Urban Outfitters that raises some compelling moral and, interestingly, legal issues with some of the store's native themed clothing and accessories:

Dear Glen T. Senk, CEO Urban Outfitters Inc.:

This past weekend, I had the unfortunate experience of visiting a local Urban Outfitters store in Minneapolis. It appeared as though the recording "artist" Ke$ha had violently exploded in the store, leaving behind a cheap, vulgar and culturally offensive retail collection. Plastic dreamcatchers wrapped in pleather hung next to an indistinguishable mass of artificial feather jewelry and hyper sexualized clothing featuring an abundance of suede, fringe and inauthentic tribal patterns.

In all seriousness, as a Native American woman, I am deeply distressed by your company's mass marketed collection of distasteful and racially demeaning apparel and décor. I take personal offense to the blatant racism and perverted cultural appropriation your store features this season as "fashion."

All too often industries, sports teams and ignorant individuals legitimize racism under the guise of cultural "appreciation". There is nothing honorable or historically appreciative in selling items such as the Navajo Print Fabric Wrapped Flask, Peace Treaty Feather Necklace, Staring at Stars Skull Native Headdress T-shirt or the Navajo Hipster Panty. These and the dozens of other tacky products you are currently selling referencing Native America make a mockery of our identity and unique cultures.

Your corporate website claims to "offer a lifestyle-specific shopping experience for the educated, urban-minded individual". If this is the case, then clearly you have missed the mark on your target demographic. There is simply nothing educated about your collection, which on the contrary professes extreme ignorance and bigotry.

ABC NEWS

Go to www.abcnews.go.com and search on Urban Outfitters and you'll see all the articles.

Nina C. Alexander

U.S. Department of the Interior

Office of the Special Trustee for American Indians

4400 Masthead Street, NE

Albuquerque, NM 87109

(505) 816-1324 (desk)

(505) 350-6908 (mobile)

(505) 816-1139 (fax)

–
Nina C. Alexander
Office of the Special Trustee for American Indians AND
Indian Arts and Crafts Board
(505) 816-1324
(505) 350-6908 (cell)

Indian Arts and Crafts Board
Office of the Secretary
MS 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240
202-208-3773 (main)
202-208-3889 (direct)
1-888-Art-Fake (toll free)
202-208-4382 (fax)

CONFIDENTIALITY/SENSITIVITY NOTICE:

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is law enforcement sensitive, proprietary, privileged, confidential and may be legally protected or otherwise exempt from disclosure. This message may be forwarded by the addressee, as appropriate, to further disseminate law enforcement sensitive information to the field, as needed. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

VanWey, Kenneth <kenneth_van_wey@ios.doi.gov>

Fwd: Navajo Controversy

1 message

Alexander, Nina <nina_alexander@ost.doi.gov> Mon, Jul 7, 2014 at 4:43 PM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Kenneth VanWey <kenneth_van_wey@ios.doi.gov>

FOIA Request - 2 of 4 emails.
——— Forwarded message ———
From: **Alexander, Nina C.** <Nina_Alexander@ost.doi.gov>
Date: Thu, Oct 20, 2011 at 9:37 AM
Subject: Navajo Controversy
To: [redacted]

Does this Skeets article make the problem go away or should I pursue with Meridith. I was writing a long letter right now and cutting and pasting from what you sent so they could be involved. If you think it's a mute issue now, let me know.

Nina C. Alexander

U.S. Department of the Interior

Office of the Special Trustee for American Indians

4400 Masthead Street, NE

Albuquerque, NM 87109

(505) 816-1324 (desk)

(505) 350-6908 (mobile)

(505) 816-1139 (fax)

–
Nina C. Alexander
Office of the Special Trustee for American Indians AND
Indian Arts and Crafts Board
(505) 816-1324
(505) 350-6908 (cell)

VanWey, Kenneth <kenneth_van_wey@ios.doi.gov>

Fwd: Navajo Controversy

1 message

Alexander, Nina <nina_alexander@ost.doi.gov> Mon, Jul 7, 2014 at 4:43 PM
To: Meridith Stanton <meridith_stanton@ios.doi.gov>, Kenneth VanWey <kenneth_van_wey@ios.doi.gov>

FOIA Request - 2 of 4 emails.
——— Forwarded message ———
From: **Alexander, Nina C.** <Nina_Alexander@ost.doi.gov>
Date: Thu, Oct 20, 2011 at 9:37 AM
Subject: Navajo Controversy
To: [redacted]

Does this Skeets article make the problem go away or should I pursue with Meridith. I was writing a long letter right now and cutting and pasting from what you sent so they could be involved. If you think it's a mute issue now, let me know.

Nina C. Alexander

U.S. Department of the Interior

Office of the Special Trustee for American Indians

4400 Masthead Street, NE

Albuquerque, NM 87109

(505) 816-1324 (desk)

(505) 350-6908 (mobile)

(505) 816-1139 (fax)

–
Nina C. Alexander
Office of the Special Trustee for American Indians AND
Indian Arts and Crafts Board
(505) 816-1324
(505) 350-6908 (cell)

From Alexander, Nina C. **Date** 10/17/2011 2:30:08 PM

To Stanton, Meridith; VanWey, Kenneth J; Hill, Michele K; Fry, Ashley

Cc

Subject Urban Outfitters potential violation

Hi all –

I received this from [redacted] and it was on KOB news here so thought you might already have the complaint or want to know.

http://www.kob.com/article/stories/S2328371.shtml?cat=504

Nina C. Alexander
U.S. Department of the Interior
Office of the Special Trustee for American Indians
4400 Masthead Street, NE
Albuquerque, NM 87109
(505) 816-1324 (desk)
(505) 350-6908 (mobile)
(505) 816-1139 (fax)

From [redacted] **Date** 10/12/2011 10:41:57 AM

To Stanton, Meridith; VanWey, Kenneth J

Cc

Subject Urban Outfitter's 'Navajo' Problem Becomes A Legal Issue

Urban Outfitter's 'Navajo' Problem Becomes A Legal Issue

http://jezebel.com/5848715/urban-outfitters-navajo-problem-becomes-a-legal-issue

Sasha Houston Brown of Minneapolis published a strongly worded open letter to Urban Outfitters yesterday at Racialicious. Brown, who directly addresses C.E.O. Glen Senk, takes the clothing chain to task for its appropriation of Native American arts and crafts, and its frequent use of the word "Navajo" in product names and descriptions:

This past weekend, I had the unfortunate experience of visiting a local Urban Outfitters store in Minneapolis. It appeared as though the recording "artist" Ke$ha had violently exploded in the store, leaving behind a cheap, vulgar and culturally offensive retail collection. Plastic dreamcatchers wrapped in pleather hung next to an indistinguishable mass of artificial feather jewelry and hyper sexualized clothing featuring an abundance of suede, fringe and inauthentic tribal patterns.

In all seriousness, as a Native American woman, I am deeply distressed by your company's mass marketed collection of distasteful and racially demeaning apparel and décor. I take personal offense to the blatant racism and perverted cultural appropriation your store features this season as "fashion."

All too often industries, sports teams and ignorant individuals legitimize racism under the guise of cultural "appreciation". There is nothing honorable or historically appreciative in selling items such as the Navajo Print Fabric Wrapped Flask, Peace Treaty Feather Necklace, Staring at Stars Skull Native Headdress T-shirt or the Navajo Hipster Panty. These and the dozens of other tacky products you are currently selling referencing Native America make a mockery of our identity and unique cultures.

Brown's letter is passionate, informed, and well-argued. What could be more disrespectful than pilfering Native American intellectual property by knocking off tribal arts and crafts, and — rather than supporting Native artisans — having the knock-offs made cheaply overseas? All of the 24 items currently available in Urban Outfitters' online store that include the term "Navajo" in the name are imported, save one men's jacket and one women's jacket.

Selling a "Navajo Hipster Panty" may be cheesy and kind of offensive, but, more worrisomely perhaps for Urban Outfitters, it could also be illegal. In the U.S., under the terms of the Federal Indian Arts and Crafts act of 1990 and the Federal Trade Commission Act, it is prohibited to falsely claim, or even imply, that a product is Native American-made when it is not. The Department of the Interior says:

It is illegal to offer or display for sale, or sell any art or craft product in a manner that falsely suggests it is Indian produced, an Indian product, or the product of a particular Indian or Indian Tribe or Indian arts and crafts organization, resident within the United States. If a business violates the Act, it can face civil penalties or

can be prosecuted and fined up to $1,000,000

"Navajo" isn't an aesthetic movement — it's a legal entity, a tribe of people, and an actual nation.

And, as it turns out, it's a nation with trademarks. The Navajo Nation holds 12 trademarks on the use of the term "Navajo," including two that cover various forms of clothing and one that covers online retailing. The Attorney General of the Navajo Nation actually wrote to Urban Outfitters months ago asking the corporation to cease and desist using its trademarks to sell clothing and accessories that have nothing to do with any actual Navajo people or designs.

Brown's letter elicited this comment from a user logged into the Disqus comment system as "Glen T Senk". It was posted around 10:30 p.m. EST yesterday:

Hello Sasha,

I am deeply sorry this issue has triggered an offended reaction from you. It is not our intention to demean or offend any native people. I hope you will be willing to call our head office in Philadelphia to discuss this issue at 1- 215-454-5500

That is in fact the phone number for Urban Outfitters' corporate headquarters. The number is, however, publicly available along with the contact information for all of Urban Outfitters' directors and corporate officers.

Glen Senk's assistant couldn't confirm whether it was really Senk who left the comment — "This is the first I'm hearing of it," she said when I reached her by phone this afternoon. A call to Urban Outfitters' PR department seeking clarification about the purported Senk comment, and about the company's response to the Navajo Nation's cease-and-desist, has yet to be returned. Curious to know whether Brown herself called the number, I left a message for her as well. I'll update with their responses.

Pictured: Just some of the various "Navajo" items Urban Outfitters sells, including: the Navajo Print Fabric Wrapped Flask, $18; the Navajo Hipster Panty, $8; and the Navajo Sock, on sale for $6.99.

An Open Letter To Urban Outfitters On Columbus Day [Racialicious]
Urban Outfitters Is Obsessed With Navajos [Native Appropriations]

From IACB Group **Date** 10/13/2011 7:40:50 AM
To Stanton, Meridith
Cc
Subject FW: Urban Outfitters

Entered into the system and started the case file, 2011-140. I printed out the links she listed below and sent her an acknowledgement email back.

Michele

From: [redacted] **On Behalf Of** [redacted]
Sent: Wednesday, October 12, 2011 12:28 AM
To: IACB Group
Subject: Urban Outfitters

To Whom It May Concern:

It seems quite clear to me that Urban Outfitters is in direct violation of the Indian Arts and Crafts Act of 1990. Numerous times, they state on their website that clothing items are "Navajo" print, jewelry items are "Navajo" earrings, or a "Navajo" bracelet. Please have a look for yourself (weblinks are below). This is a large corporation profiting by appropriating the name of a nation of Native American people. I believe the Indian Arts and Crafts Act was created to protect against this.

http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?id=18762765&navAction=jump&navCount=
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?id=18428243&navAction=jump&navCount=
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?navAction=jump&isProduct=true&id=19064120

Thank you,

[redacted]

Case Number	Date Received	Assigned To:
2011-140	10/12/2011	Fry

First Name	[redacted]	City	[redacted]	**New Complainant**
Last Name		State		
Middle Initial		Zip		Edit Complainant
Address		Email		
		Phn. Number		

First Name		Street	30 Industrial Park Blvd	**New Offender**
Last Name		City	Trenton	
Middle Initial		State	SC	Edit Offender
Company Name	Urban Outfitters	Zip	29847	
		Email		

Art Craft Type	Region	Complaint About
Multiple (sells more than one type)	Cyberspace	Retail
Status	**Code of Case**	**How Filed**
Closed	Small	E-mail
City of Incident	**State of Incident**	**Value of Goods** / **Date Closed**
		$0.00 /

Complaint Summary

Complainant states the vendor is marketing items as Native American/Navajo and is in violation of the Act.

IACB Findings

Urban Outfitters has changed their marketing of these products. Navajo Nation pursuing possible civil case against Urban Outfitters.

Hill, Michele K

From: [redacted] on behalf of [redacted]
Sent: Wednesday, October 12, 2011 12:28 AM
To: IACB Group
Subject: Urban Outfitters

To Whom It May Concern:

It seems quite clear to me that Urban Outfitters is in direct violation of the Indian Arts and Crafts Act of 1990. Numerous times, they state on their website that clothing items are "Navajo" print, jewelry items are "Navajo" earrings, or a "Navajo" bracelet. Please have a look for yourself (weblinks are below). This is a large corporation profiting by appropriating the name of a nation of Native American people. I believe the Indian Arts and Crafts Act was created to protect against this.

http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?id=18762765&navAction=jump&navCount=
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?id=18428243&navAction=jump&navCount=
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?navAction=jump&isProduct=true&id=19064120

Thank you,

[redacted]

Hill, Michele K

From: IACB Group
Sent: Thursday, October 13, 2011 7:36 AM
To: [redacted]
Subject: RE: Urban Outfitters

Thank you for your email of October 12, 2011 regarding a potential violation (or potential violations) of the Indian Arts and Crafts Act, Public Law 101-644, as amended. Your information has been forwarded to a professional member of the Indian Arts and Crafts Board (IACB) staff who will look into your complaint, and who *may* be contacting you with questions regarding the information provided to the IACB. Your complaint *may* also be referred to a-federal criminal investigator who may be in contact for further information. In the meantime, if you gather any additional information about your complaint that you believe may be of assistance, please feel free to contact us at -

Phone: 1-888-ART-FAKE (toll free)
Web: www.iacb.doi.gov/file.html
Email: iacb@ios.doi.gov
Fax: 202-208-5196 (fax)
Mail: Meridith Stanton
Director
Indian Arts and Crafts Board
Mail Stop 2528-MIB
U.S. Department of the Interior
Washington, D.C. 20240

From: [redacted] **On Behalf Of** [redacted]
Sent: Wednesday, October 12, 2011 12:28 AM
To: IACB Group
Subject: Urban Outfitters

To Whom It May Concern:

It seems quite clear to me that Urban Outfitters is in direct violation of the Indian Arts and Crafts Act of 1990. Numerous times, they state on their website that clothing items are "Navajo" print, jewelry items are "Navajo" earrings, or a "Navajo" bracelet. Please have a look for yourself (weblinks are below). This is a large corporation profiting by appropriating the name of a nation of Native American people. I believe the Indian Arts and Crafts Act was created to protect against this.

http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?id=18762765&navAction=jump&navCount=
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?id=18428243&navAction=jump&navCount=
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?navAction=jump&isProduct=true&id=19064120

Thank you,

[redacted]

URBAN OUTFITTERS

Truly Madly Deeply Navajo Print Tunic

$29.99 (Was $48.00)

Overall Rating

★★★★

Read Reviews (75) Write a review

COLORS:

QUANTITY:

1

Check Availability

Was this helpful? Yes | No Report

Overall Rating ★★★★

Was this helpful? Yes | No Report

[illegible] on

SEPTEMBER 23, 2011

[illegible] about 3/4 and it looks fine. You can wear it casually but you can also wear stockings and brogues. Money well spent!

★★★

CarlyK

Age: **18-24**
Gender: **Female**

Cute

SEPTEMBER 12, 2011

Like everyone else says..it's def. A boxy fit. Too short to be a dress on me. I'm 5'4 110 poun need a belt around this to make it look form fitting. It's cute but doesn't look like it does on th

0 of **0** voted this as helpful.

Was this helpful? Yes | No Report

Printable Reviews

URBAN OUTFITTERS

Navajo Feather Earring

$16.99 (Was $24.00)

Overall Rating

★★★★½

Read Reviews (8) Write a review

COLORS:

SIZE: ALL

QUANTITY: 1

Size Check Availability

Reviews **Product Details** **Ask & Answer** **Social**

Overall Rating ★★★★½

Based on 8 reviews.

Naseem

Location: **Washington dc**
Age: **18-24**
Gender: **Female**

APRIL 5, 2011

I really like these earrings. So far, I've gotten compliments on both days I've worn them...ev brother said he liked them. That's kind of a big deal. I think they'd look best with long hair be length. Beautiful color. My only complaint is that they curve in towards your face...not too ba

2 of **2** voted this as helpful.

Was this helpful? Yes | No Report

Printable Reviews

URBAN OUTFITTERS

Navajo Bracelet - 2 Pack

$8.00

Overall Rating

★★★½

Read Reviews (25) Write a review

COLORS:

QUANTITY:

1

Check Availability

Overall Rating ★★★½

Based on **25** reviews.

Love it! How do tie them?

SEPTEMBER 20, 2011

I bought [illegible] of my tiny wrist) and one around my ankle. They didn [illegible] when I showered with them so it is very convenient to not worry about untying again and ag [illegible] had luck. [illegible] mine! :) I'm thinking of ordering more to try and [illegible]

0 of 0 voted this as helpful.

Report

Was this helpful? Yes! No

★★★★

playTOOmuch

Location: **DC/MD/VA**
Age: **18-24**
Gender: **Male**

Maybe I Got Lucky

JUNE 28, 2011

I've only had my bracelets for a few hours and I have already received multiple compliments mines had very bold colors which accent my style

1 of **2** voted this as helpful.

Was this helpful? Yes | No Report

Printable Reviews

Case Number	Date Received
2011-118	8/3/2011

First Name	[redacted]	City	[redacted]	New Complainant
Last Name		State		
Middle Initial		Zip		Edit Complainant
Address		Email		
		Phn. Number		

First Name		Street	30 Industrial Park Blvd.	New Offender
Last Name		City	Trenton	
Middle Initial		State	SC	Edit Offender
Company Name	Urban Outfitters	Zip	29847	
		Email		

Art Craft Type	Region	Complaint About
None	Cyberspace	Retail
Status	**Code of Case**	**How Filed**
Open	Small	Online Form

City of Incident	State of Incident	Value of Goods	Date Closed
		$0.00	

Complaint Summary

Selling items on website listed as Navajo.

IACB Findings

Hill, Michele K

From: [redacted]
Sent: Wednesday, August 03, 2011 7:35 PM
To: IACB Group
Subject: Violation Report

Below is the result of your feedback form. It was submitted by [redacted] on Wednesday, August 3, 2011 at 19:35:10

Contact_Address: [redacted]

Contact_City: [redacted]

Contact_State: [redacted]

Contact_Zip: [redacted]

Contact_Country: U.S.A.

Violator_Name: urban outfitters

Violator_Address: 30 Industrial Park Blvd.

Violator_City: Trenton

Violator_State: SC

Violator_zip: 29847

Violator_Country: U.S.A

Violator_Website: www.urbanoutfitters.com

Transaction_Dates: been on website since before 08-03-11

Question4_Complaint: yes

4Complaint_when: 08-03-11

4Complaint_response: Non-compliant.

Question5_ComplaintAgency: no

Artwork_Description: At least 2 woman's tops

Item_for_Sale: 'Lucca Couture Navajo Pullover Sweater' price: 79.00 'Title Unknown Techno Navajo Quilt Oversized Crop Tee' price 29.00

Representations_of_Item: That items where Navajo.

Violator_Documents:
http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?itemdescription=true&itemCount=80&startValue=1&selectedProductColor=&sortby=&id=22615553&parentid=W_NEWARRIVALS&sortPropert

ies=+subCategoryPosition,&navCount=0&navAction=jump&color=&pushId=W_NEWARRIVALS&popId=WOMENS&prepushId=&selectedProductSize=

http://www.urbanoutfitters.com/urban/catalog/productdetail.jsp?itemdescription=true&itemCount=80&startValue=81&selectedProductColor=&sortby=&id=21004734&parentid=W_NEWARRIVALS&sortProperties=+subCategoryPosition,&navCount=30&navAction=jump&color=&pushId=W_NEWARRIVALS&popId=WOMENS&prepushId=&selectedProductSize=

Submit: Submit

REMOTE_ADDR: 75.211.79.62
HTTP_USER_AGENT: Mozilla/4.0 (compatible; MSIE 8.0; Windows NT 6.1; Trident/4.0; GTB7.1; EasyBits GO v1.0; SLCC2; .NET CLR 2.0.50727; .NET CLR 3.5.30729; .NET CLR 3.0.30729; Media Center PC 6.0; MDDR; InfoPath.2; .NET4.0C)

Vintage Woven Bag

Style: 23819916

Vintage Native American Indian woven bag with yarn tassels at all corners. Flap closure with button. Inside lined with floral printed fabric. One outside zipper pocket.

PRICE: $228.00

Help/Info

color: multi

size: one size

quantity: 1

OR TELL A FRIEND

sizing:

Length: 11"
Width: 12"
Depth: 1"
Strap Length: 31 ½"

condition:

ask a question:

Name: Email:

SUBMIT

condition details:

The threading around zipper is loose. Shows some wear. In good condition overall.

How we rate condition

2012 FreePeople.com, LLC. All Rights Reserved. terms of use | privacy & security | ca notice

Vintage Handmade Navajo Necklace

Style: 23550890

Vintage 1970s chain link necklace with beautiful turquoise stone details. Adjustable hook closure.

PRICE: $328.00

Help/Info

color: turquoise

size: one size

quantity: 1

OR TELL A FRIEND

sizing:

Length: 12 ½"

condition:

condition details:

In good condition.

How we rate condition

discussion about this product:

Enrica at 10:23 PM on 09.08.2011

"is the metal 925 silver? thanks"

Vintage Loves at 3:33 PM on 09.13.2011

"Hello, we don't believe that it is, we think that its earlier, but are unable to post specifics since it is not clearly documented on the piece. Sorry we don't have more detail, but we would never want to be misleading!"

ask a question:

Name: Email:

SUBMIT

2012 FreePeople.com, LLC. All Rights Reserved. terms of use | privacy & security | ca notice

download this image

DETAILS & SHOPPING REVIEWS & FITTING (0)

Vintage Cherokee Backpack

Style: 23781560

price: $598.00

availability (web & stores)

Overall Rating **Q&A**

WRITE A REVIEW ASK A QUESTION

color: **tan**

Beautiful patterned woven drawstring backpack with distressed leather trimming. Adjustable straps. Fully lined with canvas. Zipper pocket inside. Buckle closure. Woven part is made from one-of-a-kind blankets, so each backpack will vary.

size: **one size** chart

One Size

quantity: 1

*By Totem
*Textile, Leather
*14" deep, 11 ¼" wide, 7 ¼" thick on the side

SHOP ALL: Bags & Wallets

Share this item with your friends and the Free People community: 9 2

you may also be interested in one of these...

vintage cherokee backpack is included in 9 collections including...

Gypsy Love
by Zkiwi
I Want It
Created 11 days ago

the world traveler
by ellemeyer
I Want It
Created 22 days ago

Stuff
by Sathanis
I Want It
Created 39 days ago

campfires and ukeleles
by chrisoross
I Want It
Created 50 days ago

big bags
by shamanbear
I Want It
Created 73 days ago

URBAN OUTFITTERS

SEARCH RESULTS FOR *'NAVAJO'*

23 products found

Navajo Sock

$12.00

OBEY Navajo Painters Jacket

$139.00

Navajo Handkerchief
New Colors Available!

$14.00

Categories

Womens (11)
Mens (6)
Apartment (1)
Sale (6)

Size

XSMALL (5)
SMALL (9)
MEDIUM (9)
LARGE (9)
XLARGE (1)

Price

$0 $145

Color

BLUE (9)
RED (7)
BROWN (3)
BLACK (3)
WHITE (2)
GREY (2)

Brand

Ecote (1)

Lucca Couture (1)

OBEY (3)

Staring at Stars (1)

URBAN OUTFITTERS

SEARCH RESULTS FOR *'NAVAJO'*

23 products found

Truly Madly Deeply Navajo Print Tunic

$29.99 *(Was $48.00)*

Staring at Stars Strapless Navajo Dress

$69.00

Red Navajo Plimsoll Sneaker

2 for $30

$20.00

Navajo Pattern Wayfarer Sunglasses

$3.99 *(Was $18.00)*

Navajo Print Sock

$3.99 *(Was $8.00)*

Title Unknown Techno Navajo Quilt Oversized Crop Tee
New Color Available!

$29.00

Truly Madly Deeply Navajo Tee

$19.99 *(Was $34.00)*

OBEY Trademark Navajo Cap

$29.00

Ecote Navajo Surplus Jacket

$89.00

Upson Downes by William Anzevino Navajo Tee

$19.99 *(Was $54.00)*

Navajo Bracelet - 2 Pack

$8.00

Title Unknown Tribal Fringe Dolman Tee

$39.00

Navajo Hipster Panty

3 for $18

$8.00

Lucca Couture Navajo Pullover Sweater Online Only!

$79.00

Leather Navaho Cuff Bracelet
Online Only!
Back in Stock!
New Color Available!

$18.00

Navajo Feather Earring

$24.00

Bright Navajo Print Sock

$4.99 *(Was $8.00)*

Bright Navajo Trunk

2 for $20

$12.00

OBEY Wool Navajo 5-Panel Cap

$34.00

Navajo Print Fabric Wrapped Flask

$18.00

Categories

Womens (11)

Mens (6)

Apartment (1)

Sale (6)

Size

XSMALL (5)
SMALL (9)
MEDIUM (9)
LARGE (9)
XLARGE (1)

Price

$0 $145

Color

BLUE (9)
RED (7)
BROWN (3)
BLACK (3)
WHITE (2)
GREY (2)

Brand

Ecote (1)
Lucca Couture (1)
OBEY (3)
Staring at Stars (1)