

Leach-Elizabeth-20050311123002

To: Julie L. Sigall
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From: Elizabeth Leach

Comment:

I buy perfume oils from a woman who has categories of scents. One of these is called "Love Potions". However, another woman has apparently copyrighted the phrase "Love Potion" and is not allowing people on Ebay to use the term, even if they are not calling their product "Love Potion".

I think this is absolutely ridiculous: the phrase "Love potion" simply describes a liquid that is supposed to bring love. And personally, I've always thought of it as something you drink, not something you use as perfume, anyway.

Furthermore, I think this example illuminates major problems with the copyright system as it is. Anyone seems to be able to get a copyright on anything, and eventually, no one will be able to say anything. The problem with finding out whether something is copyright or not and then finding out who the holder is is certainly the biggest problem. Who in the world would think that the phrase "Love Potion" would be copyrighted? Does this mean that a fantasy writer, writing about witches who brew up love potions would have the same kinds of problems as people who have their characters drinking specific brands of soda or blowing their noses with specific brands of tissue? What other ordinary phrases would we need to look out for?

The fact that we often don't know if something was *ever* under copyright, let alone *still* under copyright makes this a big problem, and I hope that it is cleared up for the benefit of all.