

ROMERO BRITTO SUES APPLE OVER COPYRIGHT INFRINGEMENT

BY SHELLY DAVIDOV

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Artwork by Craig & Karl

iPad Air 2 + Waterlogue

Living on separate continents hasn't stopped artist duo Craig & Karl from collaborating daily. To create this piece, they traded ideas and sketches over FaceTime and iMessage. As they passed the



The allegedly copied artwork is used in Apple's iPad Air 2 and Waterlogue app advertisement on the company's website.

Screenshot via Apple.com

Miami's own commercial art king **Romero Britto** is going head-to-head with Apple. According to a lawsuit filed April 6 by Britto Central Inc., the Apple's latest ad campaign, "**Start Something New,**" closely resembles Britto's style.

First reported by **Daily Business Review**, Britto's lawsuit, which claims copyright infringement and unfair competition, seeks unspecified damages from both Apple and Craig Redman and Karl Maier, whose company **Craig & Karl** is behind the allegedly plagiarized design. The lawsuit also asks U.S. District Judge Kathleen Williams to halt the supposed misuse of Britto's images.

"No one has ever so blatantly misused his brand or appropriated his pop art images in order to gain financially through endorsements or sale of products like Apple has," Britto's attorney, Robert Zarco, told *New Times*.

Easily recognized for his use of bright colors, fanciful patterns, and happy subject matter, Britto's work has made its way around the world through huge corporate campaigns with Disney, Absolut Vodka, BMW, and more. The Brazilian artist's signature work is also

plastered on countless accessories, from mugs and handbags to dishes and pet leashes.

After seeing the new Apple ads displayed in both Las Vegas and China earlier this year, Zarco assumed the familiar images were the work of his longtime client. Upon returning to Miami, however, he learned there was no such agreement between Britto and Apple and began investigating both Apple and Craig & Karl.

One allegedly copied artwork by Craig & Karl features an outstretched hand, filled with a patchwork of shapes all defined with thick black lines, an admittedly familiar detail when [comparing the Apple imagery with Britto's works](#).



Britto Garden, 1999

Courtesy Romero Britto

"This specific combination of visual elements when taken in its entirety creates a distinctive overall visual impression that is uniquely Britto," [the lawsuit says](#).

After seeing the widespread ad campaign – which has been heavily featured in Apple stores, including its Lincoln Road location – people began contacting Britto and sending their congratulations on his assumed business deal with Apple, according to the [Associated Press](#).

The lawsuit also alleges that Craig & Karl have been copying Britto's style for years with other companies.

"Redman and Maier have systematically been using Romero Britto artwork to obtain jobs and advance their own careers by illegally trading upon the consumer affection and immeasurable goodwill built by Mr. Britto's decades of tireless work, promotion and investment," the lawsuit says.

So far Apple has declined to comment on the lawsuit, while attorneys with Craig & Karl call the claims baseless. Zarco isn't worried, however. His firm often pursues big companies and is prepared.

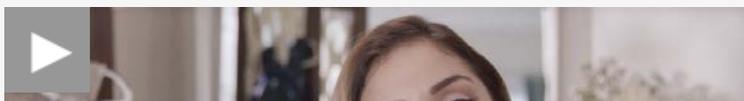
"They're not brushing this one off," he says. "In fact I think they've actually started in some locations removing this promotional program...because they realized they're in the frying pan on this issue. I'm commonly situated in these David vs. Goliath scenarios, which is what this is....Apple's not going to be able to financially drive my client into submission."

Britto's claims resemble those of fellow [Miami-based artist AholSniffsGlue, who settled a nearly two-year legal battle in December 2014 against American Eagle Outfitters](#) for copyright infringement and misuse of his signature "sleepy eye" graffiti in their advertisements.

Unlike Ahol, Britto has been engaged in large ad campaigns for years. Apple could have easily approached Britto to collaborate or at least borrow his imagery before acting, something that displays the defendants' culpability, Zarco says.

"In our view it's either intent or gross negligence in not recognizing that what they were doing was directly violating Romero Britto's rights," he says. "We are going to pursue this case to the very end and hopefully it gets resolved. If it doesn't, we'll take it as far as we need to."

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