

Philemona Williamson

Black & Colored
Recent Paintings
6 March – 7 April 2015



Golden Afternoon
(detail), 2015
Oil on canvas
48 x 60 inches

JUNE KELLY GALLERY

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Pop Artist Romero Britto Sues Apple for Copyright Infringement

Cait Munro, Wednesday, April 15, 2015

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Romero Britto, *Jaquelininha* (1994)

Photo: artnet

Romero Britto, a Miami-based pop artist, has filed suit against both tech giant Apple and transatlantic design firm [Craig & Karl](#) for copyright infringement and other related counts (see [Artist Michel Leah Keck Sues FX for Copyright Infringement for Using Her Paintings on Archer](#)).

In [the suit](#), filed on April 6 in federal court in Miami through attorney [Robert Zarco](#), Britto alleges that the visual centerpiece of Apple's recent "Start Something New" ad campaign is "clearly copying" his artwork, infringing on his "trade dress," and creating unfair competition (see [Mural Artist Sues Sara Bareilles and Coach for Copyright Infringement](#)).

Philemona Williamson

Black & Colored
Recent Paintings

10 April – 12 May 2015



Round About Midnight, 2014
Oil on linen
48 x 60 inches

JUNE KELLY GALLERY

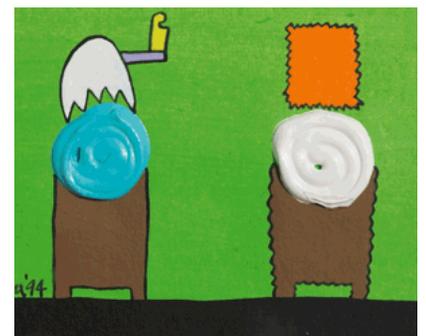
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"This comes directly as a copy of what Britto does," Zarco told artnet News during a phone call. "It's either an intentional or grossly negligent act on the part of Apple."

The notion of "trade dress," a term typically reserved for the unique elements of design products or packaging, comes into play due to Britto's claim on the status of a brand unto himself. "The Britto brand has mushroomed into a bona fide worldwide phenomenon and highly coveted lifestyle brand...no other living fine artist has the degree of consumer market penetration and recognition," the suit reads.

Britto's trade dress is described in the complaint as "a specific combination of elements" that includes "vibrant color combinations, often dominated by bright yellow; compositions constructed by the juxtaposition of randomly shaped swaths of recurring distinctive patterns...to form the subject matter of the images, with each compositional element outlined in bold black strokes..."

The suit cites several brands and organizations, including LG, Disney, and Coca-Cola, that have collaborated with Britto, who is a personal friend of Columba Bush (see [Columba Bush, Wife of Jeb, Hangs Out With Pop Painter Romero Britto](#)), on advertising and other campaigns. "The mere use of Britto's artwork for one promotional campaign for consumer goods or services can easily command over six figures as a licensing fee," read the complaint. "Such promotional licensing constitutes a significant part of Plaintiff's business."



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 artwork back and forth online, each artist built upon it using iDraw and Waterlogue on iPad Air 2. The end result reflects both the process and the medium — it's a vibrant depiction of the creative power we have at our fingertips.

iPad Air 2 From \$499 > Waterlogue View in the App Store >

A screenshot from Apple's website of the campaign.

The suit posits that as graphic designers, Craig & Karl must be familiar with Britto's artwork due to the artist's fame and their presumed knowledge of the art world. It also states that the design duo has previously employed copycat imagery for lucrative deals with companies including Nike, The Gap, and Kiehl's. Britto, however, did not become aware of the infringement until the Apple campaign, which was deployed in early 2015. The offending image has appeared on the company's homepage and in several large-scale displays worldwide.

In the suit, Zarco asks U.S. District Judge Kathleen Williams to force Apple to stop using the image immediately.

Britto and Zarco are seeking what would likely amount to millions of dollars in punitive damages, lawyers' fees, and the money Britto would have been paid for creating the image in the first place.

"I understand that this may be perceived as a David and Goliath situation," said Zarco, "but that does not faze us at all. We will be there

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until the end."

A spokesperson for Apple and Craig & Karl could not be immediately reached for comment.

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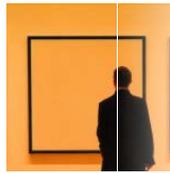
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