

Tom Kelley Studios, Inc.

Tom Kelley archives hold thousands of photographs of some of Hollywood biggest names. He recorded the stars in front of motion picture cameras, at home, and at play. Tom became a friend to many. It was a glamorous age for a talented photographer working in Hollywood. Tom career spanned 4 decades and his work appeared in nearly every publication in the United States, as well as throughout the world. Kelley began his career in a New York studio that catered to the city upper 400, photographing the Vanderbilts, the Astors, the Harrimans, the Morgans, etc. Tom later joined Town and Country magazine traveling coast to coast photographing the social, financial, and political leaders of the world. The Kelley Studio opened on Seward St. in Hollywood in 1940. David Selznick hired Tom to shoot his stars Ingrid Bergman, Gary Cooper, James Cagney and others. Tom and his brother Bill worked for the studios, design firms and advertising agencies for over 40 years. The studio continues to shoot and license photographs from Ventura, Ca.

Information About Auctions Generally

Q. Why was my auction suspended?

A. If your auction was terminated in response to a request from Kelley, it means that the item you were selling or the listing itself infringed an intellectual property right owned by Kelley. Some of the factors that help to identify infringing merchandise are described below.

Q. Is there an easy way to identify infringing Kelley photographs?

A. Sometimes a seller will use terms like bootleg, copy, reproduction or even a guarantee of authenticity from an unknown third party. The unauthorized Kelley products most frequently sold on eBay include craft or home-made items (including artwork), pirated or bootleg prints, calendars, coins and memorabilia, and promotional materials that were not sold or distributed for resale by Kelley. Generally, there is no manufacturer or company designation. In the fine arts, there is certificate of authenticity from Kelley Studios.

Q. Why does Kelley care about small sellers on eBay?

A. Kelley works hard to preserve the integrity of its name and its copyrights, trademarks and paper goods. Consumers may attribute to Kelley the inferior quality of unauthorized products purchased over eBay.

Q. What if I use artwork that is in the public domain?

A. Kelley photographs are not in the public domain. Some operate under the mistaken belief that, if they can download an image from the Internet, that the image is public domain. This is not true. Public domain exists either because the copyright term has elapsed or because the copyright owner has not elected to assert copyright ownership. Neither is true with respect to Kelley photographs.

Q: What if I didn realize I was violating the law or infringing Kelley rights?

A: Innocent intent is not a defense under Federal or State trademark law, or under Federal copyright law. You have a responsibility to ensure that your actions do not violate someone else copyrights. Before auctioning any property you need to take affirmative steps to ensure that the item you are selling is authorized for resale by the copyright or trademark owner.

Q: Why hasn't Kelley Studios suspended all auctions selling infringing products?

A: Kelley Studios vigorously enforces its rights. It is possible that some infringing auctions escape our attention. The fact that others may be selling products that infringe Kelley rights does not give others the right to do so nor does it prevent Kelley from ending those auctions about which it does become aware. If you want to report an infringing listing that has not been suspended, please send the information along with the seller name and the eBay item number to infringement@ebay.com.

Legal Representative: Shawn Jackson - lawbusinesscenter@earthlink.net