

Kickstarterguide.com

From: Nelson de Witt <dewitt@kickstarterguide.com>

To: Kickstarter Legal <legal@kickstarter.com>

Date: Friday, October 4, 2013 at 2:19:57 PM

Subject: Re: Kickstarterguide.com

Dear Kickstarter Legal,

I'm writing in response to your recent email. I want to ask a few questions and express my disappointment with this development.

My first question is, why has the use of the Kickstarter logo become a problem now?

A Kickstarter's Guide to Kickstarter, in its current form, has been out for over 2 years. The book was originally [a project on Kickstarter.com](#) which launched in August of 2011. The book was finished and available to download in October of that year. It appeared in online book stores in late April 2012.

Over the course of that time it has been seen, read, and reviewed by several members of the Kickstarter staff. Between 7/6/11 and 11/21/11 I emailed with Justin Kazmark about the book. Per his request I sent him a draft of the book, which had the same cover that it does now, to review. He sent me a list of changes and corrections all of which I made and included in the final version of the book. He did not say anything about the cover or suggest that the Kickstarter logo was being used improperly.

Michael McGregor is a backer of the project and received a copy when it was completed. Stephanie Pereira, who I met at a Kickstarter event in Boston, said that she read the book as well. At no point did anyone take issue with my use of the Kickstarter logo.

I feel like Kickstarter had several opportunities to address this issue with me over the course of two plus years, including while the book was being developed. That is why I am a little surprised to be contacted by the legal department after all this time.

My second question is how do you determine what is "likely" to happen?

I feel like throughout the book and the site I make it clear that the book is based on my experience. I do not feel like I use any language that would suggest the book is affiliated or endorsed by [Kickstarter.com](#). As I see it, the Kickstarter logo as it is currently being used, does not imply endorsement but is used in reference to the site. I understand this is a matter of opinion and as the owner of the logo Kickstarter has the final say. I just find it hard to imagine that the site is "likely to confuse people into thinking that it is an official guide."

If your concern is that the logo somehow misleads people into buying the guide, I can assure you that is not the case, nor was it my intention. Out of the roughly 13,600 visitors I have received over the two past years only 12% have chosen to download the free guide. Less than 1% have shown any interest in paying for it. One can also do [a search of amazon](#) that shows several Kickstarter related books, most of which have more rating/reviews than mine. I made the guide to help people, not to trick them into buying it.

My third question is, what is the justification behind removing "all uses" of the Kickstarter logo from the site.

It is my understanding that using the Kickstarter logo in the blog section of the site would fall under fair use. It appears once in an article talking about [the differences between Kickstarter and Indiegogo](#). Again, I don't think it was used in a way that would suggest or imply endorsement.

Ultimately I hope you will reconsider your decision. However, if you still would like me to make changes to the site here is what I can do. I can replace the book cover image on my site and all sites that I have access to. Please understand that, because of the method of publication, I do not have the ability to change "all" book cover images.

I have, and always have had [a disclaimer on my site](#) which states "This website is not officially affiliated with [Kickstarter.com](#) but we are big fans!" I can add the words "or endorsed" to it as well.

In closing I understand that you have the right to enforce the use of your logo however you see fit. However, I am disappointed that you are choosing to do so with this project, especially now after so long. I feel like I have been very open with Kickstarter about this project from the beginning. It was never my intention to deceive or suggest endorsement. I look forward to your response.

Sincerely,
Nelson de Witt

On Monday, September 16, 2013 at 12:30 PM, Kickstarter Legal wrote:

Dear Mr. de Witt,

We're thrilled to see that you had a great experience as a creator on Kickstarter and are looking to help others with your experience. However, your site as it's currently designed is likely to confuse people into thinking that it is an official guide or is endorsed by or affiliated with us. Please remove all uses of our logo from your site and your guides, and include a disclaimer stating that the site is in no way affiliated with or endorsed by Kickstarter.

Thanks, and please let us know if you have any questions.

