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# Trademarked Costumes in Parades: Phenomenologically Speaking



**Blog Post** published by **Tiff Graham** on Friday, October 6, 2017

2 Replies

😊😊 **Have you thought about character costumes, mascots, or uniforms in parades affiliated with a recognizable brand?** It might not be your first thought when seeing a bunch of people in Wonder Woman costumes striking poses, Smokey Bear waving from a truck bed, or a big faux fur bird, bear, or alligator mascot in sports jersey walking with a marching band in a parade. Maybe some people are thinking intellectual property (IP) thoughts of trademarks, copyright, and other legal concerns when seeing any branded entity in a parade, but not me. Yet, my mind veered to these thoughts while watching a recent parade with recognizable LEGO character costumes. I normally focus on the traditional costumes, DIY creations, and costumes where a human person was still visible, versus completely disguised from head to toe. I rarely sought out better photographic moments or interviews with a person wearing the Sparky the fire dog costume, Star Wars Chewbacca costume, or any other recognizable, trademarked character costume affiliated with government, business, corporate or educational institutions in a parade.

So, what better place to start a phenomenological inquiry into my experience with trademarked costumed characters

in parades. Before I run you off or build expectations, this blog entry will be an experiment of phenomenological thought, meaning it'll be a roller coaster ride of words and thought associations about my experience with phenomenology, parades, costumes, and...things you can't imagine but somehow burgeoned from this inquiry.







## To soften the ride

I wrote a pleasant, experiential piece of persuasive imagery to trigger an eyes, ears, nose, mouth, and umami-experience, but have since decided to smack you with some Husserl vortex speak right off the top. Edmund Husserl, an early 20<sup>th</sup> century philosopher, considered founder of modern phenomenology, examined the “way things are experienced” and “what meaning it has for the subject” since “all consciousness (all perceptions, memories, imaginings, judgements, etc.) is *about* or *of something*” and involves reference to social, cultural, and other aspects of our world. <sup>1</sup>

It’s challenging to interpret meaning from experience. Though I hope to examine the connections, associations, and ‘reactivation’ of ideas that emerge as I reflect, pre-reflect, and apply reductive “bracketed” thinking to this study of trademarked parade costumes.<sup>2,3,4</sup>

## Early seeds of phenomenological inquiry shaping my experiences

In the early 2000’s I read a phenomenological study of Disneyland experiences titled “A Phenomenologist in the Magic Kingdom: Experience, Meaning, and Being at Disneyland” by H.Peter Steeves in the book *Phenomenological Approaches to Popular Culture*. It explained Disney in a way that was not marketing promotional spin, but rather scrutinized the experience of being a tourist consumer while watching the Main Street Electrical Parade and other constructed events. Steeves examined the experience “in terms of perceptions, illusions, and reality” and made me re-think Disney Main Street and that chocolate eared Mickey Mouse ice cream on a stick. <sup>5</sup> That was just my first step into phenomenological waters.

I’ve since discovered diverse versions of phenomenological thought, some texts written by and about Edmund Husserl, Maurice Merleau-Ponty, Martin Heidegger and other texts that utilize phenomenological approaches in education, nursing, psychology, humanities, and other areas of study. Phenomenology, in some ways, reminds me of auto-ethnography and reflexive approaches. It might feel too subjective to some, but it does provide another route to exploring phenomenon, human experiences, in various context. At the end of the blog, you might want to comment on how it might apply to your research, your experiential observations, or whether you think it does or doesn’t offer an insightful approach to this week’s blog topic. An intention for writing the “Parade Talk” blog is always to explore different approaches to the study of parades, processions, promenades, and marches.



## Again, to orient you to this ride

I'll present some of my references and thoughts about phenomenology, followed by how it could apply to a study of my parade experience with costumes protected by intellectual property rights.

### Primer

First, here is a passage from *Phenomenology of Practice* by Max Van Manen (2014) that explains another way of thinking about the phenomenological method:

"Phenomenological method is driven by a pathos: being swept up in a spell of wonder about phenomena as they appear, show, present, or give themselves to us. In the encounter with things and events of the world, phenomenology directs its gaze toward the regions where meanings and understandings originate, well up, and percolate through the porous membranes of past sedimentations— then infuse, permeate, infect, touch, stir us, and exercise a formative and affective effect on our being. Phenomenology is more a method of questioning than answering, realizing that insights come to us in that mode of musing, reflective questioning, and being obsessed with sources and meanings of lived meaning." (Ch. 2 Meaning and Method, Kindle Edition 560-565) <sup>6</sup>

You may want to explore my footnotes/references on intellectual property (IP) rights, trademark, copyright, fair use,

costumes, fandom, popular culture, cosplay and other media that influenced the writing of this blog entry. However, here are a few basic definitions described by the United States Patent and Trademark Office ([www.uspto.gov](http://www.uspto.gov)). Trademarks protect brand names and are usually words, designs, or a combination that relates to logo, product appearance, colors, sound, etc. Copyright protects original artistic/literary work. These are both types of intellectual property (IP) which refers to something created by a person/company.



### The parade, before I went phenomenologically rogue

How does one ever know what experience is significant enough to phenomenologically “pause and reflect on”?<sup>7</sup> For me, it occurred at the Japanese Nisei Week Grand Parade (Los Angeles, California, U.S) when I saw three LEGO character costumes bouncing in front of a float of festival princesses, followed by a walking group of Japanese Anime/Manga Cosplayers who had a Marvel Spider-Man amongst them.

It was the 77<sup>th</sup> year of this long-standing Japanese American festival parade. The parade theme was “Ohana: Bringing Our Community Together” reflecting Hawaiian roots of many Japanese Americans in California. (\*ohana relates to the Hawaiian culture, referring to family and taking care of one another in the community)<sup>8</sup>

The parade showcased participants in traditional Japanese kimono robes and happi kimono coats, Japanese American military war veterans, festival royalty of princesses/queens of Japanese heritage on decorated parade floats, taiko drummers, Nihon Buyo dancers, tanabata kazari decorations (decorated balls with flowing paper and flower streamers), several Nebuta floats designed by people in Aomori, Japan (\*Nebuta refers to a float with the image of a brave ancient warrior figure), two mikoshi palanquins

(portable Shinto shrines), Judo school participants, Samurai Warrior costumed group, Kawaii fashion group, show cars with anime designs, and various local government, business, and community groups. An especially large number of dance groups performed Nihon Buyo on the parade route. These dancers performed in colorful costumes with multiple props (fans, sets of sticks and wood/plastic clappers (naruko)) the choreography of Madame Bando Mitsuhiro.

I would have written about the traditional Japanese costumes and performances of the dance groups or even the floats in the parade. I had so many photos where I captured the costume and float details, and the animated gestures and expressions of participants. However, I couldn't help but think of the non-traditional part of the parade, those bouncing LEGO character costumes and Spider-Man.









## And this is when I jumped on the phenomenological roller coaster

These professionally-made LEGO characters with their recognizable brick box legs, canary yellow faces, and LEGO wrench, c-looking hand parts bouncing down the parade route. I was kind of giddy with excitement. At the same moment, I also was wondering, what's this mean? Who's sponsoring them? Can anyone wear those character costumes in a parade? A number of thoughts came into my head rapid fire. I wanted a photo-op, but running out in the street during a parade, stopping the performer for a photo with me was too much effort and something I try to avoid less I affect parade speed. I quickly overlapped those thoughts with, are LEGO characters Japanese, no, it's developed by a Danish toy company. Is this an ad for LEGOLand in San Diego, but why here? Are those Ninja or Samurai costumes, or both? Are those printed Japanese or Chinese styled characters on them? Maybe this is a movie promotion. Wait, are these people paid to wear these costumes? If so, I hope they're paid enough for all those hours and if they're volunteers, that is true dedication to the company brand. I wonder if they're hot, maybe there is a fan inside the head or cooling pack inserts in the body? They look lightweight. Possibly made of that neoprene water suit fabric? Must be an expensive costume. I don't think it's a DIY costume. Ok, maybe, LEGO is sponsoring the Japanese Grand Parade? Does this mean they're going to change the parade name? No that's not happening. But so often I see entertainment and sports complex names changing on the whim of whomever has the most money to give, could this be happening with the parade. No, that would not be the case after 77 years.

Then I began thinking about Los Angeles and how it has a reputation as an entertainment capital, yet community parades do not often reflect that industry business. Hollywood Christmas Parade and the nationally televised Rose Parade reflect a bit of the Hollywood glitz and industry brands; but, in general, the entertainment industry doesn't make many appearances in Southern Californian community parades, apart from some local or national TV/movie celebrities on a float or convertible backseat. I'm not sure if I have ever seen large local entertainment companies like Mattel Toy, Raleigh Studios, Paramount Studios, You Tube, Blizzard Entertainment, or Electronic Arts with a float or costumed character in these local community parades. All they need is a full-suit mascot costume or some costume inspired by their logo, game, movie or toy. They probably already have some promotional character sitting in a closet. Maybe there's too much publicity around those brands and participation would reflect endorsement. Maybe parades aren't their

venue for publicity and philanthropy. I might have to explore in the future what type of businesses participate in specific parades.

### The trademark question

After the LEGO characters passed by me, I refocused on the colorful, decorated float of the “Northern California Cherry Blossom” Princesses and Queen wearing matching shiny gowns and sashes. For a moment, I fell back into thinking about displays of traditional Japanese American culture. But then the group of Little Tokyo Cosplayers came into sight. Amongst the Japanese anime and manga DIY character costumes was spandex covered Spider-Man. I flashed back to the LA Anime conference from years ago when I saw all kinds of anime, manga, video game, comic, and movie character costumes. So many trademarked looking costumes worn by participants at that event too. Marvel Spider-Man, Star War Stormtroopers, and other character costumes that surely border on intellectual property rights infringement. The Spider-Man at these events did not seem to be sponsored by Marvel nor were those Storm Troopers sent from LucasFilm/Disney. Are any of these character costumes legal?



St. Patrick's Day Parade, Hermosa Beach, California, US (2014)

## Star Wars at the Rose Parade 2007



YouTube Video: Star Wars at the Rose Parade 2007, if not visible click: [https://www.youtube.com/watch?v=UqGAXOa06\\_0](https://www.youtube.com/watch?v=UqGAXOa06_0)

Before I wrote this blog entry, I had wondered about costumes and intellectual property rights and trademarks, so seeing Spider-Man and even the LEGO characters in the Nisei Week Grand Parade brought back all those thoughts. Marvel Spider-Man, like Star Wars Stormtroopers costumes, are trademarked but it's the context of use that makes it permissible. Was it legal to wear those trademarked costumes in parades? The Rose Parade (Pasadena, CA) had George Lucas, creator of Star Wars franchise, as the grand marshal, accompanied by 501<sup>st</sup> Legion Star Wars Stormtroopers and Darth Vader in 2007, but that was Lucas. The St. Patrick's Day Parade in Hermosa Beach, CA had Stormtroopers of the 501<sup>st</sup> Legion marching and that seemed permissible too (<https://www.501st.com>). And, New Orleans, LA has a whole parade with Star Wars and Science Fiction/Fantasy costumed characters marching, dancing, playing, and partying as part of the Intergalactic Krew of Chewbacchus parade since 2011 (<https://www.chewbacchus.org>). Also, there are the Comic Con events (<https://www.comic-con.org>) held around the world where people in authentic looking costumes, modeled after commercial entertainment based media products, parade and perform. <sup>9</sup>

I was unable to instantly research trademarked costumes during this actual parade experience, being that I am not a robotic girl with lightning fast computer skills or the BBC TV character, Sherlock Holmes, who swiftly swipes through floating memory palaces for information. But I did learn later a few things online, refer to footnotes for specific articles. <sup>10</sup> It's basically okay, to wear those character costumes, when profits aren't made and the context is for entertainment and personal use versus mass production. If your

costume has trademarked parts, the costume store or manufacturer has already acquired licenses for it. Just don't put on a theme party with that well-known copyright designed character as if it's sponsored by Disney and make money from it. So, don't damage the image or make money from wearing intellectual property protected costumes and you're fine, basically; but then again, I'm not a U.S. lawyer. How this relates to costumes in parades, well, here's one lawyer's comments regarding the 501<sup>st</sup> Legion, an international Star Wars Fan group, who parade and do charitable work in Star Wars costumes.

Article excerpt by Jenny B. Davis about interview with the lawyer Jennifer LaFortune about Star Wars costumes and the 501st Legion. <sup>11</sup>

**“Q. Is there an arrangement with Lucasfilm to allow you all to make and wear the costumes?”**

**A.** We started creating the framework for what we're allowed to do, IP-wise, around the time "Revenge of the Sith" came out. Because it's all trademarked, our costumes have to represent the brand, and everything has to be family-friendly.

**Q. Has that arrangement changed now that Disney owns Star Wars?**

**A.** The relationship has changed a bit, but they understand what we're doing. Disney could easily crank out uniforms and pay people to be in them, but they continue to work with us. They know that we do good things, and that we advance and protect the brand.”

## And “That’s all folks” (Looney Tunes/Warner trademark)

Thinking phenomenologically, has felt like peeling an onion, and I only made it through 2 to 3 layers. Surprisingly, it reminded me of these 6-part crime series' podcasts, tv shows, and newspaper stories that are popular these days. Just when you think you figured it out, the story twists another direction. Of course, this is only a blog post about family fun, parade costumes, and corporate interests. Or, I like to think of it as an interesting trip where LEGO girl meets Spider-Man, meets Stormtrooper, meets an overthinking brain, while riding on a parade float being chased by an out of control convertible with a pack of princesses on its tail.

### FOOTNOTES

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2. Edmund Husserl, Translated by J.N. Findlay, *Logical Investigation, Vol. 1, International Library of Philosophy*, Dermot Moran, ed. 2001:186-193.

3. Klaus Held, Translated by Lanei Rodemeyer, "Husserl's Phenomenological Method" in *New Husserl: A Critical Reader*, Welton, Donn, ed. 2003.

4. Harris M. Berger and G.P. Del Negro, "Bauman's Verbal Art and the Social Organization of Attention: The Role of Reflexivity in the Aesthetics of Performances," *American Folklore Society* Vol.115, No. 455, 2002.

5. H. Peter Steeves, "A Phenomenologist in the Magic Kingdom: Experience, Meaning, and Being at Disneyland," in *Phenomenological Approaches to Popular Culture*, Bowling Green: Bowling Green State University Popular Press, eds. Michael Thomas Carroll and Eddie Tafoya, 2000:165.

6. Max van Manen, *Phenomenology of Practice: Meaning-Giving Methods in Phenomenological Research and Writing (Developing Qualitative Inquiry)* Kindle Edition, 2014: 560-565.

7. Ibid., Kindle Edition, 663.

8. "The RAFU SHIMPO, Los Angeles Japanese Daily News" Nisei Week Special Section B, newspaper, Saturday, August 12, 2017; and Niseiweek.org

## 9. Science Fiction / Fantasy conventions, some with parades

- San Diego - <https://www.comic-con.org>
- Salt Lake Comic Con, <http://saltlakecomiccon.com/salt-lake-comic-con-costume-parade/>
- Metro.US "Photos: Make way for Boston Comic-Con 2015" <http://www.programminglibrarian.org/articles/comic-con-any-other-name-or-how-not-commit-trademark-infringement-your-library-comic-event>
- Lagos, Nigeria Comic Con, <http://lagoscomiccon.com>
- Comic-Con Wonder Woman Parade, The San Diego Union-Tribune, <http://www.sandiegouniontribune.com/entertainment/comic-con/sd-pg-comic-con-wonder-woman-20170721-photogallery.html>
- Annual Dragon-Con Parade, <http://www.dragoncon.org/?q=parade>

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- Jesse Walker, "Copyright catfight: how intellectual property laws stifle popular

culture,” *Reason*, March 2000, Vol. 31, Issue 10, 44-51 (esbcohost.com)

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- National Fire Protection Association, Sparky the fire dog, <http://www.nfpa.org/news-and-research/publications/nfpa-journal/2011/september-october-2011/features/it-is-a-fire-dogs-life>

11. Jenny B. Davis, “This lawyer is using her love for ‘Star Wars’ to expand the galaxy of geeks,” *ABA Journal*, December 2015, 1-1 (esbcohost.com)

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## 2 Replies



**Louise Platt**

Monday, January 8, 2018

Hi Tiff,

This is a great post and I have only just discovered this blog forum. My own research is on religious processions in the UK (at moment on a very specific one to Manchester and surrounding areas. I have just sorted out my blog! [www.paradesandprocessions.co.uk](http://www.paradesandprocessions.co.uk) Great to see other people are as obsessed with parades as I am!





## Tiff Graham

Wednesday, January 10, 2018

Wow! Your website is a wonderful blog with photos, references, and personal fieldwork on processions. Makes me realize I need to do more research of personal blogs. I guess we write these blogs hoping others will read them, but who knows if our search engine optimization efforts are making our parade/procession content visible enough. Thanks for finding this blog and linking me up to your research.

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