



Position Statement on Trademarks, Copyright, and Ethical Considerations in the Working Animal Industry

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Introduction

In the evolving landscape of the working animal industry, particularly concerning assistance animals, it is essential to address the legal implications surrounding trademarks, copyrights, and ethical considerations related to branding, names, and imagery. This position aims to clarify the importance of respecting intellectual property rights, such as trademarks and copyrights, while also promoting ethical practices like fear-free methods in the care and training of working animals.

1. Trademark Protection and Ethical Implications

Trademarks are legal tools that protect specific terms, logos, or phrases used to distinguish products or services in the marketplace. In the working animal industry, names like *"Guide Dog"* and *"Seeing Eye Dog"* are trademarked terms, which means that their use is restricted to organisations or businesses that have obtained the rights to use them, in this case Guide Dogs Australia and subsidiaries, and Vision Australia, respectively. These trademarks protect the integrity and reputation of organisations that provide assistance animals for those in need. Unauthorised use of these terms can lead to legal consequences and misrepresentation of services offered.

Furthermore, the use of characters or logos associated with well-known media properties, such as *The Simpsons* or *Sesame Street*, is protected under copyright laws. These entities maintain exclusive rights to their intellectual property, including the characters and visual elements they create. Infringing on these copyrights by using such images on products, such as vests, can result in significant legal action, including cease-and-desist orders or monetary fines. It is essential that businesses and individuals in the working animal industry seek permission and obtain licenses before utilising any copyrighted images or names.

2. The Use of Working Animal Imagery

As businesses and organisations in the working animal industry seek to raise awareness, they must be careful not to infringe on the intellectual property of others. For example, while using the image of a working dog on a vest or other merchandise might seem harmless, it is critical to ensure that any images or logos used are either original creations, licensed, or in the public domain. Using characters or branded images without proper permission, even in the context of raising awareness, can result in legal conflicts that can harm the credibility of the organization.

The imagery associated with assistance animals should be respectful and in alignment with the dignity of the animals and the work they perform. This includes avoiding the commercialization of working animals in ways that detract from their critical roles and impact. As an industry, we must focus on promoting understanding and respect for the role of working animals while maintaining ethical standards in our promotional materials.

3. Fear-Free Practices in the Working Animal Industry

In addition to respecting intellectual property rights, it is essential to understand that certain terms and practices, such as "Fear-Free," are trademarked and protected under copyright law. "Fear-Free" is a registered trademark, and its use is restricted to those who have obtained explicit permission from the copyright holder. The term refers to a specific approach in animal training and care that focuses on reducing stress, anxiety, and fear in animals through positive reinforcement and humane methods. As with other protected terms and theories in the working

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animal industry, "Fear-Free" is an example of intellectual property that cannot be used without the appropriate licensing.

This protection extends not only to the care and training of working animals but also to how these methods and terminology are used in marketing, branding, and merchandise. For example, organisations and individuals wishing to use the "Fear-Free" label on products, services, business names or promotional materials must seek permission from the copyright holder. Unauthorised use of the term can result in legal action, which can harm both the credibility of the organisation and the broader working animal industry.

Moreover, the use of "Fear-Free" principles in marketing and branding should be carefully managed to ensure it accurately reflects the philosophy and practices associated with this term. Organizations are encouraged to adopt fear-free methods of care and training, but when referencing the term specifically, it is important to adhere to the legal protections associated with its use. This ensures that the animals in question are treated with the utmost respect, and the public receives accurate, humane, and ethical information about their care.

By respecting the intellectual property of the "Fear-Free" trademark and similar protected approaches, the working animal industry can promote ethical treatment of animals and safeguard the integrity of the terminology used in animal care and training. This adherence to intellectual property law contributes to a more respectful and transparent understanding of working animals and their roles in society.

Document Control

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