



## From the Editor

### Happy Holidays!

I thought I must be dreaming, or perhaps that I had overslept by several months. As I walked the aisles of a local supermarket in mid-August, I saw a special display devoted to Halloween.

Although I find it hard to think about Halloween three months in advance, it's not so hard, if you are a jewelry maker, to begin thinking about how you will market for the holidays as we begin the Fall.

Now is the right time to consider holiday promotions, special holiday designs, and making sure your mailing list is cleaned up so that when you are ready to send your marketing materials, you will be fully prepared.

So, take some time to think back on the summer that you just enjoyed. Get yourself a bag of miniature Snickers bars on sale at the supermarket, and start planning how to have your best holiday season ever!

In this issue, we [interview](#) attorney and jewelry maker Sarah Feingold to learn more about legal issues that impact jewelry makers. We have 5 NEW quick jewelry selling tips, talk about [how to sell in non-traditional venues](#), and offer some great resources in our [Briefs](#) section.

To selling more!



David Weiman  
Editor and Publisher

## 5 Quick Tips

Here are five quick tips for selling your jewelry more effectively:

- 1. Keep accessories at your booth!** It's helpful for prospects to see your jewelry among things they might wear with your jewelry. Keep scarves and other accessories at your booth to show how your pieces might look with other items.
- 2. Offer jewelry cleaning services.** Providing jewelry cleaning at your booth or during a home party lets you service a customer, gives you a chance to see their other jewelry up close, and creates time to talk! Consider offering free ring or jewelry cleaning when selling live.
- 3. Instant pictures help you stay in the prospect's mind!** Although this requires the ability to juggle a little bit, consider keeping a digital or instant camera at your booth. Snapping photos of yourself with customers creates connection. And if there's a piece someone wants but can't decide on right away, you can take a photo and give or send it to them.
- 4. Use novel packaging and display items.** Interesting packages create visual appeal for your jewelry, on the web or when selling live! Look to other fields for inspiration, such as Chinese take-out containers, small musical instrument cases and more! eBay can be a great place to browse for ideas. (See the [Briefs](#) section below for other sources of packaging.)
- 5. Learn and use names early.** As [Dale Carnegie](#) so aptly pointed out, the most beautiful sound in the world to most people is their own name. Introduce yourself early in a conversation with a prospect (they will usually reply with their name), and use their name often to establish rapport.

To share a selling tip, send an e-mail to [david@marketingjewelry.com](mailto:david@marketingjewelry.com). If we use your tip, we'll extend your subscription by one FREE issue.

 Q & A

*Q: I went into a bath and beauty products store recently and thought my jewelry would be a perfect complement to what they sell there. After all, if they can sell a \$30 bottle of shampoo, they can sell my jewelry! Although it's more traditional to see artisan jewelry in a gallery, what do you think about non-traditional venues?*

A: I think it's an outstanding idea! In fact, in my own market – Philadelphia and the surrounding suburbs – there is a growing trend toward selling jewelry alongside items that are associated with personal care and pampering.

For example, in one of the area's most exclusive salons, they not only have a display of jewelry near the cash register, which is next to bottles of expensive shampoo and conditioner, they also have a small jewelry store (selling fine jewelry) located right inside the salon. Other salons and day spas have caught on and have displays of artisan jewelry as well.

A pharmacy located near my office also has displays of jewelry at the front and back registers. The owner of the pharmacy has excellent taste, and she knows that customers coming in to buy a birthday card, for example, may also see something they'd like to get as a gift.

If you are shopping in a store that sells personal care items but doesn't sell jewelry yet, talk with the owner about the possibility of them carrying your work. Even if they already sell some jewelry, it doesn't hurt to ask if they are considering expanding that category.

Consider other avenues as well, such as dry cleaners in affluent areas, bridal shops, and florists.

Have a question you'd like answered in this space? E-mail [questions@marketingjewelry.com](mailto:questions@marketingjewelry.com).

## Feature

### Jewelry and Law, Side by Side



by Margaret Shuster

Making sure you are operating your jewelry business in a way that's both effective and also grounded in good legal principles is important to all jewelry makers.

To help you do that, we sat down recently with [Sarah Feingold](#), an attorney, jewelry maker, author of the book [Copyright for Artists](#) and general counsel for the popular [Etsy.com](#) website, and we picked her brain about various legal issues that impact jewelry makers.

Before we get to the questions, a quick disclaimer: The following is for informational purposes only and is not legal advice. If you have any questions, please consult your own attorney ... that person is in the best position to understand your specific circumstances.

Okay, now on to the questions...

*JSI: What are some of the things that you think a jewelry artist should definitely consult with an attorney about?*

**Feingold:** First, thank you for providing me with this interview opportunity. I became an attorney, in part, to help artists, and with the

help of my [e-book](#), a jeweler can learn how to apply for U.S. Copyright Registration without any assistance from an attorney. But there are some instances when an artist will benefit from the advice of an attorney.

A quick consultation with a licensed attorney may provide peace of mind and may actually save you time and money in the long run. For example, before you fork over money to register your trademark, you may want to speak to an attorney. You also may want to speak to an attorney if you want to file for patent protection, due to the strict timeline to file for U.S. patent protection ([www.uspto.gov](http://www.uspto.gov)).

Other times, you may want to consult an attorney when you're starting your business, when you're looking into tax issues, when you want to register a fictitious business name, or when you want to incorporate your business. And, if you are the unfortunate recipient of a legal letter (like a cease and desist letter) or a lawsuit, these may be good times to speak with an attorney.

*JSI: Attorneys are typically left-brain logical types, and most artists are probably right-brain creative types. That means there is the potential for a mismatch! What is your best advice for jewelry artists who are in the process of selecting an attorney? What type of lawyer should they look for? What kinds of questions should they ask in the first meeting? How important is the attorney's prior experience with jewelry artists or other creative types?*

**Feingold:** I completed graduate-level metalsmithing classes while in law school, and many people commented that I have a great right-brain/left-brain balance. But just like how every artist has a different artistic outlook and personality, the same goes for attorneys.

When selecting an attorney, do your research. If you have questions about starting up a business or tax issues, talk to business owners and ask for recommendations. Also, talk to friends and family members and see if they know any attorneys. You may also want to look into whether there are any [Volunteer Lawyers for the Arts](#) (a nonprofit organization that offers free or low-cost legal services and information to members of the arts community)

in your area. Finally, many state Bar Associations have great attorney referral programs.

So now you've found an attorney, but is the attorney right for your needs? An artist I know consulted with two different attorneys about a copyright issue before she finally hired a copyright attorney. And,

*"The key is to make sure the attorney understands your needs and you understand what the attorney can do to help. Like any relationship, make sure both of you have realistic expectations."*

Unfortunately, she spent many months relying on inaccurate advice. You don't want this to happen to you! I don't think it's absolutely necessary that the attorney have prior experience with jewelry artists (there aren't many jeweler/lawyers out there), but you should feel comfortable with the attorney's experience.

Before contacting an attorney, check out the attorney's profile and specialties. Then, ask to meet in person. I have found that many attorneys will meet with you for free as consultation.

Bring a list of questions to your meeting. You may want to ask about the attorney's experience, how much this will cost you, how long it will take, and if the attorney can predict an outcome.

The key is to make sure the attorney understands your needs and you understand what the attorney can do to help. Like any relationship, make sure both of you have realistic expectations.

*JSI: Many jewelry artists are concerned -- and understandably so -- that if they promote their jewelry too much online, an unscrupulous jewelry maker will simply swipe their ideas and reproduce the same jewelry. Obviously there's no way to stop someone from trying, but what kinds of copyright statements or notices do you advise jewelry artists to place on their websites and in their photos to help protect their ideas?*

**Feingold:** The advantage of posting your work online is that many people will see your work, which can be great for sales and exposure. You may

become rich and famous! The downside is that many people will see your work, which may seem to encourage copying.

But remember, whether you post your work online or sell it at an art fair, a shop or gallery, or even if you simply wear a creation in public, you never know when an unsavory person will swipe your design.

The only absolute way to ensure that someone does not copy your art is to never create any art at all. And that's just sad. If you never create, you will deprive the world of your artwork, deprive yourself of the joy of creating, and deprive yourself of a potential profit.

Many artists may choose to put a copyright notice on their actual piece. But when we're talking jewelry, a copyright notice can fill up the entire creation and take away from its aesthetic value. Not good!

Though it is not legally necessary, a short copyright notice on your website or on photos can help keep people honest. You may show copyright by writing: 1) Copyright, Copr., or ©; 2) the year the art was created (or published); 3) and your name. For example, © 2008, Sarah Feingold.

*JSI: Let's say someone is doing commissioned work, where the artist and the client are both contributing ideas to the design. Who then "owns" that design? Could the jewelry artist make something similar and sell it? Could the client make something similar and sell it?*

**Feingold:** This is a very difficult question, as the answer really depends on the design itself and the agreement between the artist and client.

Copyright does not apply to every aspect of a design. However, when two people contribute to an artistic work and both people intend that the contributions will be merged into the work, the work may be considered a "joint work."

The authors of a joint work are co-owners of the copyright in the work, unless there is an agreement to the contrary. And in this case, both people would have the same rights to re-create and sell the design.

*JSI: Related to the question above, I find that many artisan jewelers enter into oral agreements without documenting them in writing and having both parties sign. This includes consignment agreements as well as agreements for commissioned work, but might also apply to even simple repairs. One of the best descriptions I've heard of a contract is that it's a "meeting of the minds." Please give some examples of transactions that you think should be accompanied by a written agreement, and suggest any resources or templates that might be helpful for jewelry artists to consider.*

**Feingold:** The description "meeting of the minds" is a great way to illustrate a contract, whether spoken or written. It's important that both parties clearly communicate their goals to avoid risk of confusion. Every time there's some sort of exchange or trade (as in money for jewelry), there's an agreement.

Although even the best attorney cannot predict the future and anticipate all potential issues, the trick is to try to anticipate issues before a problem arises. For example, if you sell your work online, fully disclose your policies concerning returns and refunds. How long does someone have to return an item? Who pays shipping? Will they get a refund, or do they have to exchange? What if the piece breaks? What if the person simply changes their mind?

Although hopefully you will never have to look back at the writing, there are some transactions that should be accompanied by a written agreement. Consignment agreements, copyright transfers, copyright licenses, copyright assignments, work-made-for-hire agreements and limited liability agreements are examples of agreements that may be in writing. Depending on the client and your history, you may want a written agreement to accompany a commission or a repair.

Usually the best bet is to ask your attorney to draft you an agreement. However, there are some great resources online that can help guide emerging artists. I have found that simply typing in the name of the agreement -- for example "sample consignment agreement" or "sample limited liability agreement" -- into a search engine can bring up many resources. But be warned! When doing Internet research, always be cautious and make sure the advice comes from a reputable source.

Also, make sure you read and review any pre-made contracts. You may also want to customize the agreement to cater to your needs and the laws of the applicable state(s). If a gallery wants you to sign their consignment agreement, always read the agreement before you sign; after you sign, ask for a copy of the signed agreement (signed by you and the gallery) to keep in your file.

**JSI:** Sarah, thank you very much for taking the time to help our readers understand more about the "intersection" between law and art!



*Sarah Feingold is an attorney and accomplished jewelry maker. She is the author of [Copyright for Artists](#), and she is also the general counsel for [Etsy.com](#). You can see Sarah's jewelry designs at <http://www.sarahfeingold.com> and order her book at [attorneysarah.etsy.com](http://attorneysarah.etsy.com).*

## Does Music Have Charms that Lead to Sales?



We all know that music can relax us, get us fired up, or just plain put us in a better frame of mind, but have you considered the possibility that playing music at your jewelry booth might amp up your sales, as well?

That's a topic sociologists have been studying for nearly three decades now, and most have determined that music can affect things such as how long customers shop, how much they spend, and their attitudes about the products and services offered. In fact, a 2002 study by Julie Baker et. al. (1) found that music played in a retail environment reduced shoppers' perceptions of monetary costs.

But customers don't spend to just any type of music.

A 1982 study by R.E. Milliman (2) reported a 38% increase in sales when a grocery store played slow music rather than fast music; a 2002 study by J.C. Sweeney and F. Wyber (3) found that slow popular or fast classical music both influence pleasure and the perception of service quality among fashion shoppers; and according to a study by Richard Yalch (4), shoppers lingered longer when they were hearing unfamiliar music.

Consider these “environmental” factors and don't be afraid to play something slow and unfamiliar at your booth next time!

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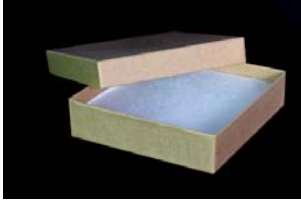
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3 Sweeney, J.C., & Wyber, F. (2002). "The role of cognitions and emotions in the music-approach-avoidance behavior relationship." *Journal of Services Marketing*, 16, 51-69.

4 Yalch, R & Spangenberg, E. (1990). "Effects of Store Music on Shopping Behaviour," *Journal of Consumer Marketing* 7, pp 55-63.

## Search Online for the Best Box Prices



If you sell a fair amount of jewelry, you probably have to replenish your supply of jewelry gift boxes regularly. Even the standard silver and gold foil boxes aren't cheap -- most jewelry retailers sell the 3-1/2" square variety for \$32 to \$39 per 100 plus shipping -- and if you fancy something a little fancier to send your pieces on their way in, you might be paying even more.

You might try eBay to find deals on boxes. For the sake of comparing apples to apples, we did a search of the 3-1/2" foil boxes to compare eBay with other merchants. The good news is, we found several eBay Stores merchants selling 100 for prices ranging from \$22.49 to \$29.45 (an average of \$10 less than major suppliers) with shipping averaging around \$12. The bad news is, eBay merchants don't appear to offer much variety beyond the standard types of gift boxes -- white, foil, velvet hinged box and bow-topped metallic ring box.

But there are some online retailers who beat even eBay's prices. [Nile](#) sells a case of 100 3-1/2" foil boxes for \$17.80, as well as some really pretty and innovative packaging like folding pillow boxes with ribbons (for \$4.80 per dozen) and nesting gift box sets. Ezboxco.com charges \$18.50 for the 100 foil boxes, but if you order 400 or more, you can get them for \$15.50 per hundred.

If you want to try out a new item, eBay still has merits because you can order in small quantities. One eBay merchant offers packages of 10 kraft paper boxes in several designer colors for \$8 or \$9, and leopard-print boxes are available at \$6.75 for 10.

So if you want to try a new packaging style without committing just yet to a case of them, eBay might be a good way to go. Just be prepared to do some digging.

## Use Labels to Make an Impression!

You've made the sale and lovingly wrapped your handmade earrings or bracelet or necklace in a box for its new owner to take home. But how do you get them to remember who they bought it from? With a label, of course!

There are many different custom label options available online.

[Premierpackaging.com](http://Premierpackaging.com) can hot stamp your custom logo in metallic foil right onto the lids of the kraft paper boxes they sell in several designer colors. The setup fee is \$70, and stamping charges range from \$70 for 500 boxes to \$375 for 5,000. Another company that offers this service is [Nashville Wraps](http://NashvilleWraps.com), which will print any of the stock boxes shown in their regular line for \$100 per 1,000 boxes, plus a one-time plate cost of \$85.



If you prefer to have a roll of stickers handy to place on your boxes yourself, [PackagingSupplies.com](http://PackagingSupplies.com) makes metallic, paper, laminated and embossed labels. You can design your label on their website and even upload artwork from your computer. The cost for 250 of their 1-1/8" x 2-1/8" oval foil labels is \$122.07, but prices drop with quantity ordered – 1,000 of the same labels cost only \$38 more – so it pays to order a bunch while you're at it if you think you can use them.

With the advent of digital printing, a new option these days is labels scanned straight from artwork that can include as many colors as you want for the same price. [Lightninglabels.com](http://Lightninglabels.com) offers this service with a variety of shapes, sizes and finishes available. The price for 500 (minimum order) oval 2-3/8" x 1-1/4" labels is \$284.76. [Planetlabel.com](http://Planetlabel.com) offers the same service with a minimum order of only 100, though they don't offer the variety of sizes that Lightninglabels.com does.

No matter which type of labels you choose, they may well pay for themselves when your customers look at that box to find you again! Make sure that, aside from your logo, you include your telephone number and/or web address right on the label.

# Jewelry Selling INSIGHTS

## S T A F F



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