

KINTSUGI is not subject to the GPSR and its regulations because it is a “work of art” under the relevant exception within the GPSR and because its products do not present a danger of the type the GPSR is attempting to regulate.

The KINTSUGI team (hereafter “KINTSUGI”) is aware of the new legislation in the European Union (hereafter “EU”) called the General Product Safety Regulation (hereafter “GPSR”). The relevant legislation aims to limit the import of potentially dangerous, toxic, illegal, or otherwise suspect products. The legislation’s overarching purpose is to protect consumers within the EU, better effectuate existing regulations, and enable swift recalls for potentially dangerous products.

The legislation recognizes, however, that certain items **do not** fall under its purview. Specifically, the language of the GPSR recognizes an exception for “works of art”, which fall under the broader category of “antiques.”

I. KINTSUGI is not subject to the rules and regulations within the GPSR because the project falls under the “works of art” exception, and as such, the zine and its merchandise do not constitute “consumer products.”

The GPSR describes an “antique” as a product “such as a collector’s item or work of art.” The GPSR specifies that the art must typically be created “solely for artistic purposes” and states that exempt artwork may include “unique pictures, collages... paintings and drawings...” or “unique prints and lithographs, being impressions produced in limited numbers... executed entirely by hand by the artist.” Later, it was clarified that this definition is “usually created by hand.”¹

The GPSR also states that if an item is a “collector’s item” then it must typically include “items of sufficient rarity and historical or scientific interest to justify their collection or preservation.” Examples of such items may include “collections and collectors’ pieces of... historical [or scientific] interest....”

A. KINTSUGI was created solely for artistic purposes.

KINTSUGI consists of over 20 artworks, 10 stories, and several pieces of related “merch” or merchandise. KINTSUGI’s intentions at the time of creation were to share and express excitement for our theme by creating interrelated artwork and stories. Additionally, KINTSUGI aimed to create an online creative and collaborative space for their artists and authors. The end-goal for the project is to produce a bound art and story book for people to enjoy.

¹ https://www.europarl.europa.eu/doceo/document/E-10-2024-001835-ASW_EN.html

1. *KINTSUGI being a zine for sale does not exclude it from being created “solely for artistic purposes” because the purpose of the zine is to be appreciated artistically.*

KINTSUGI's exclusive goal is to "break-even" and make enough money to produce and ship the zine and all related items. Any additional funds will not be kept or distributed to participants, and will instead be donated to a charity selected by said participants. There is no profit margin associated with KINTSUGI.

The zine will consist of artwork, of which the sole purpose is to admire from an artistic standpoint. The zine will also consist of written stories which KINTSUGI intends to be read and enjoyed for their artistic value. Finally, the zine will include “merch.” While several pieces of the merch *may* be used as multi-functional items by those that own them, the primary intention of each item is for display, admiration, and enjoyment from an artistic standpoint. Any use past this intention is not within the scope of KINTSUGI and is solely at the end user's discretion.

KINTSUGI was created “solely for artistic purposes” because it was created for the singular purposes of admiration, display, and artistic enjoyment.

B. KINTSUGI is not a “consumer product” because it is a made-to-order zine, is not “mass produced” and will feature a limited run.

Although not specific, the GPSR appears to be primarily interested in regulating “mass produced” items of which the origin may be difficult to identify. The GPSR appears to indicate that serial numbers, bar codes, or batch codes may signify when an item is “mass produced” and as such is subject to its laws and regulations. The GPSR is silent in regards to items which are made to order or which feature a limited run.

KINTSUGI will host a limited run from late April 2025 to late May 2025. Although it is impossible to say at the time of this writing how many orders the zine will achieve, it is very safe to estimate that it will receive less than 1,000. Additionally, KINTSUGI will not feature a barcode, serial numbers, or batch codes. Every zine produced will correlate to a zine purchased, with the exception of zines produced as gifts, and extra zines produced to account for natural defects (known colloquially as “B-Grades”) in the batch, which may, but are not guaranteed to, be sold in an even smaller limited run later.

KINTSUGI is not a “consumer product” as defined under the GPSR because it is not mass produced. It is not mass produced because it features a limited run, is made to order, and it will not feature barcodes, serial numbers, or batch codes.

C. KINTSUGI is a collectible because it is a “zine” which is an item of “sufficient rarity” and “significant historical interest” to warrant preservation.

A “zine” is a self-published, non-commercial print-work that is typically produced in small, limited batches. Zines are often defined as having a limited run of under a thousand, but many are even smaller than that. The first credited zine was published in the early 1930s by a science club in Chicago. Zines gained particular traction in the Star Trek fandom, in which a letter-writing campaign organized through zines even earned the series an additional season in 1968. Zines have been particularly popular and influential in queer and punk spaces as well, and often include the artistic expression of people outside the mainstream, straight, or “controlling” demographics of a culture.

Zines are also considered a collector’s item and are frequently traded between creators and interested collectors. Additionally, institutions such as the British Library, Harvard University, Archive of Our Own, and the Tate Museum have created zine archives, which aim to preserve zine collections for their historical and cultural significance. Archives such Archive Of Our Own or Open Doors exist for the express purpose of archiving works of art, of which KINTSUGI falls under the interests of.

KINTSUGI is a zine because it is a collection and collaboration of related pieces of art, it is self-published, and because it features a limited run. KINTSUGI will likely become “rare” and will not be readily available for purchase or consumption after a very strict time period. Additionally, KINTSUGI is of “significant historical interest” which makes it “worthy of preservation” because it is the latest in a long chain of self-published works which features a queer angle on a mainstream section of modern media and pop culture.

II. KINTSUGI likely does not fall under the purview of the GPSR because it does not pose the type of reasonably foreseeable threat that the GPSR aims to regulate.

As stated previously, the GPSR aims to protect the citizens of its member-states, enforce its own regulations, and better effectuate potential recalls by placing restrictions on the ability to import into the EU. The GPSR is likely aimed specifically at drop-shipping sites which may (and do) sell cheap, unsafe, and potentially toxic products. Of most concern are likely items such as electronics, which can contain hazardous chemicals, small parts, and which may spark fires.

Here, KINTSUGI does not pose a reasonably foreseeable threat in any of the ways which the GPSR is likely aimed at limiting. The KINTSUGI zine is a small book or publication, containing around 100 pages, which does not feature a safety threat in any reasonably foreseeable manner. To the very best of KINTSUGI’s knowledge based

upon hours of diligent research and effort, our products do not contain cheap, unsafe, or hazardous materials. Our products are also not electronic, and are not likely to spark fires, to the best of our knowledge.

Additionally, every copy of the zine will be inspected closely for quality assurance before being shipped out to consumers. The KINTSUGI merch will go through the same process. Although more varied, every single item will be individually inspected and graded for quality assurance before shipping begins. This is to ensure both high standards of safety, but also quality to our consumers.

KINTSUGI does not believe that it is subject to the GPSR because it falls under an exception to the law and because it does not pose any known danger of which the GPSR aims to regulate.

In summary, KINTSUGI is of the opinion that it is not subject to the guidelines and limitations given in the GPSR because it is a “work of art” and as such, it falls under the “antiques” exception within the GPSR. Furthermore, the GPSR aims to regulate certain types of dangers which KINTSUGI does not pose, or does not pose in any reasonably foreseeable fashion.