



COPYRIGHT Research for Artists

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| All works are covered by <u>intellectual</u> copyright | If you created it, it belongs to you even if you do not copyright it. | There are no exceptions...you do not even have to register your idea but you are wise to do so |
| Reference photos must be changed beyond easy recognition to fall within fair use category | 30% minimum – more if photo is well known (London Bridge) - less if it is a common object like a bird or a building | Copy greeting card – NO Copy photograph – NO Use 3-4 photos for reference-with changes YES |
| Public domain – you can paint a portrait of a famous dead person but not if the estate holds the rights (Hitler (yes) vs. Elvis (no)) | Totally free to use as in works prior to 1921 (before copyright existed), plus works that have not renewed their copyright – i.e. Edward Curtis. Look this up on the internet to be certain | You can use works donated for use in the public domain or works in morgue files |
| You can copy the Mona Lisa or other old masters | BUT you Cannot claim rights of originality | Problem: Others may copy it too but they cannot copy your version |
| Royalty free | Copyright remains with artist but you may use image for non-commercial purposes only | You <u>cannot</u> sell this work |
| Licence | You pay to use an image and can sell your works | You can sell this work under the licence agreement |
| Photo sources | Morgue file, artist reference photos, painting forum | Flickr, internet sales sites Search Tool that enables you to find those photos labeled with a Creative Commons Attribution License |
| Original Art | Created new, not forgeries or copies based on the works of others | You cannot copyright a work that does not appear original or that is obviously thought up by someone else |
| Meaning of Copyright | No one can copy your work or use it without permission even if they link back to you or give credit | You can sue in a court of law if you find an obvious infringement of your works |
| Copyright vs. Plagiarism | Copyright infringement is using another person's work without permission | Plagiarism is claiming that the work you have copied is actually your original work |
| Can and Can Not | You may save images to your computer | You may not use these images without infringing upon the copyright |
| Consequences | You are breaking the law and can be sued for damages | You will be considered unethical among your peers |
| One Time Rights – you may use an image once for a specified project if original artist agrees | Commercial rights allows the artist to use the image to sell and make money | Non-Commercial rights allows you to use the image for a charity or non-profit group |
| Creative Commons Licence | You may use it but must give credit to original photographer | NOTE: Photographer may want a percentage of the profit |
| How to copyright your artwork | Include the copyright symbol – see below | Include the date and your professional business name and contact number |

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| <p>To get the copyright symbol, hold down the Alt key while keying in the numerics 0169 and then press enter</p> <p style="text-align: center;"></p> <p>The symbol above is what you will get on your computer</p> | <p style="text-align: center;"></p> <p>Right click any of the symbols above and choose save as: give each a name and put in my documents for reference and use on my paintings</p> <p>You may also use the word "copyright"</p> | <p style="text-align: center;">REGISTER COPYRIGHT IN CANADA FOR YOUR ART</p> <p style="text-align: center;">Bookmark this address!</p> <p style="text-align: center;">http://www.bdc-canada.com/BDC/services/Copyright_reg.htm?gclid=CLqY_vfXlqQCFQHW5wod3w-IHA</p> <p>Sign up for 6 part series on copyright from Canadian Law Business Development Bank or go to documents on our website</p> |
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What is a copyright?

Simply put, a copyright prohibits others from copying your work without your permission.

Top 4 reasons to register your Copyright of Artworks:

1. Registering a Copyright will create a public record showing you as the owner.
2. Registered Copyright will become the evidence you need to prove your ownership.
3. You can license your work and charge fees for the use of your work.
4. Protection is the ultimate reason for registering Copyright.

One easy way to provide proof of copyright is to take a photo of your art, then mail it to yourself. Keep the envelope in a safe place unopened. If there comes a time when you have to prove that your work is original or that it belongs to you, the date stamp on the mailing envelope serves as an accepted court record of the date that you created the work. If someone else claims ownership but your date is prior to the one they can establish in a court of law, you retain copyright.

Membership to Associations to Protect Artist's Rights

| United States plus International affiliates | Canadian Artists |
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| <p>http://www.arsny.com/ The Artist's Rights Society</p> <p>Artists Rights Society (ARS) is the preeminent copyright, licensing, and monitoring organization for visual artists in the United States. Founded in 1987, ARS represents the intellectual property rights interests of over 50,000 visual artists and estates of visual artists from around the world (painters, sculptors, photographers, architects and others).</p> | <p>http://www.sodrac.com/ The Society for Reproduction Rights</p> <p>The Society for Reproduction Rights of Authors Composers and Publishers in Canada (including artists) SODRAC is a collective management society within the meaning of the <i>Copyright Act</i>. It grants licences for all reproductions of musical and artworks. SODRAC represents authors, composers, music publishers and creators and co-creators of artistic works. Our society also represents heirs of rights, titles and interests in a work following an author's death.</p> |
| <p>This information is licensed under a Creative Commons Attribution 2.5 Canada Licence Attribution 2.5 Canada You are free: <i>to Share</i> — to copy, distribute and transmit the work</p> | |

Canadian Artists' Representation for Copyright (applications to join online)

CARCC (Canadian Artists' Representation Copyright Collective) was established in 1990 to create opportunities for increased income for visual and media artists. It provides its services to artists who affiliate with the Collective. These services include negotiating the terms for copyright use and issuing an appropriate license to the user. Web: www.carcc.ca

CARFAC: Canadian Artists' Representation (CARFAC) is incorporated federally as a non-profit corporation that is the national voice of Canada's professional visual artists WEB: <http://www.carfac.ca/>

