Copyright Laws-U.S. Constitution

Purpose of Laws: Promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings & discoveries.

Note: Copyright protection extends to all forms of intellectual property and exists as soon as the work is put into a fixed form. Registration is not a requirement for copyright protection.

http://copyright.gov/eco/
https://copyright.cornell.edu/resources/publicdomain.cfm
Intellectual Property

• Same as physical property. Ex: Car

• Copyright shows ownership and protection of property

• Facts and ideas cannot be copyrighted. Interpretations or expressions of ideas are copyrightable. Ex: mountains

Miller, Betty. Celebration Hands
Question

I sold my painting for $500.00. Does this mean I sold my rights to that painting?

Can I still make copies of the painting and sell them as posters? Or t-shirts? Or cups?

Dupor, Susan. Cookie.
Dupor Art Website

Dupor Art Gallery

New art works  My art works  More art works  Prints

Twenty Handshapes Beneath
oil on canvas
30" x 40", 2003
Now in Private Collection

© 1999-2007 Dupor Art. All rights reserved.
Rights of Copyright Owner

- To copy the work
- To display or perform the work
- To sell or distribute the work
- To use the work to make other things called "derivative works".

Examples:
cups, t-shirts, toys, tv show based on book etc.

http://www.cafeshops.com/purpleswirlarts
Copyrighted Works

- Lasts for the life of the author plus 70 years.

- Picasso’s works protected by copyright?

Miller, Betty. Interpreter Unlit.
Question:

Suppose someone wants to make a movie of this play. Can they do that?

Suppose someone wants to write a novel based on the play. Can they do that?

Suppose someone wants to create a t-shirt with this book cover. Can they do that?
Where do I go to protect my works?

- Copyright Office/Library of Congress
- Register your work and pay a small fee
- Can go to court if someone plagiarizes
- Works still protected if you don’t register but do not have as much legal protection
- Assume everything you see is protected by copyright. You don’t need a copyright symbol or statement.
What is Copyrightable?

- Books
- Journal/Magazine Articles
- Newspapers
- Photographs/Graphics
- Videos/Audios
- Music
- Websites/Databases/Software
- Company Logos and Trademarks
• Some are copyright free which means you can use them. Can find on the web http://www.barrysclipart.com/

• Office has clip art you can use (you pay for the software and clip art). Go to insert-picture-clipart
Questions?

Winn, Ron & Herald & News. 1999 February 15: AP Photo Database
Free Use Materials

- Open computer code like Linux
- U.S. Government Info

This means you do not have to contact them for permission. You still need to tell us where you got the information in your paper or work.
Public Domain Materials

- Written works created before 1923 are in the “public domain”

- You can use the material but still need to cite it for your paper or work

- Project Gutenberg website https://www.gutenberg.org/

- Do you have to contact the estates of Shakespeare? Michelangelo? DaVinci? for permission to use their work?
Shakepeare and Michelangelo

Can you do a play by Shakepeare?
Can you use Michelangelo’s artwork?
Can you write an adaptation of a play by Shakepeare?
Can you adapt Michelangelo’s artwork? Can you create A t-shirt? A cup?
Databases and Software

Deaf Art, Deaf Artists
- Camio
- ArtStor
- AP Images

Software-When you break open the package you are agreeing to the contract.
Welcome to the Copyright Website

The ultimate copyright portal for real world, practical copyright information. Launched on May Day 1995, the Copyright Website strives to lubricate the machinations of information delivery. As coke is to Dune, information is to the web, the spice must flow.

- Specialized information for webmasters, musicians, moviemakers, screenwriters, programmers and photographers.
- General copyright information for educators, students, web-surfers, re-mixers, mash-uppers and confused citizens.

**Movies**
See the notorious fights over copyright on the big screen.

**Music**
Hear the samplers, appropriators, copiers, alleged pillagers of copyright and fair users.

**Web**
A look at some of the bleeding edge issues involving software and the Internet.

**Info**
Get up to speed on the basics of Copyright Law.

Bialobrzeski denounced the Zielskes and told websites that the pair had actually called years earlier for advice about exposures, film, and vantage points.

The Zielskes, who claimed in an open letter that the images "had nothing in common," were soon fending off a charge that hasn't been leveled in fine-art circles for a while:

**PLAGIARISM.**
What is Visual Plagiarism?

There is a fine line between copying and homage.
Homage = Inspiration
Copying = **Plagiarism**

Rainbow and Copy Cat
We all know that ideas come from many sources: they recur, regenerate, take new forms, and mutate into alternative forms.

In the world of art and design, there seems to be an implicit understanding that any original work can and will evolve into the work of others, eventually working its way into our broader visual culture.

**Is it acceptable to use the work of another when it might be a critical part of the final artifact?**
Visual Plagiarism?

Galliano advert, c. 2007

William Klein, c. 1992

http://www.epuk.org/The-Curve/456/visual-plagiarism
What can you do to avoid Visual Plagiarism?

While copying a process or design may be part of learning and developing your creative process, your finished artifacts must either elaborate an idea or develop and move forward what someone else has done.

You can do this by changing something in the original that will create a unique effect and new artwork:

- Scale/Proportion
- Shape
- Color(s)
- Line
- Value
- Juxtaposition of styles
- Content
- Meaning
- Fabric
- Textures
- Repeat pattern
- Balance
- Emphasis
- Feeling
- Materials
- Placement


http://observatory.designobserver.com/entry.html?entry=6467
A quotation of visual media, such as:

- artwork
- photography
- popular culture
- music videos
- films
- technology etc.

By quoting visual media for your own art work, you change its meaning. **You create a new context.** Your art work has a different meaning from the original.

Appropriation Examples:
Logo Thief Examples
Wegmans and Walgreens

Wegmans gets Sued by Walgreens Over Logo Dispute
November 6th, 2010

When Wegmans updated its logo design back in 2018, they would not have an inkling that their logo would give somebody this much grief. Apparently, Walgreens, the popular online pharmacy, weren't too pleased about it and have sued Wegmans for infringing on their trademark. They have even asked the court to forfeit all of Wegmans' business profits since this logo change.

Walgreens in their law suit have claimed that wegmans' new logo looks a bit too much like their own. They are especially miffed about the 'Flying W' which according to them is almost 'too similar' to theirs which has been in use since 1951. Wegmans on the other hand, have contended that their brand mark is a throwback to their original 1930s design (look below) and is not similar, hence does not infringe on anybody's intellectual property.

We personally think that this shows a lack of research on the part of Walgreens' legal department. We mean, in this day and age of live image searches, how difficult would it be to google Wegmans' history and the evolution of its logo? Apparently they also have not been keeping themselves updated about other logo controversies, in which logos were actually similar rather than having a "somewhat similar" form.

We feel that while they're at it, Walgreens should also sue Walmart for copying the 'Wal' from their business name!
TinEye-Finds Images

Searched over 10.261 billion images in 2.429 seconds.

for file: http://accessgallery.org/wp-content/uploads/2012/10/dande...

- These results expire in 72 hours. Why?
- Share a success story
- TinEye is free to use for non-commercial purposes.
Andy Warhol and Patricia Caulfield
Art Forgery Films
Big Eyes
Films

• Beltracchi: The Art of Forgery
• Incognito
• The Forger
• Entrapment
• How to Steal a Million
• F is for Fake
Visual Plagiarism for Art Students

See Prezi PowerPoint

Visual Plagiarism for Art Students
Citing Visual Works

- This guide provides examples of documenting images according to MLA, APA, Turabian, Chicago Styles. Thanks to Liv Valmestad at the University of Manitoba, Canada for allowing the link.

Examples of Citing Images

**MLA Format**

<table>
<thead>
<tr>
<th>Work of art</th>
<th>Bibliography</th>
<th>Note</th>
</tr>
</thead>
</table>

**Turabian Style**
For additional information consult *A Manual for Writers of Term Papers, Theses, and Dissertations* (2010 Edition).

<table>
<thead>
<tr>
<th>Work of art</th>
<th>Bibliography</th>
<th>Note</th>
</tr>
</thead>
</table>