

Understanding Copyright by Linda Biedermann TDA

First the Disclaimer: I am not an attorney and this is not legal advice.

Most of your questions about copyright can be answered by the U.S. Copyright Office's website at: <http://www.copyright.gov/help/faq/>. Here are a few other sites that have good explanations: <http://www.faqs.org/faqs/law/copyright/myths/part1/>
<http://www.copyrightkids.org/cbasicsframes.htm>

Since some of you do not have an internet connection, I will summarize the basics for you.

An original work, whether it is art, music, writing, etc, is automatically copyright protected at the moment it is completed. It is not okay to copy something just because you don't see a copyright symbol on it. You need to have permission from the person who owns the rights to the work. The owner may give you limited use of their pattern, but not full use. For example, authors of decorative art books and packets may state that you may paint for your own use, to give as gifts, or paint the designs to sell on a limited basis. However, this does not give you the right to photocopy anything in the book or packet. It also does not give you permission to rewrite their instructions and then copy what you wrote. You have to get their permission to do that, too. And you need to get their permission in writing.

Many people think that if they change something about a design or painting, it then belongs to them. A common rumor is that if you change three things, then it is now your design. This is not correct. If you use a part of the original design, the original designer still owns it and you have to have their permission to copy the modified version. Photographs are also copyrighted. A design that is made from a photo you did not take does not belong to you. You need permission from the owner of the photo before basing your design on the photo.

Some common situations where you might think you don't need permission, but you DO:

- Unless it is your original design, get permission before putting your paintings on an internet webpage.
- A chapter including a design or photo of a painting in their newsletter or on their webpage needs permission.
- You are sharing a pattern to help a group paint for a charity cause.

Decorative painting teachers who teach other's designs need to use caution. Often they ask a designer if they can teach their design and are told they can. The problem is that they have not asked the correct question. Allowing someone to teach does not necessarily mean that they allow that person to photocopy, rewrite, or anything else needed to teach that lesson. You need to be specific and ask each designer if she requires that you buy her packet or book for each student or if she has a discount arrangement she makes with teachers. Get the specifics to avoid problems and do so in writing...in a pinch, email will suffice.

So, bottom line, how do you make it ok to use someone else's design? Read their copyright notice and do only what it gives you permission to do. If what you want to do is not listed, ASK in writing, then follow their requirements. It is their property and you can use it only as they allow you to. Do not be afraid to contact a designer. Most will be very generous about working out an arrangement with you

Chapters should also ask teachers who teach their own original designs for permission, in writing, to post photos of their project on WebPages and in newsletters.