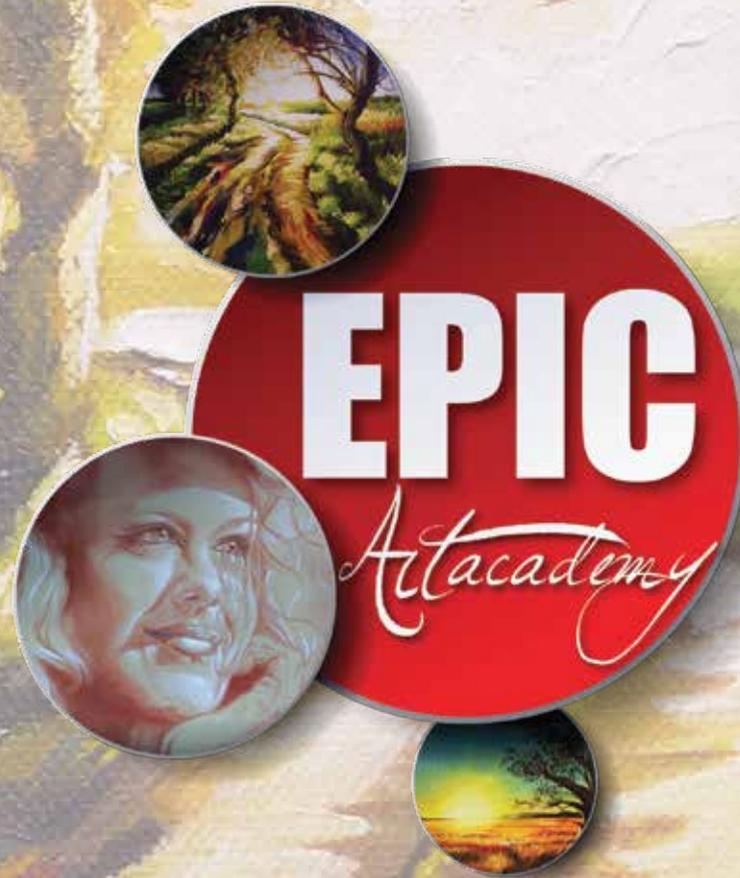
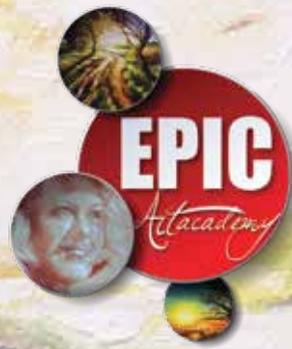


WELCOME TO



**COPYRIGHT INFORMATION
WEBINAR**



Disclaimer

I am not a lawyer, the Epic Art Academy does not retain a copyright lawyer.

Legal copyright advice has not been sought in the preparation of this webinar.

All information presented in this webinar is for information purposes only and should not be viewed as "Legal advise".

All information presented in this webinar has been gathered over various research activities including legal sites and general information sites.

All information presented in this webinar has been cross referenced for accuracy but due to the international nature of this webinar, the Epic Art Academy and the presenter of this webinar can not guarantee that your country is not subject to different copyright laws.

Information contained in the webinar presentation is general information applicable to general global international law, any exceptions that are country specific are stipulated as such.

Information is subject to correction.

What is a copyright?

Copyright is a form of protection provided by the law to the authors of "original works of authorship." By virtue of the Berne Convention for the Protection of Literary and Artistic Works, works are protected in all 160 countries that are party to the Convention, as well as various other laws such as the US copyright act.

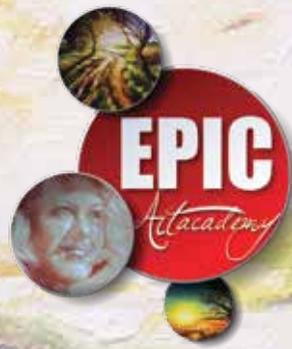
Source - <http://www.stockphotorights.com/faq/>

What is a copyright infringement

Infringement can include a violation of the rights of the creator or rights holder. Examples of imagery infringement may include:

- Use of whole or part of an image without permission
- Use beyond the scope of a license or permission
- Adapting an image without permission (art rendering)
- Asking another photographer to identically recreate the image

Source - <http://www.stockphotorights.com/faq/>



What is a copyright notice?

A copyright notice is a notice that informs users of a claim to copyright ownership in a published work.

Copyright is protection provided by law to authors of “original works of authorship.” When a work is published under the authority of the copyright owner, a notice of copyright may be placed on all publicly distributed copies. The use of the notice is the responsibility of the copyright owner and does not require permission from, or registration with, the Copyright Office. (I will explain this in more detail)

Use of the notice informs the public that a work is protected by copyright, identifies the copyright owner, and shows the year of first publication. Furthermore, in the event that a work is infringed, if the work carries a proper notice, the court will not give any weight to a defendant’s use of an innocent infringement defence—that is, to a claim that the defendant did not realize that the work was protected. An innocent infringement defence can result in a reduction in damages that the copyright owner would otherwise receive.

In other words - Ignorance of the law is no excuse in a defence.

U.S. law no longer requires the use of a copyright notice, although placing it on a work does confer certain benefits to the copyright holder. Prior law did, however, require a notice, and the use of a notice is still relevant to the copyright status of older works. (I will explain this in more detail)

For works first published on or after March 1, 1989, use of the copyright notice is optional. Before March 1, 1989, the use of the notice was mandatory on all published works. Omitting the notice on any work first published from January 1, 1978 to February 28, 1989 could have resulted in the loss of copyright protection if corrective steps were not taken within a certain amount of time. Works published before January 1, 1978, are governed by the 1909 Copyright Act. Under that law, if a work was published under the copyright owner’s authority without a proper notice of copyright, all copyright protection for that work was permanently lost in the United States. (I will explain this in more detail)

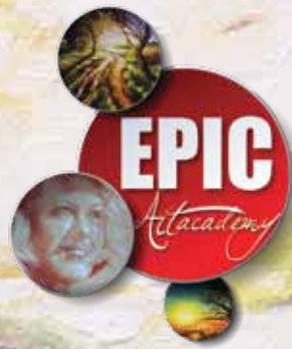
Source - https://en.wikipedia.org/wiki/Copyright_notice

How is copyright indicated?

© 2000 Your Name

The enclosed C followed by the year and your name.

For example: © 2017 Epic Art Academy or © 2017 Dalene Fouche McIntosh



What does copyright cover?

For the author:

Any work once in tangible form.

The exclusive right to reproduce the work.

The exclusive right to prepare derivative works. (Derivative works explained later)

The exclusive right to distribute and sell works.

The exclusive right to transfer ownership.

The exclusive right to rent out/lease or loan part or all of the copyright rights.

The exclusive right to display publicly. Social media, print media and/or exhibition.

The exclusive right of attribution.

The exclusive right to publish work if not previously published. (Explanation follows.)

The exclusive right to demand a royalty in exchange for some or all use of the work under a licence agreement.

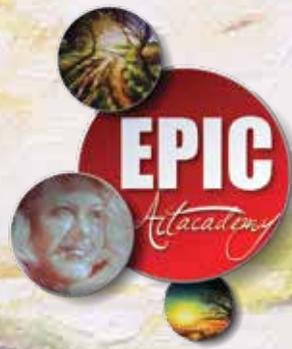
The right to claim a portion of the resell profits of a work that is sold on by a previous buyer. This is not strictly copyright law but can be if the author states this in writing at the time of a sale and it is agreed upon in writing by the buyer. (This is specific to UK, EU, Australia and SA. other countries may have differing law.)

What does copyright NOT cover?

An idea. Except in the event that it has been fixed, it is then considered to be in tangible form. For example, you write a blog post about an idea you have for a painting you are preparing. A verbal communication of an idea is not covered. Digital time stamps work well to prove your claim on an idea. For example emailing yourself a written copy.

A style. An author can not claim exclusive use of a particular style no matter how unique.

Derivative works. If an author bases a work on another author's work it is considered derivative and can not be copy-written even if it is based on a work that is in the public domain (to be explained later).



Who owns the copyright?

The creator of a work is referred to as the author. This is relevant for any work, not only written work.

The author of a work has full copyright ownership with few exceptions:

1. "Made for hire" for example commissioned work, the patron who paid for the commission to be done holds full copyright and is considered the author. The artist does not have copyright claim in this case.
2. Work created by an employee while in the employ of an employer. The employer is considered to be the author and the creator of the work has no copyright claim.
3. Joint authors. This would apply to a work co created by two or more authors. Copyright is owned by both authors and can not be considered as exclusive rights by any one of the authors.

The buyer of a work not commissioned does not own any copyright on the purchased work despite owning the work itself. If the buyer sells the work on, the copyright remains with the author, it is never transferred unless in writing by the author.

Unless copyright is relinquished in writing, the owner of the work can not make copies unless under "fair use", (to be explained.)

The author may transfer any or all copyright rights ONLY if it is done so in writing.

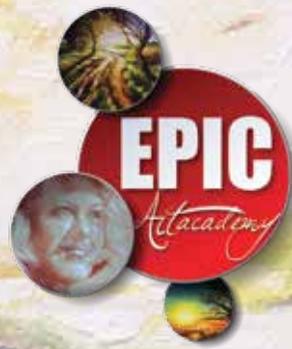
Copyright may be willed to a beneficiary on the death of an author but in the event of the absence of a will, it will be transferred to next of kin as a intestate succession.

What are the alternatives to copyright?

Trademark: Covers a mark, design, name or other recognisable visual that is associated with the operations of a particular brand or company.

Patent: Covers inventions only.

Copyright: Covers dramatic production, written works, photography, art or other such creative works.



Does the author have to formally register a copyright?

The short answer is NO.

All works are automatically covered by copyright but there are some differences.

A formally registered work, registered prior to an infringement, has much more rights in the case of litigation.

- The right to claim legal fees in total.

- The right to claim statutory damages.

- The right to claim the profits of any sales made by an infringement.

- The right to claim other incidental costs of litigation.

The above only applies to works that have been registered PRIOR to the infringement. Burden of proof is then the responsibility of the person who committed the infringement, the law is automatically on the side of the author as proof was established at the time of registration.

In the case of a work NOT being registered:

Author can only claim the profit of any sale and/or that the person committing the infringement remove the piece from sale, exhibition, social media or any other publication or public display.

BUT..... an author may only take action against an infringement if they then subsequently register the work, registration is a prerequisite for legal action.

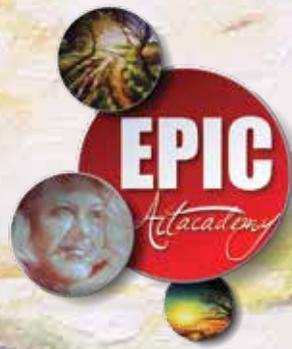
In this case burden of proof is on the author to prove the work was created prior to the infringement. For this reason digital records of the creation of work can be helpful or if the work is published or exhibited prior to the infringement.

It is not necessary to display the enclosed C copyright notice, but if you do your case is considered even stronger.

How does the author formally register a copyright?

Every country is different but it is usually a government service. In the case of the USA registration can be applied for at www.copyright.gov.

The author may register a batch of work, it is not necessary to register each work individually.



Do any other rights apply?

Absolutely.

Any author has implied rights that are not subject to registration.

Moral rights:

The right to attribution.

The right to have your work treated with respect.

The right to NOT have your work used in a way that shames, embarrasses or upsets the author.

Fair use rights:

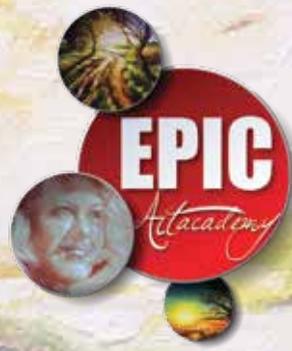
The right to use an authors work for advertising purposes. This is only applicable in some countries. The UK is an example, South Africa is not. An example is a gallery photographing your work to publish in a pamphlet that advertises the exhibition.

Reviewing a work in a art TV program or other media, it goes without saying that a work can not be reviewed without a visual. However if the work is recognisable it does not qualify as fair use, this then becomes a grey area.

How does the author formally register a copyright?

Every country is different but it is usually a government service. In the case of the USA registration can be applied for at www.copyright.gov.

The author may register a batch of work, it is not necessary to register each work individually.



How long does copyright last?

Differs from country to country.

Some countries measure it from the time the work was first published, others from the time of the death of the author.

Here are some examples:

USA - 70 years after the death of the author.

Australia - 70 years from the first date of first issue. (ie: sold, not exhibited.)

South Africa - 50 years after the death of the author.

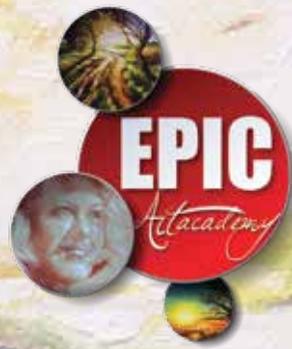
You may have to investigate your specific country as many of them differ.

Once copyright has expired the work becomes public domain and is no longer protected by copyright law.

An interesting note: If a public domain work is photographed the photograph can be copy-written despite the fact that the original is in the public domain. An example - The Mona Lisa is public domain, but to copy her would mean infringing a photographers copyright, unless you copy her from life. (A photo of a painting is not considered a derivative work I guess.)

Another interesting point. Any sculpture displayed in a public space can not be copy-written against photography, the theory is that because it is in a public space it is fair game to be photographed by members of public.

Prior to 1st Jan 1978 work was required to be registered, thereafter it became automatic. Therefore works created before that date may or may not have expired, you will be required to check this. Back then registration options were 28years, 47 years or 95 years and renewal was necessary once current registration expired.



General info.

Artistic quality or merit is not a factor in copyrighting, it needs only to be original.

First issue means SOLD, and copy-write laws apply to a work in the country it was first issued, not that in which it was created.

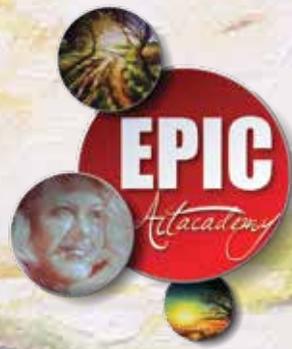
Copyright only applies to fixed works so is a Work In progress able to be copy-written? Fixed refers to published in tangible form, remember this when you publish your WIP. If you talk about it prior to creating it, you can not claim first use rights or copyright.

Every person automatically retains copyright to their own person and likeness, therefore if you paint or draw a model you must get a signed model release to claim copyright to the work or avoid objection by the sitter.

There is a common misconception that if you copy another's work but change it by 20%, you are free from copyright, this is a fallacy, if the work is recognisable it is considered derivative and leaves you open to litigation by the author of the original.

It is also a common misconception that you have only breached copyright if you sell a derivative work, this is not true. If you copy a work and give it away, publish it anywhere or even hang it on your own walls, it is considered an infringement and you can be Sued. If the work is formally registered you can be in for large sums of money, if not you can only be required to "remove" it. The author can exercise that right regardless.

Many websites exist that provide photography, some are free and some are paid. If you buy a photo from say Shutterstock, you may not use it as reference for a painting because even though you have bought the image, the author retains copyright. In the same way you retain copyright of your work even if it is sold.



General info.

Some websites provide Licence free images, in this case the photographer has waved copyright and you are free to use it as you please. Some of these are paid and some are free sites.

Here are some sites where licence free photography is available:

www.freeimages.com

www.freestock.com

www.pixabay.com

www.photos4artists.co.uk

www.photobash.org

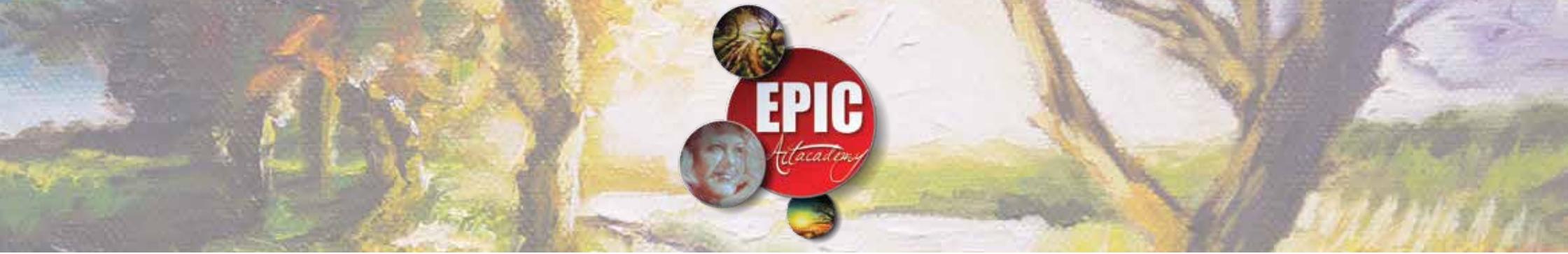
There are many out there, a simple google search yields numerous results.

Always check the licence of an image before you use it regardless of whether or not you paid for it.

Even a creative commons image may have restrictions so always check the license.

If a license is NOT stipulated then do not use it as it will automatically be subject to general copyright law, remember copyright law is always implied

The bottom line..... You are most protected when you take your own photos and create a unique work. Then you have full copyright claim.



**Thank you for attending and watching this webinar.
Please remember any information contained herein is subject to fine tuning
and correction and is the result of my own research only.**

This information is not subject to any copyright....

QUESTIONS?

