

## COPYRIGHT OR COPY WRONG? ISSUES HIDING IN PLAIN SIGHT

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Permission is granted to needlework guilds to reprint this article as long as the title, author's name, and this copyright notice are printed with the article.

All of us – probably on several occasions – have been on the receiving end of admonishments to honor needlework designer copyrights. And the majority of us are well-intended: we don't photocopy instructions without getting permission from the designer. But copyright is a tricky issue, and it's easy to step out of bounds without even knowing it.

Under copyright law, the owner of a work has a number of exclusive rights, including the right to:

- reproduce the work;
- distribute copies of the work;
- create a new or derivative work based on the original work;
- display the copyrighted work;
- perform the copyrighted work.

This means you must obtain permission from the copyright owner of a work before you can reproduce, display or distribute that work.

While looking through the boxes of instructions on a Stash Reallocation table at a local needlework guild event, I was struck by the number of violations I encountered. Below is a pop quiz with which you can test your knowledge of copyright. Each statement describes a document found in the boxes; read them through and for each one decide if it's "OK" for the document to be in the box or if it's "Nope", a copyright violation.

1. Photocopy of a one page design/instructions with the following notice: This design is intended for free distribution only. It may be copied at will and distributed only intact and as is, with all notices, logos, and credits remaining."
2. Photocopy of an article and project instructions from *Victorian Treasures*, a printed magazine.
3. Photocopy of a one page design/instructions with the following notice: "Permission is granted for shop owners to make unlimited copies for the purpose of gifts to their customers who purchase the button."

4. EGA Petite Project instructions with the following notice: "Petite Projects are donations from designers to be used by chapters and regions ONLY for scheduled programs, with notification to the designer for each use. NO OTHER COPYING OF PETITE PROJECTS IS PERMITTED. Petite Projects may be purchased through EGA by and member for personal use only. All rights are retained by the teacher. These instructions may NOT be copied or distributed in part or as a whole either as a handout, sold as a fundraiser, or printed in a newsletter." (Emphasis is per the original document.)
5. Instructions for a project from the ANG Chapter Project Book with the notation "Copyright ANG 2009".
6. The original instruction book for a project (i.e., not a photocopy) with the notation "Copyright 2012".
7. Printout of an article and project instructions from an electronic issue of *Inspirations* magazine with the note "Copyright reserved. This design is for private use only."
8. Photocopy of a one page design/instructions with the notice "This chart has been designed as a free handout and may be reproduced for distribution, but not sold."

Here are the correct answers, in order: OK, Nope, Nope, Nope, Nope, OK, Nope, OK. And now, the explanations:

- Case 1: All of the logos and credits appeared to be present, and the designer gave explicit permission to photocopy the design as a handout.
- Case 2: While it's OK to make a copy for personal use from a printed magazine to which one subscribes, that copy can't be given to anyone else.
- Case 3: The designer's granting of rights was explicit. There was no button accompanying the design, and no indication the document was donated by a shop.
- Case 4: The language is clear. EGA has specified that the instructions cannot be passed on to someone else.

*Continued on the next page...*

## COPYRIGHT ...(CONT.)

Case 5: The copyright notice on this document was brief, but the owner should have been informed by the ANG Chapter that these instructions cannot be given to anyone else. When ANG provides the Chapter Book to Chapters, it includes the following information and asks that it be given to members:

- A project from the Chapter Project Booklet may be copied and distributed only in connection with a chapter program or workshop. Only ANG members may receive copies of the materials.
- Chapter Project Book project instructions should not be sold, passed on, or in any manner transferred from a chapter member to any other person.

Case 6: In the US, this is covered by what is known as the First Sale Doctrine, which permits you to resell the book without owing any royalty to the author – assuming the book was obtained through a retail purchase. Selling the book is not considered *reproducing* the work, but making copies of the book would be considered reproduction of the work.

Case 7: This printout from the online version of a magazine is for the individual subscriber's use only. Digital, electronic and online materials are subject to the same protections as non-digital, traditional or paper-based works. Generally, magazines – both print and online – state that reproduction in whole or in part without written permission is prohibited except for designs specifically for the individual's personal use. The only difference between Case 2 and 7 is that one is online, the other is print.

Case 8: The designer has given explicit permission for anyone to copy and distribute her/his design as long as they don't sell it.

I must confess that as I went through the printed materials in the boxes, I pulled everything that appeared to be a copyright violation and moved it to a recycle bin. Does that make me a Grinch? I prefer to think I'm protecting the ability of teachers and designers to make a living at what they do. All of us want to see more people in those roles, right?

There are a few lessons from this exercise:

- Be mindful of what you give away. You may be violating a copyright.
- Before designating any printed material for stash reallocation, stop to consider if it's a photocopy. Look through it to find what rights the designer is giving away, and what rights they're retaining.
- Be wary of distributing designs distributed by organizations such as ANG or EGA, as they will likely have retained rights of distribution.
- A rule of thumb: if there are no explicit instructions stating that the design is free to give away with no restrictions, assume the designer has retained all of the rights mentioned above.

### ASSEMBLY AND THE EXEMPLARY DEADLINES

#### January 15, 2020

- Last date to cancel an existing Assembly registration and receive full refund minus \$85 administrative fee.
- Registration for classes closes. (You may register after this date, but choices will be limited.)

#### February 14, 2020

- *The Exemplary* entry forms, artist statements, and fees must be received at the address on page 19 of the Assembly booklet, which can be found online.

#### March 6, 2020

- Kit fees must be paid by this date.

#### March 6, 2020

- If you're shipping entries for *The Exemplary*, this is the date by which they must be received at the address on page 19 of the Assembly booklet.

#### March 18, 2020

- If you're personally delivering entries to *The Exemplary*, they must be given to NAN staff in the exhibition hall by noon on this date. Do not give entries to the hotel or hotel staff.

...And don't forget to make your reservation with the Somerset Inn! The number of hotel rooms booked through the NAN room block determines the discount we get on the NAN teaching rooms. So please, book your room through our room block...hotel rooms booked other than through the NAN room block will incur a \$10/night surcharge.