

Copying and Copyrights

When not everything is yours to use....
by Bonnie Gibson

As an artist, a website owner, and a published author, I have become sensitive to some of the issues of copying that are present in the gourd world. Unfortunately, many people believe that if they see something on the internet, in a book, or at a gourd show, then it is ok for anyone to use it. After all, what is the harm? Who is it hurting? Shouldn't the artist be flattered that I want to copy them?

Not every form of copying is bad. After all, that is how art students have learned for years. The difference here is that everyone knows that the art student learned art techniques by copying the "Mona Lisa" - the student isn't trying to pass this masterpiece off as their own original work. We can all enjoy gathering reference photos and ideas for future gourd designs. It's perfectly acceptable to learn from others, and to use their work to stimulate our imaginations. What you cannot do is pass someone else's work off as your own.

Let's talk first about using images from the internet or from photos you or others have taken. Have you ever noticed that many website photos have a "©" symbol or copyright notice below the picture? These indicate that the image and any artwork it portrays belongs to the creator. Artists (including photographers) have a copyright on their original design from the moment it is created. If you need patterns, there are plenty of copyright free sources - but if you use someone else's design, you MUST have their permission to do so. Of course, some people really don't worry about copying; they figure nobody will ever know. Surprisingly, the gourd world is a small world. If you copy someone else's work, there is bound to be someone who will recognize it, and they will pass the word. If you had spent hours creating a design, would you be hurt if someone else used it without asking? Remember this modified golden rule: "Don't steal from others what you wouldn't want someone stealing from you."

Companies such as McDonald's, Disney, and Warner Brothers, and colleges and professional sports teams aggressively protect their property. If you sell gourds with copyrighted images, then you are leaving yourself open to legal action. Any trademarked image such as a school mascot or a cartoon character belongs to the company that created it, and you are NOT allowed to use that image on a gourd without purchasing a license. Sure, if you make a piece for yourself or for a friend, they'll probably never find out - but if you try to sell it at a public show or publish it on the internet, you are asking for trouble.

What about those gourds you make in a class? Many classes are designed to teach you techniques, and techniques cannot be copyrighted. If you learn how to do something in a class, you are free to use that technique in any of your future projects. However, did the teacher provide a pattern that you copied exactly? Check with the instructor for permission to use that image for future projects. So you made a great gourd in a class and it looks just like the instructor's example? That's wonderful - but please, don't enter it in a competition as your own original design! Some people believe the fallacy that you only need to change 10 percent (or 20 or 30 percent) of a design to use it yourself - this is NOT TRUE. If your gourd is placed next to the gourd or photo you're copying, would someone say you'd based it on the original? If so, then you haven't changed it enough.

It is a little easier for people to understand copyrights as they pertain to written materials. If you look in the front of most books, there is a copyright notice that tells you what kind of permission they grant. Some will say that NONE of the materials may be used without written permission. Others will indicate that a certain number of copies may be made for personal use only. When in doubt, please check with the author. In general, projects taught in books are meant for your personal pleasure, not for commercial volume reproduction and sales. It's also a big no-no to

photocopy class handouts and pass them along to all of your friends without permission from the author.

In summary, use copying judiciously as a learning tool, and try hard to create items that look like your own work and not merely a copy of somebody else's work. When you show projects made from books or classes, please attribute the original artist. Think twice: If you aren't sure if you need permission to use a design, then you probably do. Most people are generous and happy to share, but don't just assume you can use something without asking. Believe me, the artist is far more flattered by someone asking for permission than they are by someone just appropriating their design.