

The Green Mountain Hooked Rugs Way

BY GREEN MOUNTAIN HOOKED RUGS



Ask three rug hookers about copyright law and you will hear at least four different opinions. Copyright law is a hot topic and it can be confusing, even for experts. So what is a rug hooker to do?

The real answer to that question is to educate yourself and be careful. There are laws, and they do apply to rug hooking, but there is a ton of gray area, which makes the issue even more confusing.

Our intention with this article is to raise awareness about this important issue and offer you our approach as a model, not to tell you what is right and wrong.

As with any legal matter, there are three sides to every story and right or wrong is debatable. The plethora of opinions mixed with the difficult and lengthy jargon associated with these laws (many of which we have painstakingly read and translated) can be paralyzing.

It is amusing—and confounding, these days—to flip through the pages of an old craft magazine and find an article in which the writer takes you

step by step through the process of copying someone else's pattern. Boy, has the rug hooking world come a long way in just 20 short years. And that is a good thing: if we want rug hooking to be taken as seriously as the other fine arts, we must play by the rules, and that includes copyright laws.

THE FACTS

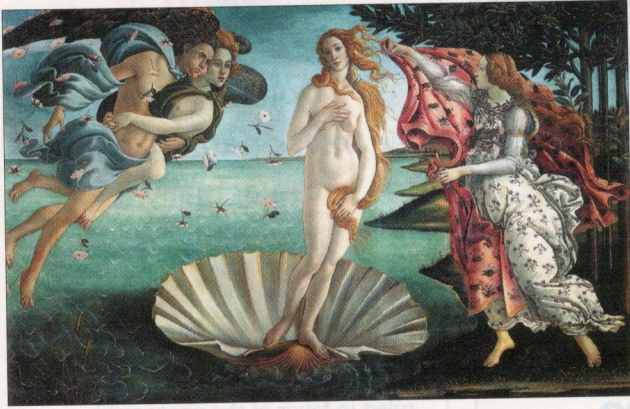
What is a copyright? A copyright is a legal right of ownership that applies to every photograph, painting, pattern, written composition, and piece in any other medium, and the copyright begins when that piece is

created. The copyright gives the owner/artist/photographer the sole right to reproduce and distribute the work.

It is best to start right at the source: copyright.gov outlines the laws in place and allows you to search through the many cases pertaining to this issue. It is an excellent resource for those wishing to understand the issue at a deeper level.

PDM VS. CC0

PDM stands for "Public Domain Mark" and means "No known copyright." This applies to pieces that do not have any known rights reserved. These pieces belong in the public



For her latest piece, Mariah Krauss used a piece of art in the free public domain titled "Birth of Venus," by Sandro Botticelli. She traced the piece onto paper so she could play with the coloring and shading, then she put it on the backing.

domain and include very old works, which is why paintings from Da Vinci, Raphael, Michelangelo, and Botticelli have no copyright and are free to be reproduced. CC0 stands for "Creative Commons Zero" and means "No rights reserved." CC0 is used when a copyright exists, but the owner reserves none of his or her rights and wishes to place a piece in the public domain.

If a piece is marked with PDM or CC0, it means you can use it. Often times, we at Green Mountain Hooked Rugs look to these images first for inspiration as we know they will not require approval.

TWO EXAMPLES

There is legal precedent for the claim that transforming a photograph "enough" frees the artist from any copyright infringement, but there are also lawsuits that ruled in favor





"Star Ponies" hooked by Janet Acton"



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Don't be afraid to ask permission! It can actually be incredibly easy.

of the original artist. *Rogers v. Koons* is an example: in this case, the court ruled in favor of the photographer. The photographer, Art Rogers, took a black-and-white photo of a man and a woman with their arms full of puppies. The photograph was entitled "Puppies" and was used on greeting cards and other generic merchandise. Jeff Koons, an internationally known artist, found the picture on a postcard and wanted to make a sculpture based on the photograph for an art show. The sculpture, entitled "String of Puppies," became a success. Rogers sued Koons and the Sonnabend Gallery for copyright infringement and won.

The Associated Press v. Fairey is a more recent and extremely well known case surrounding the "Hope" image, used in Obama's 2008 campaign. In this case, Mr. Fairey claimed he used a different photo of President Obama to create his famous poster. The photo he actually used was one taken by Mannie Garcia for the Associated Press. In this instance, the parties came to a private settlement that included sharing of the profits.

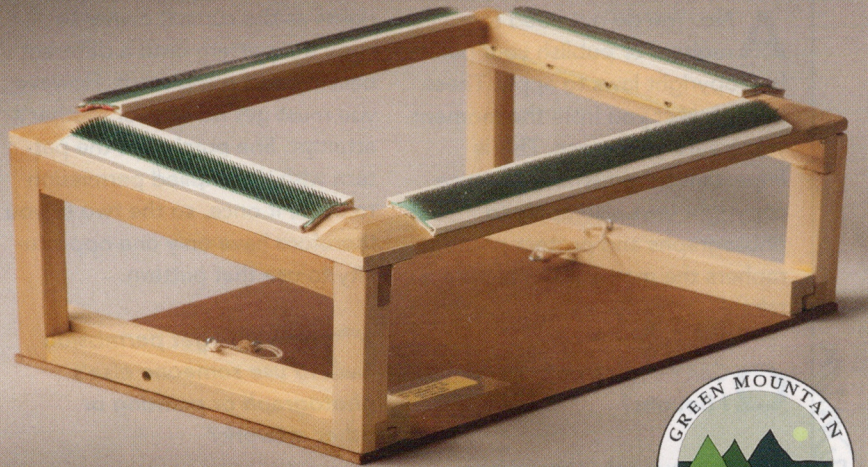
THE OPINIONS

The question you as an artist should ask yourself is, "How far am I willing to go to defend my art or myself against another artist in court?" Personally, we at Green Mountain Hooked Rugs do not want to pay a single cent to a lawyer to defend our name and, for that reason, we err on the side of caution when creating.

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When we find a photograph or a painting or any other piece of visual art that inspires us, the first thing we ask is, "If I show the piece I'm envisioning to the original artist, would he or she recognize it?" If the answer is not a resounding "NO!", we seek permission. For instance, if a photograph of a beach at sunset inspires us to create a piece about that time we went to New York and took a picture of the icy waters at sunset, we do not need permission. If, however, we took that photograph and traced the waves into our piece, we would want permission. Is the photographer going to recognize those exact waves? No, probably not. The piece, however, even though it is in a different medium, in different colors, and on a different scale, was derived from someone else's work; therefore, we would ask permission.

A FINAL WORD ON THE SUBJECT

Don't be afraid to ask permission! It can actually be incredibly easy. In most cases, a quick search to find the owner and a simple email stating your intentions is all it takes to have someone release their artwork for your purpose. It's a good idea to get permission in writing and have them waive their rights for your purposes.



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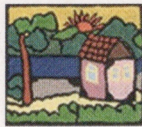
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COPYRIGHT IN RUG HOOKING: FAQ

Q Do I need to register my piece for it to be protected under copyright law?

A No. You do not need to register or publish your piece for copyright laws to apply. These laws protect you from the moment you create your piece. This is important to remember because copyright laws also apply to photographs and protect photographers the moment the picture is taken!

Q Can I copy a pattern I bought?

A Yes, but only once. When you purchase a pattern, you purchase the right to use it once. If we buy a pattern on burlap and transfer it to linen, then that is fine. But we can neither use, resell, nor distribute the original pattern. We must destroy it. We cannot buy a pattern and copy it for members of our rug hooking groups.

Q My mother started a rug, and now it's falling apart. I want to copy the pattern onto another backing and use her wool to complete it. Is that allowed?

A Yes! Your mother purchased the right to use that pattern and never actually completed her attempt. You are well within your rights as the current owner to copy the pattern onto a different backing and complete it. However, you must get rid of your mother's attempt. She purchased the pattern with the implied permission to make it once, so the two of you therefore have only one opportunity to use that pattern.

Q How do I get permission to use someone else's photograph or painting or other artwork?

A You should always get written permission and have the person waive his or her rights pertaining to your piece. You should make your intentions clear as well. If I plan on creating a pattern and selling it in mass quantities, that might be different than if I am just creating a single piece that I will never intend to sell.

Q How do I figure out who owns the copyright?

A If you've seen the image somewhere online, the best approach is to contact the person or organization who posted it.

There is often a way to contact organizations on their website, and you can ask them who the artist or photographer is and whether they might be able to put you in touch with that person. If it is a piece in a museum, there are often people (or whole departments!) that handle copyrights and permissions. You can find the right people on the museum's website. You can also put out a call to your fellow artists via social media. Post a link to the website where you found the image and ask if anyone knows who the artist is or where the piece originated.

Q What do I do if I believe I've broken copyright laws and want to make it right?

A Contact the owner and get them to okay it. If they don't agree, be prepared to pay them money, give them your piece, destroy your piece, or possibly enter into litigation. Unless you have written permission, you won't be able to show your artwork or have it published. Maybe that's ok with you, and you only intend to keep it in your house. But why limit yourself that way when with a little more effort you will probably have permission to show your piece anywhere you like?

Ask the maker their opinion

As rug hookers, we pour months and possibly years into our pieces, and when we finish, we should be able to step back and admire our work. We should feel nothing but pride and happiness!

The rug hooking community is a

small world rooted in American traditions. And the American traditions include honesty, integrity, hard work, and creativity. We value these traditions, and it is one of the reasons we love this medium so much. **RHM**

Editor's note: This article is designed to provide information and motivation to our readers. It is presented with the understanding that the publisher is not offering legal or any other kind of professional advice. Please consult your own legal expert for advice on any copyright questions you might have.

Green Mountain Hooked Rugs is a five-generation, family-owned business. Their retail store is in Montpelier, Vermont, where they sell a wide variety of rug hooking supplies including bolt wool, hand-dyed wool, patterns, and equipment. They own and operate Green Mountain Rug School, an annual event in June. While honoring the traditions of the past, they are focused on expanding traditional practices and exploring new techniques in rug hooking. www.greenmountainhookedrugs.com.