

# Love Stories



## ASKING PERMISSION TO ADAPT CONTEMPORARY ART

STORY BY TAMARA PAVICH

PHOTOGRAPHY PROVIDED BY THE ARTISTS

**W**hen I first saw the songbird collages of Elizabeth St. Hilaire Nelson, they took my breath away. Rendered in her dazzling signature palette, her images had me gasping and sighing and paging through them again and again. I *had* to try to hook those pretty birds.

I easily found Elizabeth's website, called her cell, and caught her in an airport on her way to teach a collage workshop. She immediately gave me verbal permission to hook away on any images I found in her published work. Since that first contact, we have emailed several times a month, and it seems that I have found a friend.

So my love story has a happy ending. But I could tell you other stories in which things didn't go as well or the process of asking/receiving permission stalled out somewhere along the line. When this happens, it's important to have a defined set of ethics to tell us what to do, and especially what not to do.

### **Ethics as Our Default Mode**

Naturally, rug hookers are on the lookout for inspiration, and contemporary art is a wonderful place to find it. We come across tempting images on Google or stroll through a gallery, and it *feels* like open season for adaptation. But we must consider the perspective of the art creator. Most contemporary artists of today are actively trying to sell their work. When others re-create their images without permission, the market for their work could be affected. And besides, it's not honest to pass off an adaptation as one's own design.

The ethical way to proceed is to ask permission to

adapt another person's intellectual property before using their work, to acknowledge that the design is not original, and give attribution to the source, particularly when the adaptation will be posted online or published in print. Pick up a business card at the art gallery. Locate artist contact information at a website. Cultivate the habit of respecting other artists and asking permission to adapt.

### **Bad News and Good News about Copyright Law**

The bad news is that copyright law is extremely complex. Rules abound, and exceptions are expressed in a dense and tangled language jungle, bewildering for the layperson. Generally speaking, copyright protection covers artistic expressions, but not ideas, facts, styles, or methods.

Generally speaking, images published in the United States before 1923 are in the public domain. But even general statements like these lead to complex qualifications and numerous exceptions.

The good news about copyright law is that you don't need to sort out all its complexities. The best way to uncomplicate the issue is to err on the side of caution and respect for the original artist's intellectual property. And the best way to do that is by getting permission from the copyright owner.



**Hope I**, 18 $\frac{1}{2}$ " x 18 $\frac{1}{2}$ ", #6-, 7-, and 8-cut wool on linen. Adapted with permission from the collage of the same name by Elizabeth St. Hilaire Nelson and hooked by Tamara Pavich, Council Bluffs, Iowa, 2013.

"My hookings imitated Elizabeth's marvelous color palette," Tamara said, "but they didn't really look like collages. That's why my teacher, Anita White, suggested making the border look like collage, as a further tribute to Elizabeth and the medium she uses. I had fun using a variety of purple wools to create the irregular shapes in an attempt to mimic the look of torn pieces of paper."

### The Doctrine of Fair Use

U.S. copyright law includes a concept called the "doctrine of fair use," which has developed over time as court cases have been decided. The doctrine of fair use is not clear—it is a gray area—but it sets out four factors and various purposes to be considered in determining whether or not a

particular use of a copyrighted work is fair.

For instance, if a rug hooking student hooked a single adaptation, and if the rug were not for sale or commercial use, the use for classroom purposes only could be construed by the court as an educational purpose. A court might determine that the existence of one rug in these circum-



**Hope II**, 18½" x 18½", #6-, 7-, and 8-cut wool on linen. Adapted with permission from the collage of the same name by Elizabeth St. Hilaire Nelson and hooked by Tamara Pavich, Council Bluffs, Iowa, 2014.

"I don't know how Elizabeth does it," Tamara said, "but somehow she captures an attitude or endearing quality of the animals and birds in her art. I found this sweet robin irresistible. I'm happy with the bird, and not so much with the nest, but I have learned so much from Elizabeth, about art and about generosity."

### PAST:

Artists of the distant past all the way up to those artists who passed away 70 years ago—these works are usually in the public domain.

### THE LAST 70 YEARS A GRAY AREA:

When an artist passed away less than 70 years ago, his/her works are usually not yet in the public domain and are not yet available for adaptation, unless we can obtain permission. After the artist's death, it is challenging to find out who is the copyright holder or from whom to ask permission.

### PRESENT DAY:

Contemporary artists who are alive today, who hold the copyright on their own works, and from whom we must ask permission.



**Happiness**, 18½" x 18½", #6-, 7-, and 8-cut wool and wool yarn on linen. Adapted with permission from the collage by Elizabeth St. Hilaire Nelson and hooked by Tamara Pavich, Council Bluffs, Iowa, 2013.

"Elizabeth's little bluebird makes me happy," Tamara said. "I hooked him first, before the robins, in a workshop with Anita White."

stances would not affect the commercial value of the copyrighted work. Such judgments could vary from court to court and from case to case. For more detail, visit <http://www.copyright.gov/fls/fl102.html>

There are many instances of adaptations that have been hooked and even published innocently enough, even though the original artist could not be found. If such a publication is noted as an adaptation of a work by an unknown artist, then at least the rug hooker has demonstrated her honesty in giving credit where it is due. Most of these adaptations were created with good intentions and a desire to honor the original artist.

However, as we go forward, it's better to attempt to contact the artist before you draw the pattern and before you hook. In spite of good intentions, adapting without permission may expose the hooker to legal action. If the work is not in the public domain and if the artist cannot be found, move on to adapting a different image. Simply providing credit doesn't avoid copyright infringement or the need for permission.

*move on*

### A Range of Artist Responses

Will you encounter artists who tell you not to worry about getting permission? You will. Will you discover art author-



**Sweet Grass Moon, 22" x 20 1/2", #4-, 6-, 7-, and 8-cut wool on linen. Adapted with permission from a painting by Nathalie Parenteau and hooked by Lou Ann Ayres, Papillion, Nebraska, 2010.**

"I first saw Nathalie's work in Alaska in 2009," Lou Ann said. "Having purchased several pieces of her art, I contacted her for permission to do an adaptation. She was very enthusiastic and pleased, and she asked that I send her a photo and acknowledge her as the artist of the original. Her work is inspiring to me, and I hope to honor Nathalie. Sharon Townsend was my teacher for this rug, and I thank her."

ities who take a liberal view of adaptation? I certainly have. But these individuals cannot speak for their entire industry. No matter how much we may like one single opinion, we should not interpret it as our license to proceed as we wish. We must go through the process of asking permission.

Many of the rug hookers I interviewed for this article tell delightfully positive stories about asking permission to adapt another's art. "Go ahead with my blessings!" artist Nathalie Parenteau wrote to Lou Ann Ayres. "I look forward to seeing the results of your hard work. It's very flattering to be chosen."

On the other hand, I received this reluctant reply from a photographer whom I'd asked about adapting her sepia photo: "So many times I have found my images being sold without my permission. I put time and effort into my images, and people think they are free for the taking. Since you nicely asked, without just doing it, and since you are not selling it, you have my permission."

Other rug hookers have been left hanging without an answer from the artist or have been turned down flatly.

The hard part of this process is that we must prepare ourselves for disappointing news or no news at all.

### Finding the Artist

Even if the artist doesn't have a website, he/she may have work on display at the sites of other people or galleries. A little sleuthing will put you in touch. You may also consult online artist registries. In short, if the artist's name is known, and if you're diligent, you have a pretty good chance of reaching him or her with your request.

If the image is all you have, then gallery owners and art authorities agree that this process becomes much more difficult, unless the painting is very well known. Enter search terms "soup can painting" and you'll easily find Andy Warhol. But enter general search terms like "painting of blue heron" or "Amish quilts on clothesline," and you'll strike the mother lode every time. Unless dumb luck does you a rare favor, you won't find the particular image you seek by searching this way. And that leads to our next topic.



**Cold Spell**, 24" x 24", hand-cut wool at about #9-cut, cotton, and some synthetic fibers on burlap. Adapted with permission from the painting by Rachel Peters and hooked by Sheila Barrett, Chester, Nova Scotia, 2014.

"I was invited to participate in an art show of hooked adaptations at the Swoon Gallery in Nova Scotia," Sheila said. "I liked Rachel's work. By doing this adaptation, I learned how intensity of color can transform a design. I usually place a human figure, usually a woman, in a landscape, so this scene was different for me, but I'm enthusiastic about hooking Mother Nature in a semi-abstract and flowing way. I liked incorporating the colors and shadows to make this rug come alive."

### What If You Come Up Empty?

When permission is denied, we know what to do. We thank the artist respectfully and move on to another rug idea. Running the risk of infringement could harm both finances and reputation.

But sometimes we don't get a yes or a no, and here we enter a gray area, where our conscience may need to guide us.

Sometimes finding the artist is not possible, and in these

cases, when an exhaustive search has been made, and when the hooker acknowledges that her work is an adaptation, then this may be an instance when a rug hooker can go forward with publication with a clear conscience, having tried all known ways to discover who authored the original. The rug would be published as an adaptation, "artist unknown." Again, it's important to note that the rug hooker and the publisher could be liable if the artist learned after the fact that an adap-



**Raven Mother**, 24½" x 25", #6- and 8-cut wool on linen. Adapted with permission from a painting by Nathalie Parenteau and hooked by Lou Ann Ayres, Papillion, Nebraska, 2011.

"It seems to me that the red picks up on the emotion in the painting," Lou Ann said. "You can feel this as you are hooking. The brown of the raven's nest brings a touch of warmth as she guards it with the outstretched wings."

*Journal your efforts to contact*

## Our Thanks to Artists Featured Here

The works of Elizabeth St. Hilaire Nelson and Nathalie Parenteau can be viewed at their websites. We thank them for allowing adaptations of their art to be published here.

- Paper Paintings of Elizabeth St. Hilaire Nelson: <http://www.nelsoncreative.com/gallery/>
- The Art of Nathalie Parenteau: <http://www.nathalieparenteau.com/>

tation had been published and if he or she decided to take legal action. When possible, document efforts to contact the artist to demonstrate your good intentions.

We face another dilemma if we write to an artist for permission and receive no answer at all. It is not possible in this article to explore every scenario, but I suggest renewed efforts to find more current contact information, and several repeated requests, before deciding what to do.

Finally, in cases where I do receive the artist's permission—after I have jumped for joy—I always save the written permission, in either electronic form or hard copy, in case I need to produce it in the future.

Some love stories end in heartbreak, and some end in bliss. Whatever inspires our love stories—a color palette, a gorgeous composition, or some other magical quality—we must respect the artist as much as we appreciate the art. Stick with your principles, and ultimately you'll find your way to happy endings. **RHM**

## SAMPLE PERMISSION LETTER



Write your brief request for permission with a friendly and respectful tone, not overly familiar. Use complete sentences and adopt a professional attitude. The following sample letter may be helpful.

Dear Mr. or Ms. \_\_\_\_\_,

Having long admired your paintings of \_\_\_\_\_, I am writing to ask your permission to adapt [title of painting or photograph] to a hooked wool rug. In case you are not familiar with rug hooking, I attach two or three photos. It would be my goal to make my wool rug look as much like the original as possible, given the differences in the media. It is possible that my rug would be included in a magazine or other publication about making hooked rugs that have been adapted from an original, in which you would be named as the original artist. I would make only a single rug, and I would send you a photo of it. I would never offer my adaptation for sale. I would always give attribution to you as the creator of the original image that inspired my hooked rug.

I hope you receive this request in the spirit I intend it, as a compliment of your work. I look forward to hearing from you.

Sincerely,

Your name



**September Sky**, 38" x 21", #6- and 8-cut wool on linen. Adapted with permission from a painting by Nathalie Parenteau and hooked by Lou Ann Ayres, Papillion, Nebraska, 2014.

"In all of my adaptations, I used multiple values of a color to achieve the look of the original," Lou Ann said. "Through the process, I learned about composition, placement, balance, shading, values, and color. It also taught me to look deeply at nature and see all the beauty in detail. Having her permission, I will most likely hook more adaptations of Nathalie's art."

Tamara Pavich of southwest Iowa has been hooking for seven years. She is a regular contributor to RHM and can be reached at [tammypav@cox.net](mailto:tammypav@cox.net).