

What is an original artwork?

- At its essence, original artwork is the art that is produced by an artist's hand. This definition excludes mechanical or digital copies, prints, and other reproductions. However, fraudulent copies can also be recreated by hand, so an original must be produced by hand by the original, authentic artist.

What is originality in art?

- Originality in art created by the artist's own hands driven by imagination creates value. These two things are the basic ingredients that put originality in art. It's unique one of a kind art. Original artworks from the artist own hands. Artwork made by hand. *The art was not created by a machine driven process*

It seems the biggest reason why is that according to most folks they would rather have the original and not a replica. It takes skill to create originality and comes from developing your own style usually after many years of practicing, trial and error and learning. Some art museums maintain reproductions take money away from what might be spent on original artwork. Replicas are not to be confused with reproductions or giclees.

What is the process to using someone else's photo or picture for a reference prior to painting a picture?

- If you want to use reference images in your works of art, you will need to: First, obtain permission from the owner of the copyright. As a cutesy, consider giving the photographer credit for the resource photo you use.

TRACING / COPYING

- Tracing is an artistic tool used to practice drawing skills or transfer images onto a canvas or wall. Selling a traced artwork by another artist is an illegal copyright violation. Very few artists would consider a simple tracing of another artwork a piece of art in itself.

[See all results for this question](#)
Is a tracing artwork illegal?

- A tracing is a reproduction or derivative based on original artwork and that is not theft. Making an exact copy of an artist's work, fabricating the paperwork, and then selling it at auction as their work is definitely illegal, it's called forgery, but there is nothing criminal about tracing specifically.

What is it called when you copy art from another artist?

- What is it called when you copy an artwork from another artist and try to pass it off as your own? Plagiarism. If the original artwork/photograph is rendered faithfully (by hand) and is technically skilled and competent, then the "copy" is actually an original artwork (that has been referenced from another source).

What type of art is it called when you trace or copy a drawing freehand from another image that is not your work?

Tracing is when you place a transparent or semitransparent piece of paper or other medium on top of an image, and make as precise a rendering as you can.

Freehand drawing is using your own skill to draw a copy of something, or to draw an original work, without tracing, or other methods of replicating an image, such as projecting it and following the lines and shadow of the image.

In both cases, if you are copying another artist's work without making changes you are making a copy. Students do this in museums all the time, sketching or painting copies of artists they want to learn from. It's a useful tool for studying how other artists solve problems. You can copy things from books or from the internet, but colors are likely to be significantly different from the original, so if you're making color studies, originals are far superior to learn from.

Making copies for your own use is something artists do all the time. But copying isn't making art, unless you are incorporating the copy in an original piece as an homage or a commentary, or making enough changes to the piece that it becomes original by default. This can be done sincerely or ironically, but should always reference the original artist.

Copying as learning is fine. Trying to pass off a copy as your own art is unethical at best. You cannot trace a drawing freehand. Working freehand means working without anything guiding your hand. If you make a freehand copy of a piece of art, in a museum, say, then that is called sketching. If you paint a copy of someone else's art, that is called copying and you would be a copyist, which is ethical. If you copy someone else's art and call the copy your original work, then you are stealing someone else's work; you are unethically involved in making copies. . . A forger unethically makes copies of another person's work and puts the original "author's" name on the piece. In the world of art, artists are sometimes called the authors of their work.

Where do I find good reference photos for artists?

There are many places where you can find great resource pictures to refer to while painting. The most obvious (and most preferred) place is by taking these photographs yourself. When you are the photographer, you will never have to worry about copyright infringement. Another source is old family photo albums. Pictures of family vacations can be an excellent source for painting landscapes of places visited and bring back many fond memories.

Another way to find reference pictures for your paintings or drawings is to look for them on the internet. However, you must first get the photographer's permission to use them. Do an Internet using the term "reference photos for artists," and you will find quite a few websites such as [Pixabay](#), [Pexels](#), and [Public Domain Archive](#), to name just a few, which have photos you can use free for reference material. The photographer has granted permission to use their images on these sites as long as certain conditions are met.

In addition, there are several groups on various social media platforms that you can join which provide free reference photos and other resource materials for artists to use.

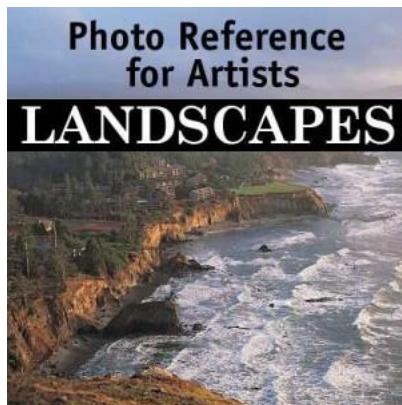


Photo reference books for artists are also available for purchase at your local art store, bookstore, or even online. They contain images of landscapes, sky, and water, wildlife, and others. These images are all copyright-free as long as you use them

according to the terms specified. What About Copyright?

Any photo or illustration you find in books, magazines, newspapers, and even on the internet is protected by copyright law. However, suppose you use one of those images as resource material for a painting by copying it exactly, and you do this without the copyright owner's permission. In that case, it is considered copyright infringement, and that is illegal.

If you want to use reference images in your works of art, you will need to:

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- **First, obtain permission** from the owner of the copyright. As a courtesy, consider giving the photographer credit for the resource photo you use.
- **Use images that have become public domain.** An image becomes public domain when the copyright has run out. This happens when the original creator has been dead for more than seventy years. If you Google "public domain images," you will find plenty of sources for free images that may be used. Or you could look at <http://www.public-domain-image.com/>
- **Make significant changes to the reference image** to create an original work of art. The best way to use reference photos is to have multiple images to work from. You might prefer to use various elements from several different photos and combine them to create a new and interesting composition for the best results. Feel free to take artistic license by repositioning the components in the different images to accomplish this. When combining photographs, be careful that the various elements in your painting are unified by making sure your light source, color temperature, value relationships, and relative scale are consistent with each other.

If you obtain a copyright for your art work, it is good for your life time plus 70 years. Your heirs may continue on with printing and selling your art under your original copyright.



Law

What Happens When You Break a Copyright Law in the US?

Posted by [Leo Eva](#) / October 28, 2021

Copyright laws are more important than you might think. Although many Americans know about copyright laws, they don't fully understand them. Many carry harsh consequences that most people want to avoid. By the end of this article, you'll have a better understanding of copyright right laws and the penalties they carry.

What Is Copyright?

Copyright laws protect artists, musicians, software developers, and any other creator from theft and unlawful distribution. They prevent people from stealing a creator's work and profiting from it without the creator's permission. Creators have exclusive property rights to their works, giving them full control over their creations without outside interference. However, a person's work must have three defining factors to qualify for copyright protection:

- It must exist in a physical form
- It must be original
- It must portray creativity in some form or fashion

Works can take inspiration from other creative pieces but must portray noticeable differences to separate themselves from the original. It must differ in quality, aesthetic, or ingenuity while being independently created to receive copyright protection. Failing to differentiate your work from an original piece qualifies as infringing activity and can lead to legal trouble if the original creator presses charges.

How Does Copyright Protection Work?

Copyright laws protect a wide range of creative pieces. Below are some common works protected by the copyright act.

- Literary writings
- Songs and lyrics
- Dramatic productions like plays, musicals, movies, and their associated music
- Choreographed dances and pantomimes
- Graphics
- Software codes
- Pictures and illustrations
- Sculptures
- Audiovisual productions

Simply creating an original work doesn't automatically give it copyright protection. Creators must go through the copyright registration process to obtain complete control over their work and protect it under the law. Once the owner of a work completes the copyright process, that owner has sole control over it for their lifetime plus an additional 70 years (if they filed the work after 1977). If the work was published anonymously, the piece receives protection for 95 to 120 years.

It's important to note that copyright only protects the completed creative piece, not the creative process. Many people believe ideas, operation methods, and discoveries qualify as copyrighted work. Although some things might fit one or two of the copyright conditions, they must meet all three requirements to qualify for protection. Other ineligible works include:

- Principles
- Systems
- Procedures
- Phrases and short titles
- Lists of contents or ingredients
- Pieces associated with a common property without an original owner
- Unwritten speeches
- Plots
- Character types

Penalties for Copyright Infringement

Taking someone else's work and republishing it as your own or distributing a creative piece without the creator's permission is a form of **copyright infringement** (although there are

some exceptions). The original creator can sue someone if they believe they are infringing on their copyright. If found guilty, the court may require the infringer to pay damages to the original creator.

Damage amounts depend on the lost profits and how many times the defendant infringed on the copyrighted material. The court may also require the infringer to pay for the creator's legal fees on top of the infringement damages. In some cases, the infringer may need to pay for statutory damages as well. Statutory damages range between \$200 to \$150,000, depending on the circumstance. If the statutory damages surpass \$30,000, this usually indicates willful infringement.

Severe cases of copyright infringement often demand more than just a hefty fine. If one knowingly infringes on a copyrighted work for monetary gains, the infringement's value exceeds \$1000, or if the infringer distributes the work over the internet for commercial distribution, the penalties are much more severe. Some infringers receive up to a year in jail on top of their fines and legal fees. If the infringement surpasses \$2,500, the infringer faces a maximum of five years behind bars as well as heavy fines.

Exceptions to Copyright Infringement

Despite copyright infringement's rigid nature, there are a few exceptions to the law, the primary being fair use. Fair use allows an outside party to use someone else's work for academic criticisms, journalistic reporting, teaching, or research. It's important to note that fair use is a legal defense, not an excuse. Not all fair use cases hold up in court. It's up to the jury to determine whether fair use applies to your specific situation.

Teaching also qualifies as an exception to copyright infringement. Teachers using copyrighted work in a physical, non-profit, scholarly space qualify for an exemption. However, if the teacher obtains the copyrighted material illegally, they face legal penalties. It's vital to know what qualifies for copyright exceptions if you want to avoid costly legal battles.

What to Do if Someone Attempts to Infringe on Your Work

If you've taken all the necessary steps to copyright your work and believe someone is infringing on your creations, you can sue them for copyright infringement. Only the creator of the original work can take legal action against an infringer. The courts won't enforce the copyright unless you file a lawsuit regardless of the situation.

If you decide to take the infringer to court, you must have substantial evidence to prove their wrongdoing. Copyright infringement cases have a reputation for being a bit complex and difficult. It's vital to have plenty of evidence proving that the defendant knowingly infringed on your work before filing a lawsuit. Many infringers try to defend their actions with copyright infringement exceptions, making it difficult to prove your case. Some may even toe

the legal line and get as close to copyright infringement as possible without breaking any laws.

The best thing to do in these situations is to contact a court lawyer who is experienced in copyright infringement cases as quickly as possible. They can tell you whether your case falls under copyright infringement and how it will hold up in court. Copyright lawyers also help build up evidence and develop a strong case against the infringer. As stated before, copyright infringement cases are very complex and difficult to maneuver without professional help.

How to Resolve a Copyright Infringement Case

The best way to resolve a copyright infringement case is to settle with the defendant out of court. Filing a lawsuit doesn't guarantee a legal victory and can get exceedingly expensive if you don't resolve the issue quickly. In many cases, the infringer wasn't aware they were breaking any laws and will abide by the creator's wishes if they're reasonable. Sending them a strongly worded letter threatening legal action usually scares them enough to stop what they're doing. It's a fast and cheap way of settling a copyright infringement case without going through the legal system. If a cease-and-desist letter doesn't work, it's time to take them to court.

Copyright laws are more important and complex than people realize. They protect creators from copyright infringement while giving outside parties a bit of leeway with fair use policies. If you copyright your work and believe someone is using it unlawfully, it's vital to have an experienced Toronto copyright lawyer by your side should you decide to take legal action. They will guide you through the copyright infringement process and help you collect evidence to prove your claims. Although settling out of court is usually the preferred option, it never hurts to have a good copyright lawyer on your side.

What's the difference between copyright, patent and trademark?

A trademark generally protects a word, phrase, symbol and/or design that distinguishes the source of the goods -- what we think of as brand name and brand recognition. A patent generally protects an invention, including the functionality or design, or in other words, "any new and useful process,

machine, manufacture, or composition of matter, or any new and useful improvement thereof.” 35 U.S.C. § 101. A patent typically gives the owner the exclusive right to manufacture products or employ processes covered by the patent for 20 years from the earliest priority date. A trademark, if properly maintained, can last forever. Copyrights, meanwhile, generally protect artistic works such as books, photographs, arts, movies and music.

A copyright gives the owner the exclusive right to reproduce, distribute, perform, display, or license his work, including (but not limited to), literary, musical, dramatic, pictorial, artistic, audiovisual, and architectural work, and computer programs.

Learn more about copyright using the [Copyright Questionnaire](#). Need a copyright assignment, see [Assignment of Copyright](#).

The internet is awash with beautiful, compelling, eye-catching images, and it can be tempting to use them for your personal or professional project. However, **most of the images you find online are not available for use without the expressed permission or license from the copyright owner.**

If you reproduce, publish or distribute a copyrighted work (or a work derived from a copyrighted work) without permission or a valid license, you are committing a legal offense – namely, copyright infringement.

According to the [Copyright Law of the United States](#), **the copyright owner of an image has exclusive rights to:**

1. Reproduce the copyrighted work in copies.
2. Create derivative works upon the copyrighted object.
3. Sell or distribute copies of the copyrighted work.
4. Display the copyrighted work publicly.

Therefore, the aim of copyright is simple: to protect creators from having their work displayed, stolen, copied, or reproduced without their permission.

It’s also good to know that copyright covers a form of material expression (like a photograph) but not the ideas, techniques or facts behind the work. Here’s a [good example](#) of how this concept plays out in the real world:

“If, for example, a picture was directed very similar to the Abbey Road cover of the Beatles, where the singers are walking in a line, on a zebra crossing, dressed in contrasting formal, this might be an infringement of that copyright. Say, the suspected photograph is merely one of four men crossing a road on a zebra crossing, this would be the expression of a very common idea, not specifically the idea behind Abbey Road. However, if the photographer dressed his subjects in a similar wardrobe, shot the picture at the same angle, then this could amount to an infringement of the copyright on Abbey Road.”

Legal Definition

A definition for Federal Law Copyright.

The owner of a copyright has the right to exclude any other person from reproducing, preparing derivative works, distributing, performing, displaying, or using the work covered by copyright for a specific period of time.

Copyrighted work can be a literary work, musical work, dramatic work, pantomime, choreographic work, pictorial work, graphic work, sculptural work, motion picture, audiovisual work, sound recording, architectural work, mask works fixed in semiconductor chip products, or a computer program.

Only a concrete "medium of expression" can be copyrighted, facts, ideas, procedures, processes, systems, methods of operation, concepts, principles or discoveries cannot themselves be copyrighted. Items to be copyrighted must be original and not the result of copying another copyrighted property. The U.S. Copyright Act, 17 U.S.C. §§ 101 - 810, is Federal legislation enacted by Congress under its Constitutional grant of authority to protect the writings of authors. See U.S. Constitution, Article I, Section 8. Evolving technology has led to an ever expanding understanding of the word "writings". The Copyright Act now covers architectural design, software, the graphic arts, motion pictures, and sound recordings. Because federal legislation invalidates inconsistent state law, the copyright field is almost exclusively a Federal one.

A copyright gives the owner the exclusive right to reproduce, distribute, perform, display, or license his work. The owner also receives the exclusive right to produce or license derivatives of his or her work. Limited exceptions to this exclusivity exist for types of "fair use", such as book reviews. Under current law, works are covered whether or not a copyright notice is attached and whether or not the work is registered.

The federal agency charged with administering the act is the Copyright Office of the Library of Congress.

How can I use a copyrighted image?

It's by no means impossible to use an image that is copyright-protected – you just need to get a license or other permission to use it from the creator first. In most cases, using the work either involves licensing an image through a third-party website, or contacting the creator directly. It's also possible to transfer copyright between people. This is often done through a document signed by the copyright holder, or, in certain circumstances, an authorized agent.

1. Paid licensing

A licensing fee is paid to use the image. The type of licensing can vary, controlled by the copyright owner. Restrictions may apply to editorial or commercial use, and platform-based limitations are common as well, regarding online or offline use. All details should be set in the agreement between the image owner or copyright owner and the future image user, or the process can take place on stock photo platforms, as well.

If you can't trace the owner of an image, choose another one. If you don't know the provenance of the work or terms of its license (if any), you run a high risk of infringing someone's copyright. You may have good intentions, but simply hosting someone else's work on a website without their permission (and in some countries even linking to a copyrighted work) constitutes copyright infringement.

- Motion pictures and other audiovisual works are entitled to copyright protection under U.S. law. The category "audiovisual work" covers a wide range of cinematographic works embodied in films, tapes, video discs, and other media. However, it does not include live telecasts that are not fixed simultaneously with their transmission.
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- Can the still shots or pictures from a motion picture be under a copyright?
- Making use of a still from a film in this way does require permission from the copyright owner as it involves republishing the image on a public site and so is not covered by fair dealing exemptions relating to criticism and review. The issue with this query was more how to track down the rights owner to obtain the permission.

- In the United States, any motion pictures made and featured before 1925 are permanently within the public domain. Current public domain laws state that any new films have copyrights for 95 years. This means movies released in 1925 enter the public domain in 2021.
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Archivable:

An inexact term implying materials, products or processes that are durable, chemically stable, of long life and suitable for conservation purposes. phrase is not quantifiable; no standards exist that describe how long an 'archivalbe material will last. [>>>]

Public domain

/'pʌblɪk doʊ'meɪn/



noun

- 1. the state of belonging or being available to the public as a whole, and therefore not subject to copyright: "the photograph had been in the public domain for 15 years"

How do I know if something is "public domain"?

- If an original copyright expires and is not renewed, then that piece enters the public domain and is no longer privately owned. Alternatively, if an author never chooses to file for a copyright of their work, then their material will likely end up as public property.

How to Tell if a Work Is in the Public Domain or Not

There are two general and broad categories of authored material. While the first category is copyrighted and therefore legally protected and owned by an individual or group, the second category is considered the property of the public domain and is open to either limited or unlimited use by the public. The material in question might be a written piece of work, a choreographed dance recording, a work of drama, a computer program or an architectural design. There are a number of different factors that go into determining whether something is considered to be in the public or private domain. Here's what you need to know.

Who Owns Works in the Public Domain?

While the owner of a private work holds the copyright and legal claims over that piece, there is no formal owner of a work in the public domain. Essentially, it is owned by the public at large. Of course, every public work still has a creator who was behind its inception. The original author of the work may have intentionally relinquished their legal rights to the piece, unintentionally given up their ownership by neglecting to obtain or renew a copyright or simply may have passed away.

How Does a Work Get Into the Public Domain?

A recorded work may arrive in the public domain through one of several channels. If an original copyright expires and is not renewed, then that piece enters the public domain and is no longer privately owned. Alternatively, if an author never chooses to file for a copyright of their work, then their material will likely end up as public property.

An owner of a work may also generously choose to donate their piece to the public realm. This is the case with many open source images, clip art and photographs that can be found online. In order to be unprotected in this way, an author must explicitly state that their work is public property.

Because copyright protection is for a limited amount of time only, it is important to keep these regulations in mind when it comes to expiration dates.

- Works published before 1923 are in the public domain, as their original copyrights have already expired.
- If something was published and copyrighted between 1923 and 1964 and renewed in its 28th year, it is copyrighted for 95 years after it was granted protection.

- If material was published and copyrighted between 1964 and 1977, it is copyrighted for 95 years after it was granted protection.
- If something was published after 1978 by one author, it is copyrighted for the length of the author's life plus 70 years. If it has multiple authors, it is copyrighted for the length of the longest surviving author's life plus 70 years.
- If a work was published between the beginning of 1978 and the end of 2002, the copyright lasts at least until 2047.
- If something was anonymously authored or made for hire, it is copyrighted for 95 years from its publication date or 120 years from its creation date, whichever comes first.
- Material that was never copyrighted but was published between 1923 and 1977 or between 1978 and March 1, 1979, it is in the public domain unless there is a lawful exception.
- If an audio recording was published between February 15, 1972, and 1978, or between 1978 and March 1, 1979, it is considered expired if it doesn't hold a copyright or registration.

As you can see, there are specific rules and regulations that govern how and when a work may slip into the public domain. If you are an author and wish to maintain sole rights to your material, make sure to obtain copyrights and renew them before their dates of expiration in order to legally claim private ownership of your work.

Are there copyrights on photo clips out of recent movies

Yes, but it's important to know that there are seven types of Creative Commons license: unless an image is licensed under 'Creative Commons Zero (CC0)', it is still protected by copyright and will require appropriate attribution within the framework of its individual license in order to be used legally.