

Copyright

Copyright is a very complicated area of law. There is no substitute for individual advice, however all the information below has been obtained and verified by two independent and experienced legal sources.

While I have made every possible attempt to reflect the law accurately at the time of writing (July 2006), this information should not be taken as an exhaustive statement of the law and should not be relied upon as such.

Over the past few months I have become increasingly aware (from my membership of craft forums) that decoupage sheets are being created with copyrighted images and original sheets are being copied and e-mailed. Both these practices are against the law.

Here is a guide to copyright law:

1. Copyright is obtained the instant a person creates an image or piece of written work. They do not have to register it with anyone or send it to themselves in the post. There is also no need to display the © symbol on the work.
2. It is wrong to think that if a work is on the internet it is therefore in the public domain and can be freely copied and distributed. The copyright holder enjoys certain exclusive benefits, which include the rights to reproduce, distribute and display a work. Without the consent of the owner of a copyright, it is copyright infringement to place the work on the internet or to download or copy it from the internet.
3. You cannot modify a copyrighted work to create a new work and then claim you hold the copyright. You cannot claim copyright to another person's work, no matter how much you change it, unless you have the owner's consent. It is therefore not possible for a person who has created a decoupage sheet with an illegally used image to grant you permission to use it, even for personal use.
4. It is not legal to copy a work, even if you give the copyright holder full credit.
5. The laws regarding images marked TM (trademark) SM (service mark) or ® (Registered trademark) are even tougher. For example, if you used a picture you find on the internet of a famous cartoon character could get you into trouble if you used it without permission.
6. It makes absolutely no difference in law whether you use copyrighted images just for personal use, for personal profit or to raise funds for charity. If the copyright holder objects and takes you to court, the penalties are the same no matter what you do with the finished item you have made.
7. If you decide to use a copyrighted image and get caught, you cannot say that you did not realise it was a criminal offence to do so.
8. It's perfectly okay to buy decoupage sheets and rubber stamps and use them to produce cards you want to give to family and friends. Each company has their own policy regarding if/how many cards you are allowed to SELL using their decoupage sheets/rubber stamped images. This is called an Angel policy.

So what is an Angel policy?

It is not true to say that the products of an angel company are copyright free - an Angel policy merely outlines the terms of use of it's product. All stamp/decoupage designs are copyrighted by their respective companies. Obviously they want you to use their products but they also want you to respect their copyright and the time and money they've spent to bring their designs to the crafting public.

The general guidelines of an Angel Policy are:

- * If using stamps, please hand-stamp each project individually.
- * No mechanical reproduction of any sort is allowed.
- * No scanning, no photocopying, no printing of items for resale or personal use.
- * You must use the original item (i.e you cannot buy a decoupage sheet, scan it then keep making your own copies).

The exact Angel policy may vary from company to company. A list of Angel Companies can be found here: http://www.rubberstampinfo.com/x/angel_companies.shtml

Public Domain

Many sites which offer decoupage for download are doing so because they found an image on the internet, so therefore it must be in the public domain. This is completely untrue. Think of 'public domain' in these terms:

Imagine the internet as 'outside'. If you put something, (for example your car) 'outside' it still belongs to you, no-one else has the right to take it and do what they like with it. People who put their work on the internet have not given everyone permission to take their work and do what they like with it, no more than you give anyone the right to take your car by parking it outside.

Under existing copyright laws a work is protected for 70 years from the end of the year the creator died. If a work is actually labelled 'public domain' then this is a very broad permission given by the copyright holder. You may be allowed to do a variety of things with the material including downloading and copying it. However it should not be assumed that you can do anything you like with it. You should always check the public domain statement to see whether what you want to do with the material is permitted or not.

Using Wrapping Paper to Make Cards

When a copyright holder makes an item available for sale (i.e a mug, clock, pencil, wrapping paper etc) they retain full and exclusive rights over the image they have used. Buying the wrapping paper does not give a person rights to do what they like with the image. If you buy 'character' wrapping paper to make a card then again you should first ask and receive permission from the copyright holder.

Asking Permission

Most of the time it's very easy to find out who the copyright holder is for licensed images (e.g. Bob the Builder, Thomas the Tank Engine etc) by using a simple internet search. If you want to use a copyrighted image simply contact the copyright holder BEFORE you do so. They are very helpful people and most of the time will say yes if it's a card for personal use (not to sell).

If you cannot get permission because you are unable to find out who the copyright holder is, or you do not know how to contact them, or they do not reply to you then you are NOT permitted to use the image.

Disney

Disney policies are VERY strict. You may not sell ANYTHING with a Disney image on it unless you are awarded and pay for an official Disney licence. All Disney cards should only be made with official licensed merchandise and be given away only.

Gallery /Website Images

Most companies will not mind if your cards or scrapbook pages are displayed on an internet gallery or website because the images are too small and of too poor quality to be copied by someone else and re-used. Technically the law is still being broken unless you have received permission to show a copyrighted image, but then it's technically still illegal to wheel a pram on the pavement! If in doubt, please check with the copyright holder.

'Free' decoupage sites are ripping off the original artist whose talent and skill created the original work. The artist's work has been stolen from them, turned into decoupage sheets then posted on the internet for free download without their consent. They are entitled to make this stop.

If you have any further questions on this subject I will be happy to help if I can. Please feel free to contact me via e-mail: karen@karlum.com