

# **Working with Copyrighted Images**

## **Derivative work:**

In copyright law, a derivative work is an expressive creation that includes major copyright-protected elements of an original, previously created first work (the underlying work).

The transformation, modification or adaptation of the work must be substantial and bear its artist's personality to be original and thus protected by copyright.

# The College Board states

“Any work that makes use of (appropriates) photographs, published images and/or other artists’ works must show substantial and significant development beyond duplication. This is demonstrated through manipulation of the formal qualities, design, and/or concept of the source.

The student’s individual “voice” should be clearly evident. It is unethical, constitutes plagiarism, and often violates copyright law simply to copy an image (even in another medium) that was made by someone else and represent it as one’s own.”

Teachers and students are strongly encouraged to become knowledgeable about copyright laws.

# What are copyrighted images?

ANY IMAGE THAT IS NOT YOURS.

- photographs- from anywhere
- drawings
- cartoons
- licensed characters
- logos

When is it okay to  
use copyrighted  
images?

When the meaning  
changes.

**RON ENGLISH**

*Pop Marilyn Mickeys, 2011*

oil, synthetic polymer paint and  
collage on canvas





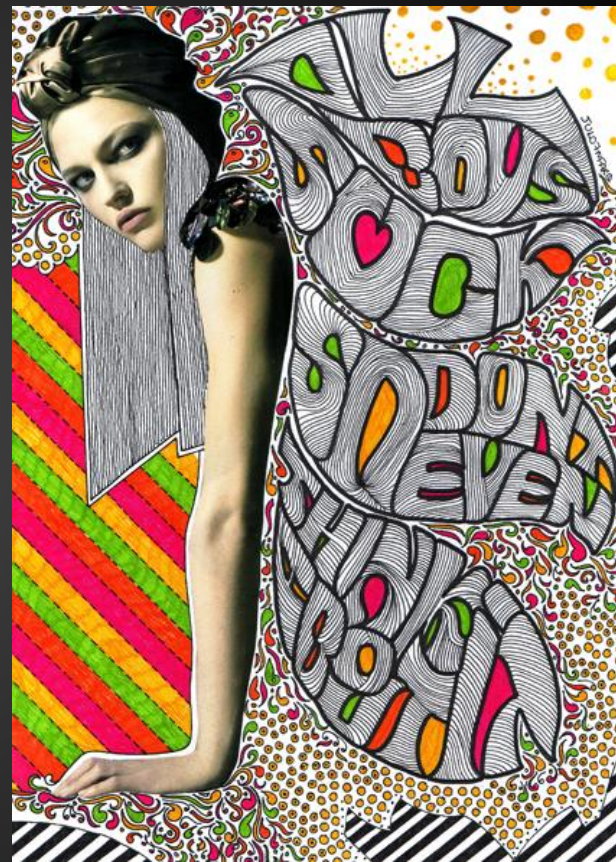
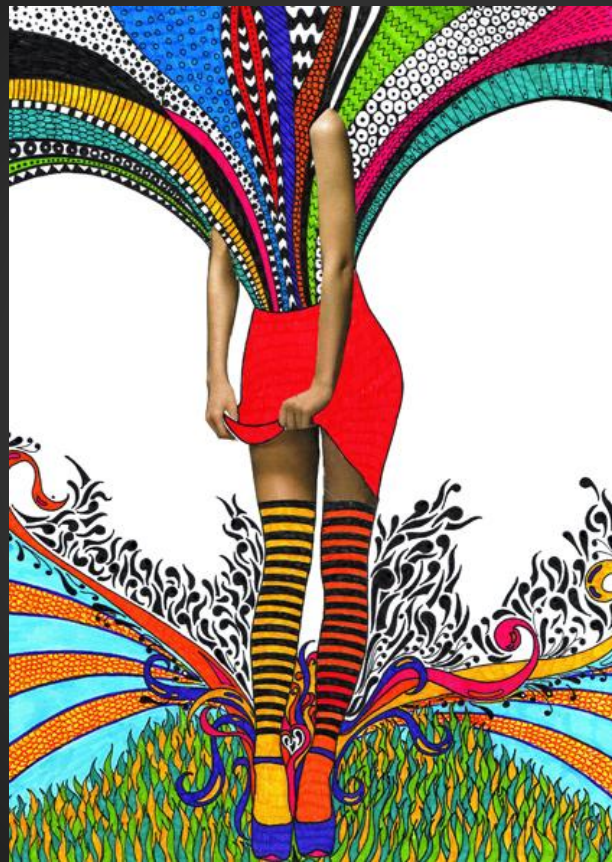
The many manifestations of Ron English's "Mc Supersized."



# When the aesthetic quality changes dramatically.



Nikki Farquharson  
from "Mixed Media Girls"



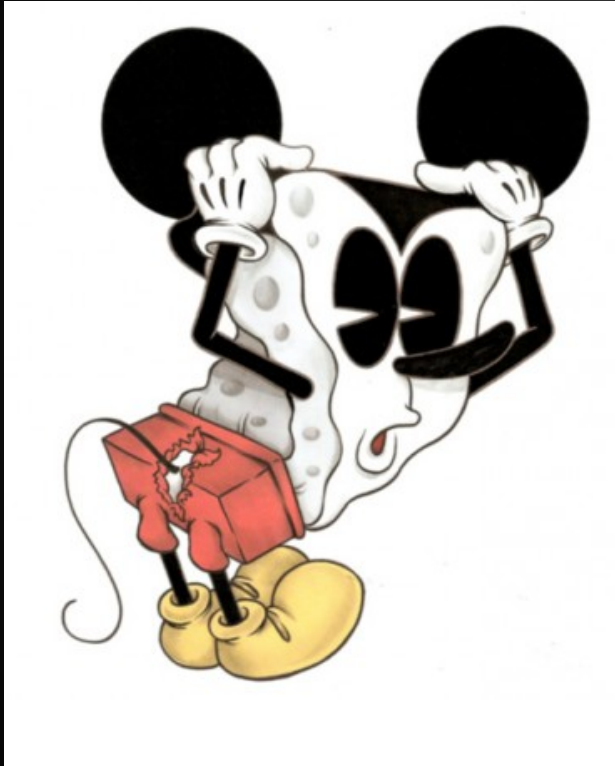
She goes as far to note that she "takes no credit for the photography."



**Not okay!**



# Okay, but... (borderline copyright infringement)



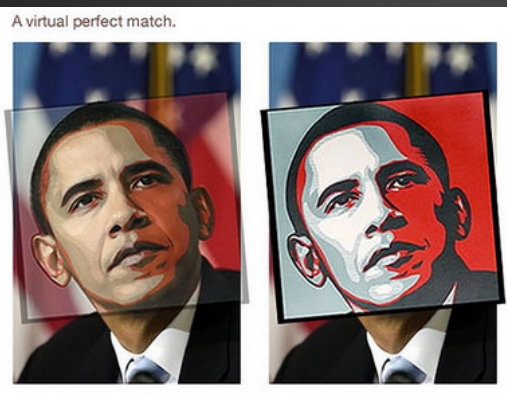
Note: The above image s one of Takashi Murakami's "Dob" paintings. He was sued by Disney for copyright infringement; the case settled out of court.

# You break copyright when you do the following:

- copying an image, even if you are not tracing it, and even if you are recreating it in a new medium (material).
- using a whole or a part of an image in your artwork without changing the look or meaning of that image.

The “Hope” poster was based off Associated Press photographer Mannie Garcia’s photograph of Barak Obama. Both Fairey and Garcia filed lawsuits against each other, which was settled out of court.

Shepard Fairey was fined \$25,000 and given 300 hours of community service for destroying documents related to the case brought against him.





# When is it okay to trace?

When you are using only *a part* of an image, and the final product will be vastly different than the original.

- If you have an idea that includes a person, you can trace part of a face or body (from a magazine) if you are not good at drawing them. This only applies to photographs. ( also try posemaniacs.com) (also note, this is not about how well you can draw, it's about how well you can \*design\*)
- You can trace an entire image if it is a photograph you took.



## Remember, you can *never*:

- trace the whole image- copying a composition breaks copyright, too.
- trace anything that is a drawing, logo, graphic, etc.