



COPYRIGHT BASICS

CJAYS

CINDY JAMES
ENCAUSTIC ART STUDIO
cynthiajames.ca

- First, I am not a lawyer nor an expert in this area. This is only my understanding of copyright in Canada, and I only have the most basic knowledge based on my own research. I use my own photographs in my artwork and do not source images on the Internet, even from the public domain.
- What I do know is copyright exists from the moment you create a piece of art or a photograph, and it cannot be relinquished without the express permission of the person who created that work. Copyright exists for 50 years after the creator's death in most circumstances. If you find an image on the Internet that you would like to use for reference, you must be very careful not to copy it — even a portion of it. There is a misunderstanding out there that if you change three or four or five things about someone else's artwork then it becomes original to you. That is not true.
- Copyright includes something called “substantial reproduction,” and what that term means varies depending on the circumstances. Copyright laws are very complicated, and the laws change from country to country.
- There are exceptions where images can be copied for what is called “fair dealing” — where the copy is for the purpose of research, private study, education, parody, satire, criticism, review, or news reporting, and the use is considered fair. These exceptions may differ internationally.
- If an artist posts their work online, it does not mean that image is in the public domain and is therefore available for copying. Copyright still exists with the original artist. There are sites where photos are posted for others to use, sometimes for free, but beware! You may not be able to know that the original photographer was the one who uploaded the photo. Some licensed images can also have restrictions, so be sure to check that an image you have purchased can be used in the way you intend to use it.
- All this does not mean that because I paint birch trees you cannot paint birch trees. Go to town! But if you decide to duplicate one of my birch tree paintings in whole or in part, that would be a problem. You need to do your own birch tree painting in your own way.
- There is no copyright on any encaustic techniques that I am aware of, so you are free to use whatever technique you can to create your own magic.
- There is much more to copyright. There are rules around portraits of celebrities, commission portraits, and collage is a whole other realm I don't have a clue about. Please do your research, and if in doubt, leave it out! Besides, create art so you can do you. Embrace that journey of learning to create authentic work that shows a little bit of you to the world.