

Understanding Copyright

VC111

Adapted from a presentation created by Rebecca Hillyer & Friday Valentine, former Digital Assets Curator at Chemeketa

Copyright Issues



About

We Solve Modern Creative Problems

Glitschka Studios is a small two-person boutique design firm located in the Pacific Northwest. We work closely with our clients, collaborating to create design and illustration for global brands, small business, and startups.

We are skilled designers who provide diverse creative exploration for ad agencies, design firms, in-house design departments, startups, small business owners, and startups to expand their creative possibilities, facilitate their brand engagement, and help their business, product, or service grow and thrive.

Our creative approach always has our client's best interests in mind. Read our client testimonials below, view our [work](#), and download our [samples](#) to see more.



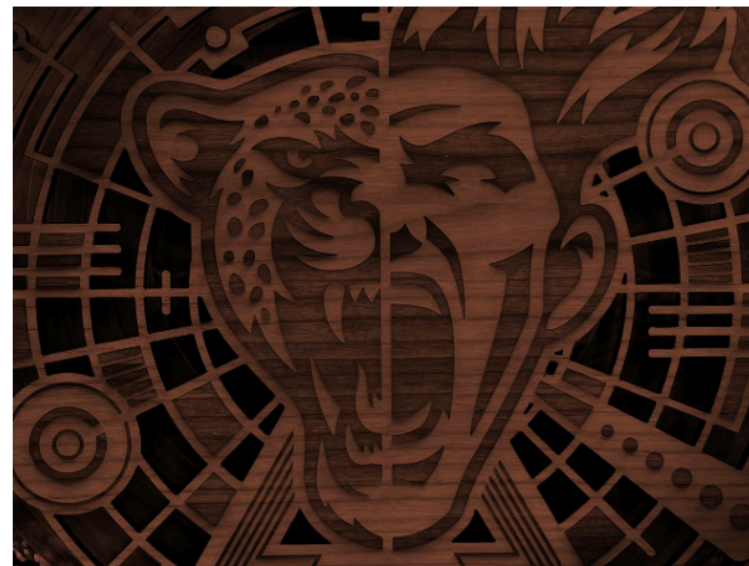


We Solve Modern Creative Problems.

Glitschka Studios brand-centric design is catered for our client's specific industry and audience to maximize their brand's engagement in meaningful ways.



Raynandole



Spokane Arena



Bull's-Eye BBQ



RSVLTS



NYC



Atelier Junto



Turner Pizza



KTLF Radio Network





Brand Character Design.





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LinkedIn Learning Courses

Since 2012 over 4 million people have taken my LinkedIn Learning courses that cover a broad spectrum of creative disciplines and topics to help creatives develop new skills, improve their creative process, refine their craftsmanship, and increase their potential.

Some courses are available À la carte while others require a subscription. A subscription is billed monthly, but you can cancel and renew at any time.

You can sign up for a FREE trial here: [LinkedIn Learning](#)

I've categorized all my courses by topic and listed them in a suggested viewing order. (Top to

NON LINKEDIN LEARNING CONTENT

I also have a few other online resources you can access to expand your knowledge base and improve your design and illustration skills in Adobe Illustrator.



Logo Design Process

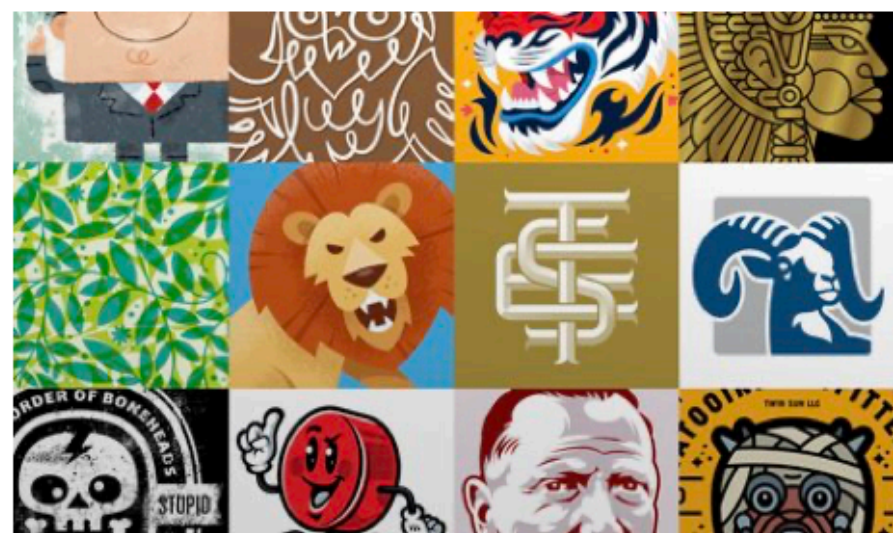
From Retro Supply Co.

4h • 21 Movies

(Includes Exercise Files)

This course covers the entire creative process from ideation, drawing, building vector art, pairing typography, color exploration and universal colors, presentation methods, mocks, setting up final brand assets, and everything in-between.

[Watch Course](#)



PPLLUV Process (People Love Process)

My YouTube Channel

Hundreds of FREE Creative Process Movies

(Includes Exercise Files)

PPLLUV Process is the home of open source creativity. Each week I document and demystify the creative process in Adobe Illustrator on a wide range of projects. So you can learn new skills and improve your

Von Glitschka

Follow

Von Glitschka @Vonster · Nov 21, 2019

Small biz in Texas used my design for their logo. I talked to the owner, guess what type of biz sold him the stolen art?...wait for it...sign shop. So I told him I'd call them tomorrow and tell them to refund him or I file an infringement against the sign shop. #asshats

12 3 106

87

onster · Jul 3, 2020

down their Facebook page. #SorryNotSorry



Von Glitschka @Vonster · Nov 5, 2020

After eight months of obfuscation the big brand that used my artwork without paying for it finally agreed to pay our full original request. Hence no need for nuclear option. Finally. What a hassle especially during COVID 19.

15 115

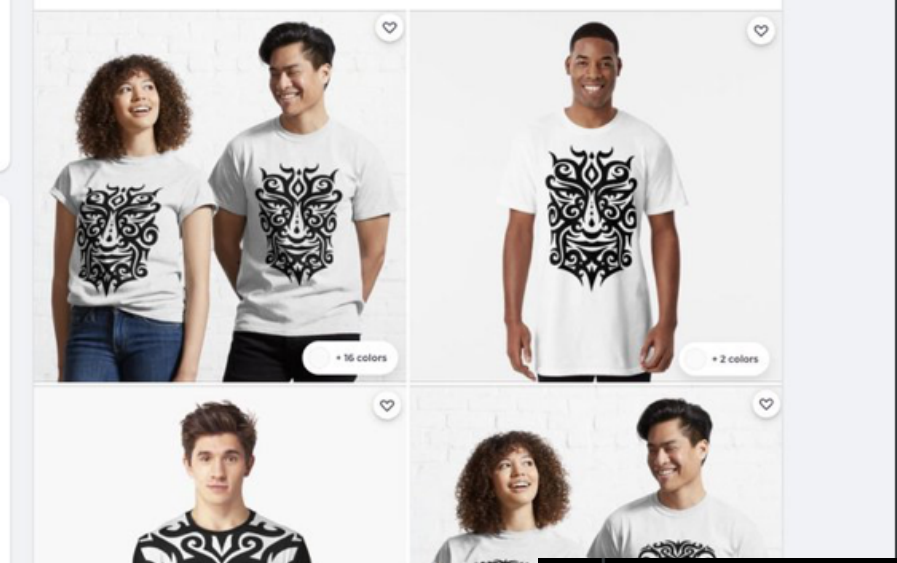
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- Uncommon designs by over 700,000 independent artists, printed just for you on a variety of awesome things.
- 934,749 people like this including 124 of your friends
- 946,338 people follow this
- <http://www.redbubble.com/>
- Typically replies within a day [Send Message](#)
- Product/Service
- Privacy Policy

Von Glitschka Just now · C

Red Bubble facilit... disclose your per... exploit creators by allowing thieves to use their platform which they don't police. They refuse to shut down tinyurl.com/MartinVidal who stole my designs tinyurl.com/mytribalarat #redbubble #copyright



Von Glitschka @Vonster · May 29, 2021

Someone just anonymously shared a website with me that infringed on my art and is using it as a brand character on all their products and selling merch too. They will get an infringement letter and invoice to settle Monday.

15 3 96

Von Glitschka @Vonster · Apr 4, 2016

Von Glitschka @Vonster · Nov 12, 2020

After 2 yrs of usage without permission, 10 months of obfuscation, and 205 documents later we finally signed an agreement today with the international brand. For the weasels reading this on their end, please treat other creative independents better.

10 1 87

Von Glitschka @Vonster · Oct 16, 2021

In June someone emailed me showing me a company who took my art, changed it and used it on all their products, shirts, race car, semi truck etc. I tried to reason with them, but they said I didn't own the copyright. Guess what .gov just mailed me? Now the fun begins.

16 1 101

COPYRIGHT

FOR CREATIVES

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Quick_Response_Kit

21 items, 349.46 GB available

Name	^	Date Modified	Size	Kind
© Copyright_Usage_Information.rtf	✓	Oct 13, 2022 at 7:45 PM	1 KB	RTF Document
▼ Cease_and_Desist_Demand_Letter	✓	Jun 24, 2017 at 2:28 PM	--	Folder
Cease_and_Desist_Demand_Letter.docx	✓	Jun 24, 2017 at 2:21 PM	10 KB	Microso...(.docx)
Cease_and_Desist_Demand_Letter.pages	✓	Jun 24, 2017 at 2:20 PM	839 KB	Pages Document
▼ DMCA_Response_Letter	✓	Jun 24, 2017 at 2:29 PM	--	Folder
DMCA_Response_Letter.docx	✓	Jun 24, 2017 at 2:24 PM	9 KB	Microso...(.docx)
DMCA_Response_Letter.pages	✓	Jun 24, 2017 at 2:24 PM	840 KB	Pages Document
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DMCA_Take_Down_Notice.pages	✓	Jun 24, 2017 at 2:25 PM	795 KB	Pages Document
▼ Helpful_Online_Copyright_Resources	✓	Jun 24, 2017 at 2:49 PM	--	Folder
Helpful_Online_Copyright_Resources.pdf	✓	Jun 24, 2017 at 2:48 PM	30 KB	PDF Document
▼ Infringement_Response_Examples	✓	Jun 11, 2017 at 11:10 PM	--	Folder
Infringement_Response_With_Registration1.pdf	✓	Apr 22, 2015 at 11:26 PM	19.6 MB	PDF Document
Infringement_Response_With_Registration2.pdf	✓	Apr 18, 2015 at 9:26 PM	12.8 MB	PDF Document
Infringement_Response_Without_Registration.pdf	✓	Apr 22, 2015 at 11:59 PM	33.5 MB	PDF Document
▼ Reasonable_Email_Notification_Letter	✓	Jun 24, 2017 at 2:28 PM	--	Folder
Reasonable_Notification_Letter.docx	✓	Jun 24, 2017 at 1:54 PM	9 KB	Microso...(.docx)
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▼ Step-By-Step_Copyright_Registration_Guide	✓	Oct 13, 2022 at 7:45 PM	--	Folder
Step_by_Step_Copyright_Registration_Guide.pdf	✓	Oct 13, 2022 at 7:34 PM	11.7 MB	PDF Document



12.26.13

Re: Tribal Face Infringement

PR Associate Director:
Michael Beadle

Ubisoft/Red Storm Entertainment
2000 CentreGreen Way
Suite 300
Cary, NC 27513

Michael,

Your clients game "Assassin's Creed" is using my copyrighted tribal face artwork.

My daughter who games was playing Ubisoft Assassin's Creed and spotted the use of my tribal design on the games main character in the form of a tattoo on the figures forearm. I've attached all the information and images for you to review. It's not a direct lift, your people changed it I'm assuming thinking it would be safe to use but my daughter recognized it immediately.

At no time was I contacted by Ubisoft in respects to using my artwork, nor did I ever grant permission or sell the artwork to your company for use in your game. Attached to this letter is my official copyright registration for this design that pre-dates your usage and documents my ownership of the artwork in question.

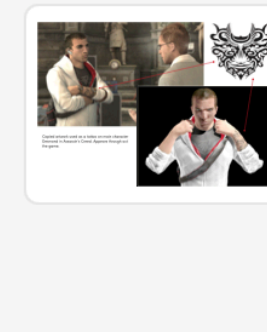
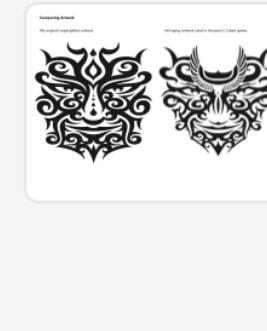
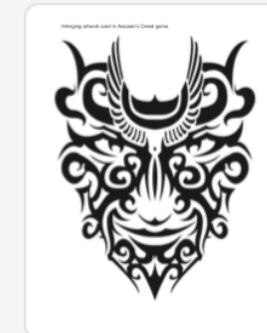
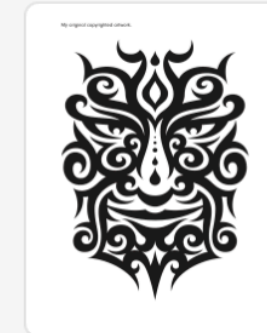
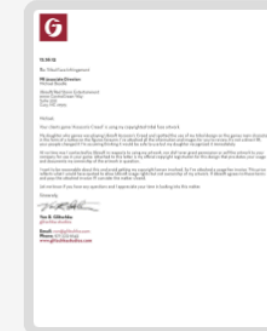
I want to be reasonable about this and avoid getting my copyright lawyer involved. So I've attached a usage fee invoice. This price reflects what I would have quoted to allow Ubisoft usage rights but not ownership of my artwork. If Ubisoft agrees to these terms and pays the attached invoice I'll consider the matter closed.

Let me know if you have any questions and I appreciate your time in looking into this matter.

Sincerely,

Von R. Glitschka
glitschka studios

Email: von@glitschka.com
Phone: 971-223-6143
www.glitschkastudios.com



COPYROUGH

FOR CREATIVES

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<https://t.co/kFEu5wyMLS>



Copyright Basics

What is a Copyright?

- A copyright is a bundle of different exclusive rights that you own when you create works of visual art and photography and that only you can exploit.



The Basics

- Assume works published after 1923 are copyrighted.
- Works are in copyright when they are published.
- © — The copyright character is *not* required to prove a work is copyrighted.
- Posting on an open/public website is considered published.



Copyright

Five copyrights from US law *(for the creator)*

- The **right to reproduce** the copyrighted work
- The **right to prepare derivative works** based upon the work
- The **right to distribute copies** of the work to the public
- The **right to perform** the copyrighted work publicly
- The **right to display** the copyrighted work publicly

Five Copyrights

The right to reproduce the copyrighted work

- The reproduction right is perhaps the most important right granted by the Copyright Act.
- Under this right, no one other than the copyright owner may make any reproductions or copies of the work.
- It is not necessary that the entire original work be copied for an infringement of the reproduction right to occur. All that is necessary is that the copying be “substantial and material.”



Five Copyrights

The right to prepare derivative works based upon the work

- The right to make a derivative work overlaps somewhat with the reproduction right.
- A derivative work usually involves a type of transformation, such as the transformation of a novel into a motion picture.
- In the computer industry, a second version of a software program is generally considered a derivative work based upon the earlier version.



Five Copyrights

The right to distribute copies of the work to the public

- The distribution right grants to the copyright holder the exclusive right to make a work available to the public by sale, rental, lease, or lending.
- This right allows the copyright holder to prevent the distribution of unauthorized copies of a work.
- However, the distribution right is limited by the "first sale doctrine", which states that after the first sale or distribution of a copy, the copyright holder can no longer control what happens to that copy.
- For example, when you buy stock photography, you are actually just buying a license to use that work in a specific circumstance. This is true of digital movies and music as well.



3

Five Copyrights

The right to perform the copyrighted work publicly

- The public performance right allows the copyright holder to control the public performance of certain copyrighted works.
- A performance is considered “public” when the work is performed in a “place open to the public or at a place where a substantial number of persons outside of a normal circle of a family and its social acquaintances are gathered.”



Five Copyrights

The right to perform the copyrighted work publicly

- Literary works
- Musical works
- Dramatic works
- Choreographic works
- Pantomimes
- Motion pictures
- Audio visual works

A large, bold, blue number '4' is centered within a white circular graphic element on the right side of the slide.

Five Copyrights

The right to display the copyrighted work publicly

- The public display right is similar to the public performance right, except that this right controls the public “display” of a work.
- The definition of when a work is displayed “publicly” is the same as public performance.



Determining Copyright


Things to look for when determining Copyright

- Copyright note
- Author byline
- Image caption
- Opening/closing of the video (credits)
- Masthead/header/footer
- Usage/Permissions/Information/About/Legal/Disclaimer

USDA ARS Image Gallery

www.ars.usda.gov/oc/images/image-gallery/

- Shareables Toolkit
- Press Room
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Featured Photos




Animals



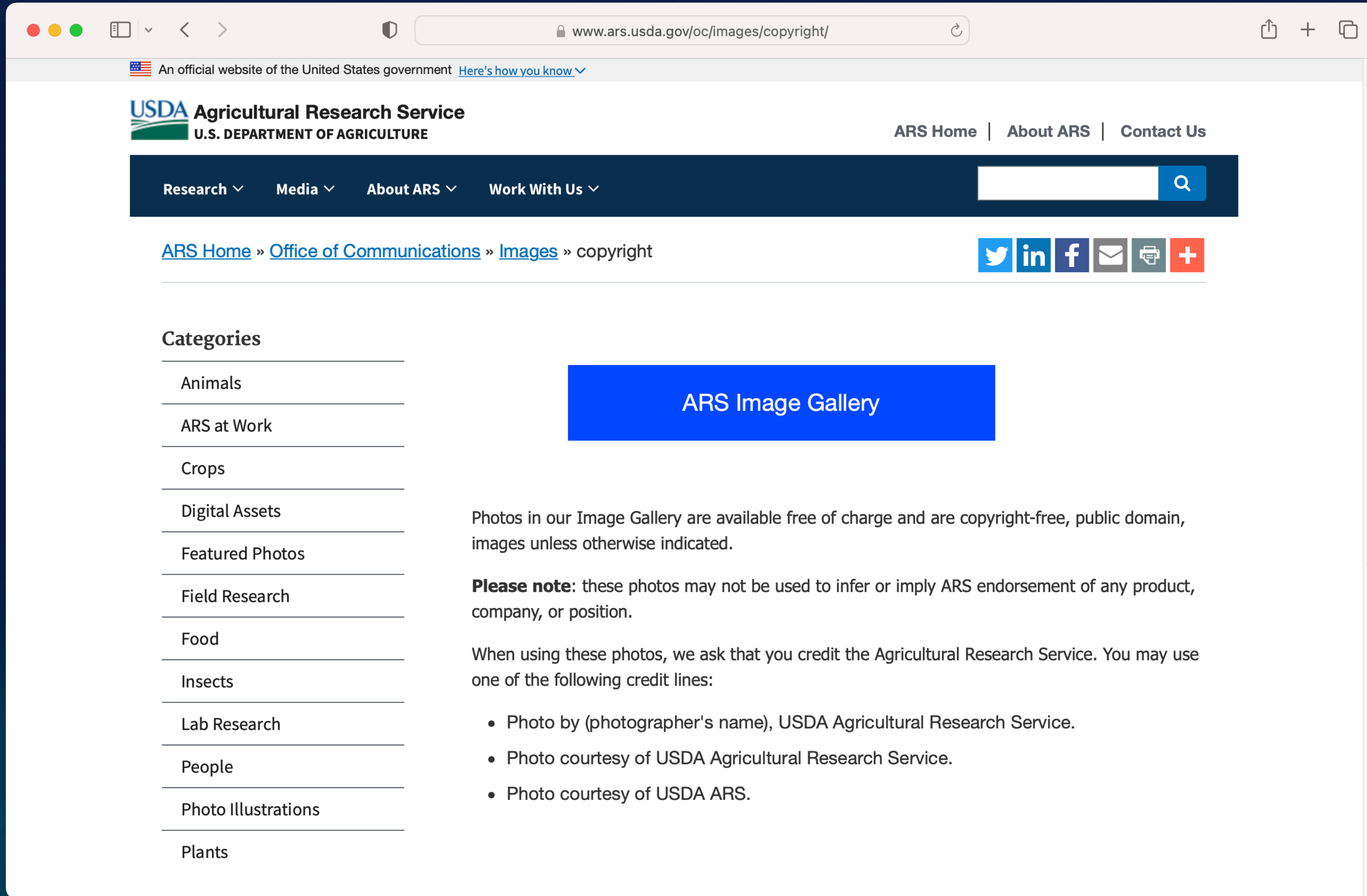
Crops



Digital Assets



Open "https://www.ars.usda.gov/News/Docs.htm?docid=24139" in a new tab



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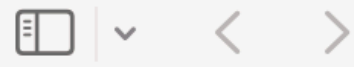
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www.nga.gov/collection/art-object-page.209608.html



Ludovico Mattioli

Martius (March), late 17th century

Not on View



Series Title

The Twelve Months

Medium

etching on laid paper

Dimensions

plate: 21.1 × 32.4 cm (8 5/16 × 12 3/4 in.)
sheet: 21.5 × 32.9 cm (8 7/16 × 12 15/16 in.)

Credit Line

Ailsa Mellon Bruce Fund

Accession Number

2017.76.5

Artists / Makers

Ludovico Mattioli (artist) Italian, 1662 - 1747

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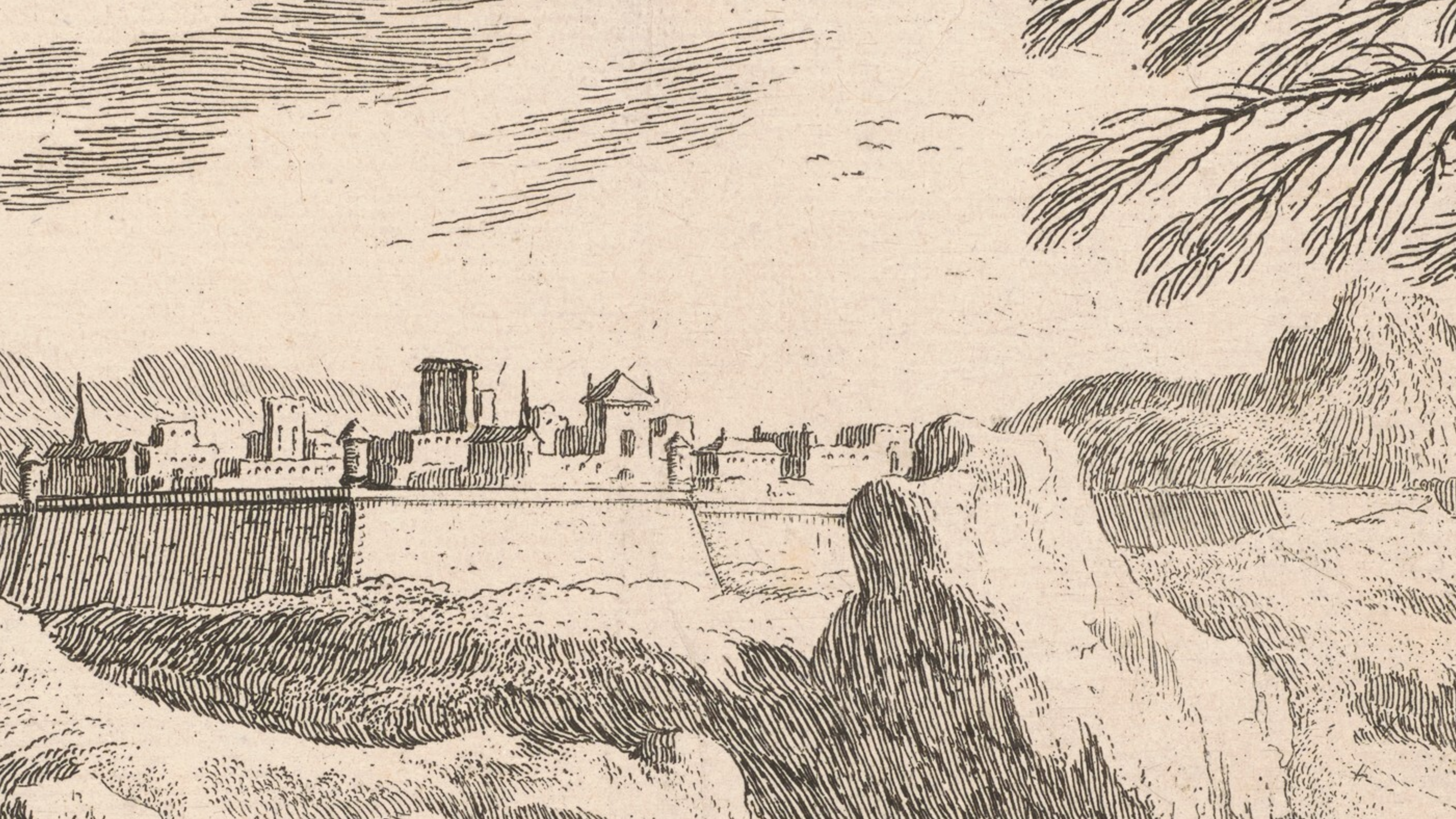
Image Description

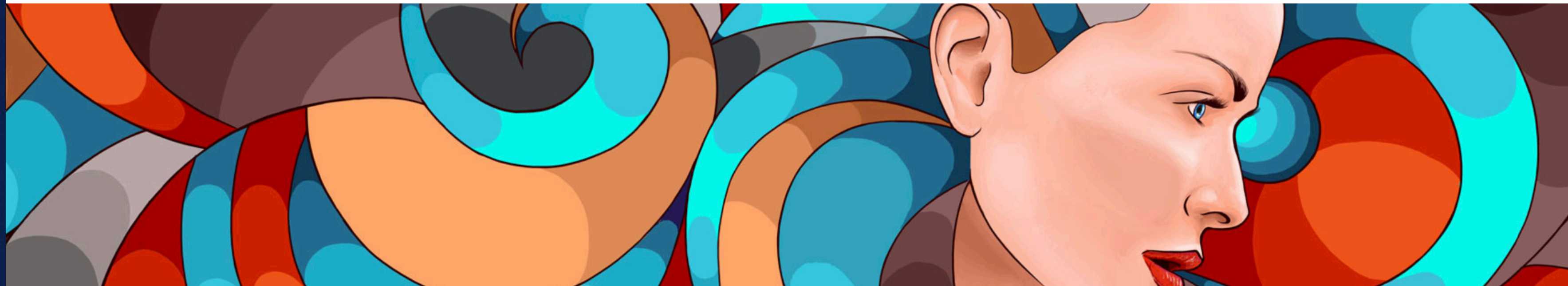




Matthiuf.

MARTIUS.





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Creative SIDE
INTO A **CAREER**

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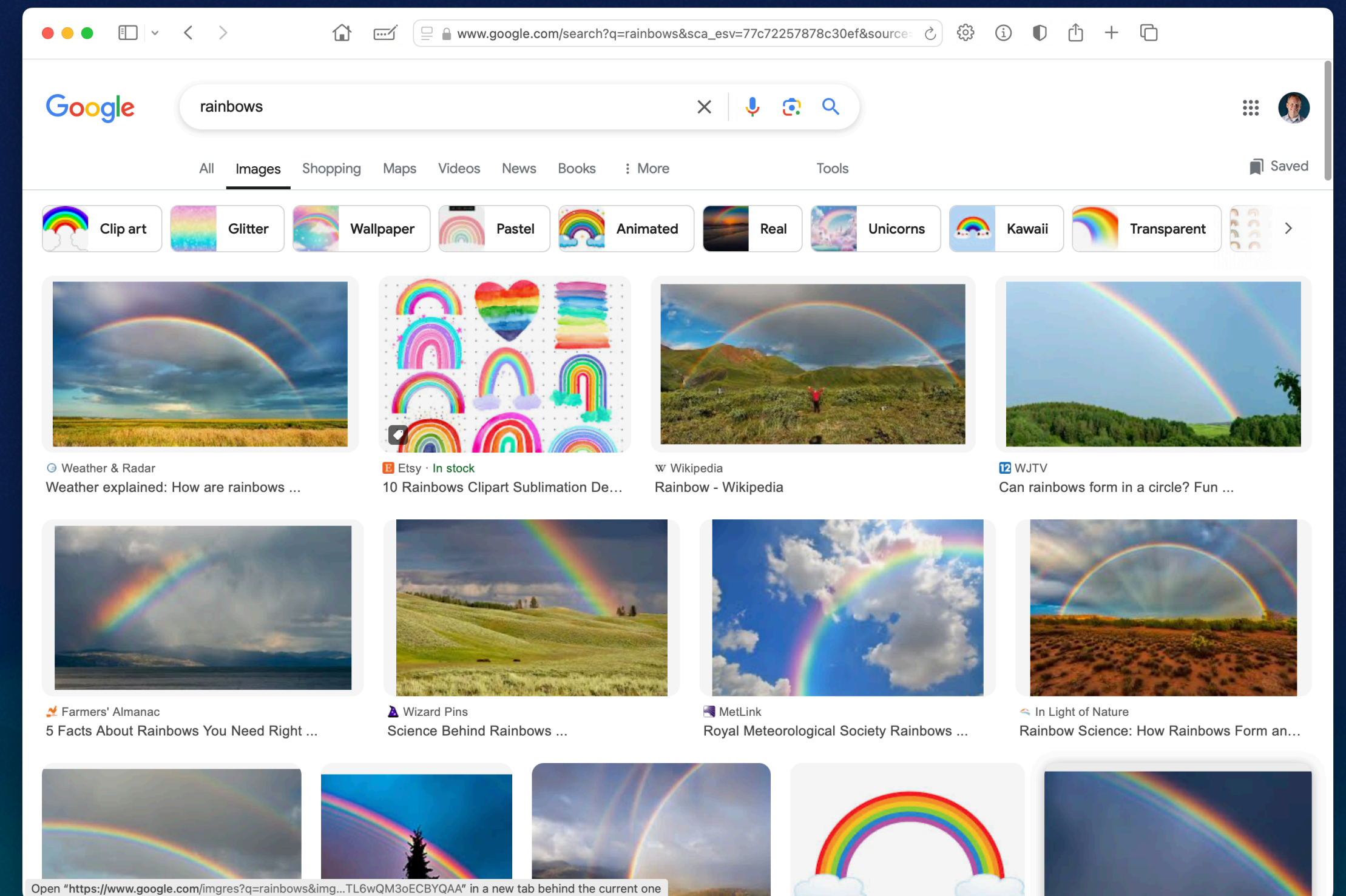
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About Permission

- When in doubt, ASK for permission
- Attribution is NOT permission.
- Citation is NOT permission.
- Track citations to all works used that are not your own.

Discussion Time!

- Discuss with the people around you times that you might have unwittingly (or knowingly) violated an artist's copyrights.



Copyright & *Your* Creative Work

- In the current environment for creative work (graphic and Web design in particular), clients expect to pay for the work you produce *and* own that work outright (aka; Own the copyright).
- There are always exceptions: Some photographers, animators, and illustrators negotiate usage contracts for their work, with the client purchasing their specific style.

Copyright & *Your* Creative Work

- For most creative work you do as an employee, the copyright is owned by your employer, then transferred to the client.
- According to the law, in *freelance work*, the designer owns the copyright of their own work unless it's transferred in writing.

Copyright & *Your* Creative Work



MARCH 19, 2018

CLIENTX BRAND & WEBSITE PROPOSAL

Fixel, LLC
249 Liberty St NE, STE 120
Salem, OR 97302
vin@wearefixel.com

TERMS & CONDITIONS

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We can't guarantee that our work will be error-free and so we can't be liable to you or any third-party for damages, including lost profits, lost savings or other incidental, consequential or special damages, even if you've advised us of them. Finally, if any provision of this contract shall be unlawful, void, or for any reason unenforceable, then that provision shall be deemed severable from this contract and shall not affect the validity and enforceability of any remaining provisions.

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First, you guarantee that all elements of text, images or other artwork you provide are either owned by your good selves, or that you have permission to use them. Then, when your final payment has cleared, copyright will be automatically assigned as follows:

- You'll own the visual elements that we create for this project. We'll give you source files and finished files and you should keep them somewhere safe as we're not required to keep a copy.
- You own all elements of text, images and data you provided, unless someone else owns them.
- We retain the right to display graphics and other web content elements as examples of our work in our portfolio and as content features in other projects.

PAYMENTS

We're sure you understand how important it is as a small business that you pay the invoices that we send you promptly. As we're also sure you'll want to stay friends, you agree to stick tight to the following payment schedule:

- \$XXX up-front
- \$XXX upon completion
- Any additional fees incurred along the way upon completion

be unlawful, void, or for any reason unenforceable, then that provision shall be deemed severable from this contract and shall not affect the validity and enforceability of any remaining provisions.

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peter hoelter
web developer



Phone: 503.253.1234
Email: peter@hoelter.com

Address: 123 Main St
Portland, OR 97201

Website: www.hoelter.com

project proposal

date: 15 Feb 2005
project: 1003
revision: 1

Project Name: Oregon School Counselor Association Web site development
Client: Oregon School Counselor Association
Project Manager: Peter Hoelter
Start Date: February 15, 2005
End Date: March 15, 2005
Budget: \$2,000

■ Oregon School Counselor Association Web site development

Project description

Architect, design and implement a new Web site for the Oregon School Counselor Association (OSCA). Project components include content identification and information architecture, visual site design, (X)HTML/CSS template creation, design and programming of online membership area (if budget allows), content implementation, site testing, hosting coordination and final site launch.

Information architecture development & visual site design

Includes creation of the site content outline and visual design concept. Designed elements include layout grid, typography, color, photo treatment and selection, and overall art style selection. Site concept will be presented to the client, and will be refined based on client feedback, if necessary. This proposal does not include the cost of any custom or stock photography. These costs can be estimated separately upon request.

HTML template creation and content implementation

HTML production of the site design, including image preparation, all (X)HTML, CSS and JavaScript coding, and browser compatibility testing. Includes all content implementation, final testing and posting of site, and ISP coordination.

Server-side design & programming (if budget allows)

Design, program and test a new Members area of the OSCA Web site. Possible area features include an online member directory, member login and profile editing, online membership renewal, and access to member-only newsletter. Tasks include architectural design, (X)HTML coding, PHP programming, database design and programming, and application testing and launch. This phase of the project requires that both PHP and MySQL (or PostgreSQL) services be provided by the ISP that OSCA selects for hosting of the Web site and will be performed as budget allows.

Project management

Includes all client meetings, project communication, and account administration.

Total Project Budget (40 hrs @ \$50/hr)

\$2,000

Projects are billed on a monthly basis for work completed to date. Client approval will be obtained for any increase in costs that exceed the original estimate. In the event of cancellation of this order, a charge will be made for work already completed. Both parties agree that any substantial changes in the project scope and scale can affect agreed upon costs. Final designs, code, photos and artwork produced specifically for this project are the property of the client and will be provide to the client upon request, assuming the client's account is in good standing. Terms are net 30 days.

Client Approval

signature _____ date _____



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signature _____ date _____



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