



Conference 2022 | Stitch-a-Plenty

Hosted by Tauranga Embroiderers' Guild Inc

Originality and copyright

The Stitch-a-Plenty Exhibition Convenor was sent a photograph of a beautifully stitched tui with a question about its eligibility for entry in the upcoming exhibitions in Tauranga. The embroiderer Sue Burdon explained that she had based her embroidery on an image on Google and then stitched it as a gift for a friend.

Sadly, because it was not Sue's own photograph, it was not her original design and so could not be entered.

The first two conditions of entry for ANZEG exhibitions state:

1. All entries must be the **artist's own design and work** and have been completed within the two years prior to June 2022.
2. Design inspiration taken from another source **must be acknowledged**.

The original image Sue based her embroidery on is by Marlborough photographer Sid Mosdell and is a very beautiful and popular image on hundreds of websites around the world.

But the image is also under copyright and even if it were eligible for entry, then the embroiderer would have to obtain permission from the copyright holder to use it.

As embroiderers we really do have to think seriously about it – it's all very well for us to say it's freely available on the internet and I like it and I'd like to use it. The other side of the coin is that someone created that image and has the right to be acknowledged as the creator.

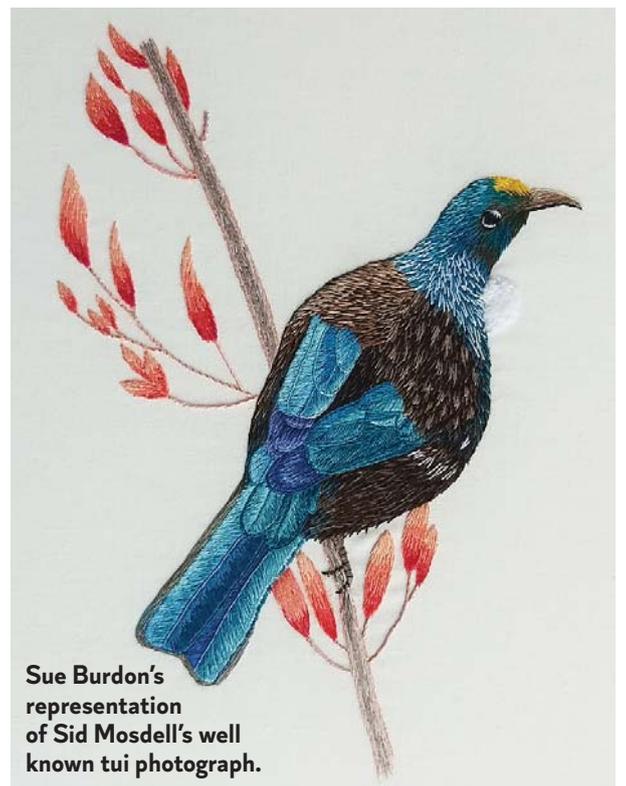
If as in Sue's case, you simply want to adapt the image and create a stitched version of the original you are breaching copyright if you then claim ownership of it by publishing the image without attributing it to the original creator.

The fact of turning it into an embroidery does not make it an original – it is merely an adaptation of someone else's design or image. Please note there is absolutely no suggestion of wrongdoing on Sue's part! She was creating her embroidery for a friend and it was not originally intended to be published.

CONTINUES >>>



Sid Mosdell's famous 'Tui on Harakeke' photograph has been interpreted by many artists.



Sue Burdon's representation of Sid Mosdell's well known tui photograph.



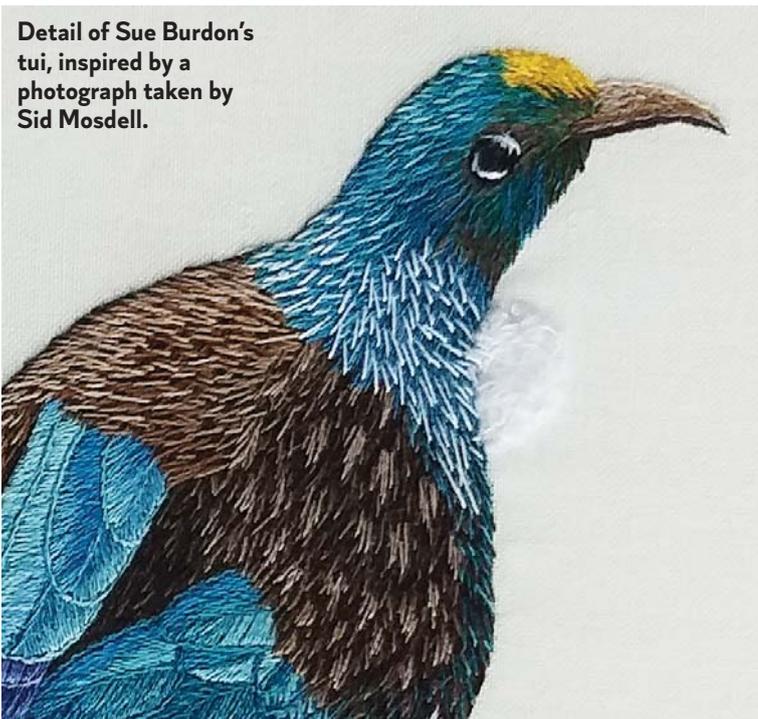
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We have since written to Sid Mosdell and explained the story to him and asked for permission to use it on the ANZEG website. Sid has kindly given us that permission and adds that all his nature photographs on Flickr are displayed under the Creative Commons Attribution (CC by 2.0) licence www.flickr.com/creativecommons/ and as such, we could freely use them as the basis for any embroidery – but of course, that would include an acknowledgement of his photograph being used as the design if it were to be put in an exhibition or any publication. *(In broad terms the CC by 2.0 licence means that you are able to copy, distribute and display the copyrighted material in any medium or format along with derivative works based on it (which is what Sue's tui could be described as) but only if you give the original creator credit. Creative Commons is a non-profit organisation that offers an alternative to full copyright. For more details go to creativecommons.org)*

If Sue had taken her own photograph of a tui, then there would have been no problem with copyright or questions of originality if she wished to enter it into an exhibition. She could also have used Sid's photograph as a basis for a completely new design when it could be described as 'inspiration' for the design.

Detail of Sue Burdon's tui, inspired by a photograph taken by Sid Mosdell.



The suggestion sometimes given that you must change 10% of an image or design to make it your own original design is a cop-out. You are still using the majority of someone else's design as a basis for your work, which you are then asserting your copyright over.

Copyright applies automatically when anything is published (images, written material, music, art, computer programmes etc). In New Zealand you don't have to register the material like a trademark or patent and it doesn't have to have the © symbol for it to be copyrighted.

Copyright lasts for the lifetime of the creator plus 50 years after their death. Copyright gives the person who created the original work, exclusive rights to copy, publish, perform, transmit and adapt and generally decide how their work will be used. Generally, the author can choose whether they retain, commercialise or authorise others to exercise one or more their copyright rights. This gives the creator an incentive in that they are able to earn just reward for their work.

The Copyright Act 1994 is a set of guidelines that explains how published content can and cannot be used. The general rule is, if it is published it is copyrighted. (Source: copyright.co.nz/understanding-copyright)

The question of copyright applies equally to all our embroidery exhibitions – national, regional and guild and any other exhibition we enter our work in. Other people's designs and their copyright must be acknowledged.

A number of very beautiful embroideries have not been published in Threads because the maker has not provided the information about the design and designer. If Threads published the work without the information and/or permission from the copyright holder then ANZEG would be in breach of copyright laws. If your work is based on someone else's work then you must acknowledge it. It's pretty simple.

Nowadays it is very easy to check the originality of work using internet search engines such as Google Image and TinEye. For instance, when you go to Google Images, you will find a camera icon on the search bar. Click on that and it will take you through all the steps required to search by image.