

Don't Copy Wrong

... Respect Copyright!

**COPYRIGHT IS ABOUT
respecting the
rights of creators**

**supporting, honoring
and cultivating creativity**

**“There is no doubt that creativity
is the most important human
resource of all. Without creativity,
there would be no progress, and
we would be forever repeating
the same patterns.”**

— *Edward de Bono*

Developed by The National Needlework Association (TNNA)

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Copyright is one of three main types of intellectual property.

Patents refer to functional and/or utilitarian items or designs. Patented products must be:

- totally original and novel either in function (utility patent) or form (design patent)
- not obvious
- never before seen

Patterns do not fall within this category. Fibers of unique form or composition, special processes or systems required for unique applications may, in fact, be patentable.

Trademarks are words, phrases or symbols that “stand” for a given product or company.

Copyright applies to “original works of authorship fixed in any tangible medium of expression.” (Copyright Act of 1976) In essence, this includes many types of arts, including NeedleArts patterns and designs. According to the U.S. Copyright web site, “It does not include facts, ideas, systems, or methods of operation, although it may protect the way these things are expressed.”

Copyright gives the owner the right to:

- reproduce the work
- to display the work publicly
- in some cases, attribution
- be the exclusive “seller or distributor” of the art
- create and market derivatives of the original design
- litigate anyone believed to be infringing on the copyright

Respecting the value of original designs, patterns and techniques is simply the right thing to do — for ourselves, our businesses and the NeedleArts industry.

Protecting copyright:

PROVIDES A STREAM OF REVENUE FOR CREATIVE IDEAS

Customers demand exciting new designs and products.

If the market for designers and publishers is not profitable, there will be no resources to support new and different ideas. Designers relying on the design process to live, will be forced to dedicate their talents elsewhere.

LEADS TO SALES

Magazines give customers more than just patterns. By providing access to a wealth of information, they encourage repeat buying and inspire customers to try new ideas and buy new products.

Photocopying patterns reduces revenue from magazine sales and eliminates the opportunity to expose customers to new techniques, events and trends.

ENSURES THE FUTURE OF THE NEEDLEARTS INDUSTRY

A healthy industry is one in which there is an abundance of vital resources, each making a reasonable profit.

Photocopying patterns leads to a reduction in sales of patterns, books and magazines. If designers or publishers can't make a reasonable living, they may be forced out of business . . . leaving a significant creative void.

How do I know it's copyrighted?

There's no question that everyone in the NeedleArts industry appreciates and respects the creative talent of our designers and writers. We all are thrilled with the original patterns and styles that greet us each season. We're all eager to excite our customers with what's new and innovative.

The truth is — most often people don't intentionally copy “wrong.”

Sharing a design with a friend . . .

Passing along a new stitch pattern . . .

Certainly making a quick photocopy from a magazine, or copying a pattern on the internet isn't really stealing?

But, the truth is — it is.

As the business of NeedleArts grows, the need to address the issue of copyright becomes more important.

With the advent of the photocopier, and now the internet, reproducing designs and patterns has become much, much easier . . . and much more of a problem.

Copyright infringement has increased to become a major issue directly affecting the health of the NeedleArts industry.

**If it exists in a tangible form,
it's copyrighted.**

According to existing copyright law, a work is considered copyrighted the “minute it’s created and fixed in a tangible form so that it is perceptible either directly or with the aid of a machine or device.”

(www.copyright.gov/faq.html#q1)

Even if a pattern or design is not registered with the government, it is still considered to be copyrighted if it satisfies the legal requirements. Registering a copyright simply ensures that the facts are on public record.

When registering, the designer will receive a copyright certificate. In the case of litigation, registration of a copyright may become valuable evidence and enable the designer to collect statutory damages and attorney’s fees.

In order to qualify, the non-functional elements of the product (such as the stitch pattern or visual design)

- must be original —
but not necessarily novel
- must be capable of existing independently of the functional aspects

Copyright covers:

- the written pattern as if it were a literary work (written down)
- non-functional design elements such as combinations of stitch patterns and original visual art (color work, texture, etc.)

How do I know I'm infringing?

The reproduction of any materials without written consent of the author or designer, constitutes copyright infringement.

This applies to:

- photocopying from books or magazines
- printing a pattern on company (or store) stationery as if it belongs to the company
- on the internet
 - copying (or inputting or scanning) patterns which have not been explicitly designated as belonging in the public domain
 - passing patterns around the internet through chat groups and mailing lists

Remember

Ownership of a work does not imply ownership of copyright.

It's always best to assume that just about every pattern is copyrighted whether or not noted as such.

Although necessary prior to 1989, copyright notice (©) is not required by current law.

Although copyright is covered under civil law, violations involving more than 10 copies and valued over \$2500 are considered now a felony in the U.S.

Is it ever ok?

There are some instances when it is permissible to reproduce a copyrighted work. The concept of “fair use” applies to the reproduction of a piece if:

- it is utilized for personal, non-profit, or educational purposes WITH WRITTEN PERMISSION OF THE PUBLISHER;
- the portion of the design or pattern that is copied is not a substantial part of the entire copyrighted work;
- it does not affect the potential market for or value of the work.

This does not mean that, if you copy a work for someone else but don't charge for it, it is not a violation. If your giving it away resulted in someone else not “buying” it, then it would be considered a violation.

For more information pertaining to copyright, please refer to:

Brad Templeton at:

www.templetons.com/brad/copymyths.html

The United States Copyright Office at:

www.loc.gov/copyright or

www.copyright.gov

The Legal Information Institute at:

www4.law.cornell.edu/uscode/17/

Copyright information and forms are available through www.copyright.gov/faq.html#q1

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