

ARTWORK CLEARANCE

THE BASICS*

• TO CLEAR

Obtain written permission from the proper individual to use an item in your project, or written legal opinion that you do not need to do so.

• WHAT KIND OF ART MUST BE CLEARED?

All fixed works of Art including, but not limited to Artwork Prints, Photographs, Sculpture, Postcards, Ads, Cartoons, Newspapers, Magnets, Charts, Maps, Murals, Ceramics, 'Frig Magnets, Toys, all Copyrighted or Trademarked Items, etc.

• OWNERSHIP OF ARTWORK DOES NOT IMPLY COPYRIGHT

These are two separate issues.

The Copyright is owned by the Artwork's creator, unless the owner of the Artwork has a release signed by the Artist, transferring the Copyright. It's not necessary to own the Artwork to use it. It is possible to obtain a License or a Right to use the work; contact the Artist or the Artist's Representative to acquire clearance.

• FAIR USE

In general, if an item is copied for any commercial purpose such as, in a Film, Video or Commercial to be re-sold, exhibited or used as advertising you can not claim "FAIR USE".

• PUBLIC DOMAIN

Public Domain generally refers to items or artwork created before 1900. Absence of the © symbol does not imply Public Domain. Extra care is necessary when making a determination as to whether a piece of Art falls into the area of Public Domain. Artwork may be Trademarked by a corporation or owned, and administered by a Familial Estate or Trust.

• THE FALLACY OF THE 1/3 RULE

"To change 1/3 of a piece of Artwork allows you the right to use it"
THERE IS NO SUCH RULE.

This is called defamation and is actually worse than just making a copy because not only are you using a copyrighted work, you are also changing it.

• UNTRACEABLE ARTWORK

Any unsigned Artwork: Prints, Paintings, Ceramics, Photographs, Paint By Numbers Art, etc. Unsigned Artwork collected at Yard Sales, Flea Markets, or Thrift Shops, is a Clearance Nightmare!

* DISCLAIMER

This information is meant to be used as a guideline, and is in no way to be considered as legal advice. If you have questions on a specific situation, seek Legal Advice.



Art Dimensions
Art Leasing & Sales

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Film, TV & Commercials



JEWELS by James Hill



SUMMER II by Stanley Silver

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ARTWORK CLEARANCE

REMINDERS*

- **OWNING OR RENTING ARTWORK DOES NOT IMPLY YOU HAVE PERMISSION TO USE IT**

The Artwork's creator always retains the Copyright; unless the Copyright has been transferred.

- **MINIMIZE CLEARANCE ISSUES**

Work with Professional Artwork Providers; Prop Houses, Art Consultants or Art Galleries. These companies manage large collections of Art and can acquire Copyright Clearances. Budget Accordingly!

- **WHEN PERMISSION FOR USE IS NOT OBTAINABLE**

Create an original piece of Artwork. Do not "Knock-Off" a specific work by an Artist or a Copyrighted Piece.

KNOCK-OFF: To create an object to appear similar to another, often notable work.

- **UNTRACEABLE ARTWORK CARRIES THE RISK OF POSSIBLE COPYRIGHT INFRINGEMENT**

Injunctions on completed films are possible, if the Artwork has not been properly cleared. It can happen.

- **GET CLEARANCE PERMISSION IN WRITING**

Clearances are the responsibility of the production company's legal and business affairs department. Most studios and production companies have departments or attorneys available to handle Clearance and Copyright issues.

Providing the necessary information to these departments is your responsibility. Be prepared to protect yourself and follow through to make sure the appropriate measures are being taken..

- **ARTWORK CLEARANCE RESPONSIBILITY**

Acquiring Clearance can be time consuming. Add Clearance cost to your budget; this will include hourly research costs and a usage fee (determined by the owner of the Copyright.)

The Artwork's creator or Copyright holder is entitled to decide Where, When and How the work will be used; as well as determine a usage fee.

- **GIVE YOURSELF ALTERNATIVE CHOICES**

Have backups when selecting artwork, in case you encounter any Clearance difficulties.

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ARTWORK CLEARANCE

PUBLIC SPACES, ORGANIZATIONS & GOVERNMENT AGENCIES*

• CLEARING ARTWORK FOR LOCATION SHOOTS

If a Location has Murals, Artwork, or Sculptures which become part of the shot, that Artwork is copyrighted and should be cleared. The property owner or the City's Municipal Office is a good place to start a clearance search.

• CLEARING PUBLIC SERVICE & INSTITUTION GRAPHICS

Red Cross, Partnership for Drug-Free America, The American Cancer Society, United Way and many of the agencies allow use of their Posters, if used in a positive way.

• CLEARING GOVERNMENT OWNED PROPERTIES

Government Agencies are pretty good about assigning Releases. Be sure to get a Release for any Government owned Art Property. Contact the Proper Agency to obtain Releases for Government owned Artwork. Generally, Government works can not be Copyrighted, although, often time the government holds and receives copyrights transferred to it by assign, bequest or otherwise.

- **STAMPS** Danger Zone: research the use of these thoroughly.
- **WAR BONDS** May be okay; get permission first.
- **NASA PHOTOS** These are Classified; get a release.

• USEFUL WEBSITES

- **ARS** | Artist Rights Society: <https://arsny.com/>
The copyright, licensing & monitoring organization for visual arts in the US.
- **CAA** | The College Art Association, Inc.
<https://www.collegeart.org/standards-and-guidelines/intellectual-property/image>
The CAA maintains a list of Image Sources and Rights Clearance Agencies.
- **US Copyright Office**: <https://www.copyright.gov/>
"The U.S. Copyright Office promotes creativity and free expression by administering the nation's copyright laws and by providing impartial, expert advice on copyright law and policy for the benefit of all."
- **GPO** | US Government Printing Office: <https://www.gpo.gov/>
The GPO achieves nine billion retrievals of Government Information.
- **NASA Images**: <https://images.nasa.gov>
NASA's image library, consolidates imagery and videos in one searchable location.

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