



sell & tell

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Chat with Successful Jewelry Artists




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Copyright Law for Artists with Sarah Feingold

Q: What sparked your interest in art copyright law?
A: When I was twelve years old, I took my first metalsmithing class, and I fell in love with the medium. One day a friend pointed out an accessory made by another business and asked if I could make something similar. This simple request raised many questions. How can I legally use someone else's work as inspiration? Is it legal if another artist copies a portion of one of my designs? These curiosities and the intellectual quest for the answers led me to law school.

Q: Have you discovered answers to those questions?
A: What I've learned is that there's no clear-cut universal answer. Many artists work very hard to tread the delicate line between inspiration and infringement. All artists make important business and legal decisions and take certain risks with their work.

Q: What can you do if your work is being duplicated and sold by someone else?
A: First, breathe. I have seen many artists make a situation worse by sending out an email, posting information on a blog, or tweeting before examining the issue in its entirety. Don't feel rushed into acting on a decision.

Next, analyze the issue. Ask yourself: Is your work legally protectable? What about your work is being duplicated? Do you think the copying was an innocent mistake? Who is selling the work? What is the realistic effect on you or your business? If you believe that your copyright has been infringed on and you anticipate a legal dispute, you may want to consult with an attorney and obtain U.S. copyright registra-

tion for the works. A certificate of registration (or a rejection of an application for copyright) is a prerequisite for U.S. authors who want to sue for copyright infringement in federal district court.

Q: How do you obtain a copyright?
A: In the United States, as long as your work meets certain requirements, you will automatically have copyright protection without filing any paperwork. But there are a number of benefits to registering your work with the U.S. Copyright Office, including the fact that you will receive a certificate of registration that establishes a public record and is the best evidence

of a valid copyright. It lets you take legal action against copyright infringement. Plus, the process is fairly cheap and easy.

Q: Where can you find more information about copyright law?
A: For more information on U.S. copyright law, check out www.copyright.gov. For information on U.S. patents or trademarks, check out www.uspto.gov. My ebook *Copyright for Artists: Quick and Easy Copyright Protection* provides plain-English legal explanations tailored to the creative community. It is available on Etsy at www.attorneysarah.etsy.com. Or, for a general overview of this subject, check out *Interweave's eBook Know Your Rights: Copyright 101 for Crafters*, available at beadingdaily.com/rights eBook.

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