

# Know Your Rights (and Wrongs)

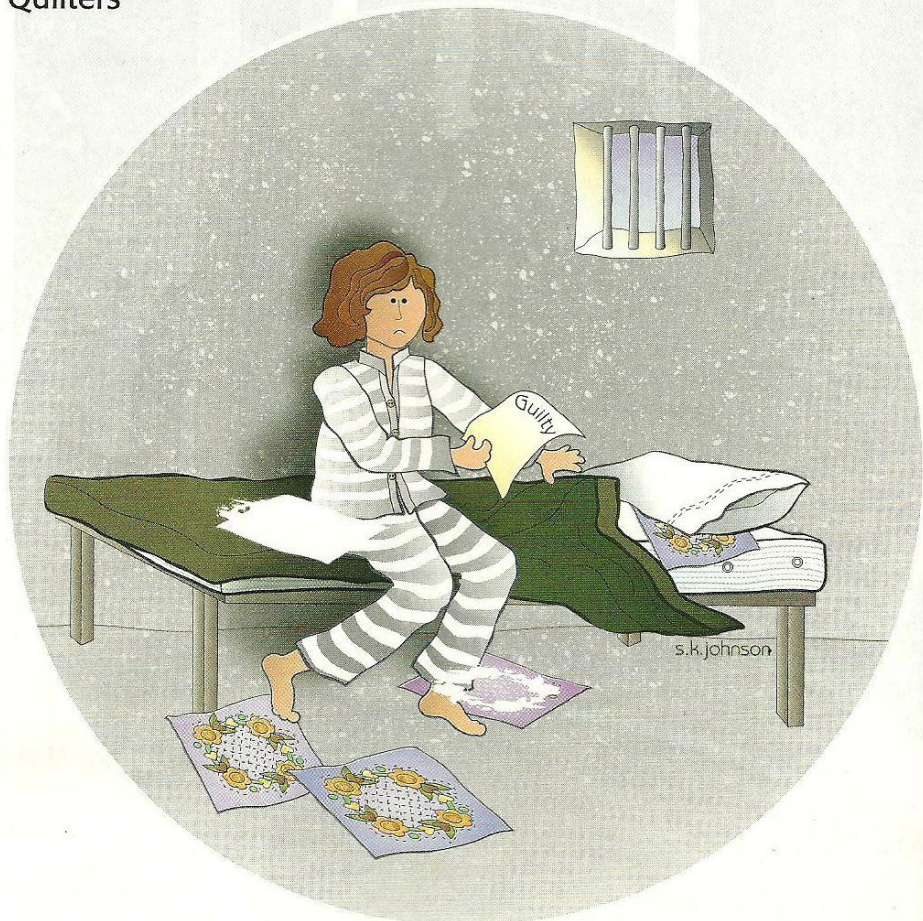
## A Copyright Primer for Quilters

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As quilters, we can be inspired by a beautiful painting, a special photograph, or a quilt we see in a magazine. We want to make a quilt that looks just like that, or a variation of it. May we? It depends. Copyright law is an integral part of the quilt world. Understanding the rule of law, and its application, can help us avoid embarrassing situations.

There is one rule of copyright. Only the copyright owner (initially the person who created the quilt design) has the right to do any of the following:

- Make copies in any medium, including photographs of the work.
- Make a derivative work. There is no particular amount of change that will make the new work acceptable. If it is a variation of the original, inspired by the original, it is derivative.
- Display a work publicly or publish it. For the purposes of copyright, public display means to put it in a place where a substantial number of persons, not family or social acquaintances, will see it.
- Distribute copies of a work by giving or selling them. The exception is if you own a legally created copy, you may sell or give it away without the designer's permission. This is called the "first sale" doctrine. However, ownership does not give the right to make copies, derivatives, or to display or publish the work.



Like all good rules of law, there are exceptions. First and foremost, get permission from the copyright holder to copy, make a derivative design, or show the work publicly. You can get express permission by asking for it. Or, in the case of published patterns, there is an implied permission to make a copy for personal use. Second, there is a very limited exception in the statutes called Fair Use that exempts non-profit schools and colleges, libraries, scholars, and researchers, as well as publishers

of commentary or critique, under particular circumstances. Finally, the design may be in the public domain. While the length of copyright protection has changed many times over the years, it currently exists for the life of the creator plus 70 years. Once in the public domain, the work can be used by anyone for any purpose.

The following are questions that frequently arise for quilters concerned about copyright.



**Q:** Can I enter a quilt I made from a *McCall's Quilting* (or other magazine) pattern in a quilt show?

**A:** A quilt show is a public display and therefore only the designer can enter the quilt. However, you can ask permission for the display. If the design came from a contributor to the magazine, the editors will be able to help you contact her. If a staff member at the magazine created the design, it is a "work made for hire" and the magazine owns or shares the copyright and should be approached for permission.

**Q:** Can I sell a quilt made from a magazine pattern?

**A:** Yes. When you purchased the magazine you received an implied permission to make a copy. Under the "first sale" doctrine, once the copyright owner sells a pattern, you can make a legal copy and may transfer ownership without asking permission.

**Q:** Can I teach a class using a quilt pattern that was featured in a magazine?

**A:** Yes, but only if each student purchases a copy of the magazine containing that pattern. Your role in teaching would be to show your students the various techniques required and to share your expertise and experience. Since techniques are not protected by copyright, you would be free to teach them. However, since each student is going to make a copy of the patterned quilt, each of them needs to get implied permission by purchasing the magazine. This is also true for books and single patterns.

**Q:** Can I copy a magazine quilt pattern to share with my friends?

**A:** Not without permission. You can make a copy for personal use, and often need to in order to use the templates or appliqué designs. However, you cannot give or sell copies to others. Contact the magazine and they will help you contact the designer. You will also need the magazine's permission since they hold a copyright on the pages of the magazine. Keep in mind also that not only photocopies, but also hand drawn or written copies are prohibited.

**Q:** If we're making our guild raffle quilt from a magazine quilt pattern, can I photocopy the pattern for our guild members?

**A:** The same rules apply to guilds and other non-profit groups as apply to individuals. You must have both the designer's and the magazine's permission to copy pages of the pattern. You also need the designer's permission to use the quilt for a raffle. Even if the raffle is for charity, it is subject to copyright law. A raffle quilt is usually put on public display to sell tickets. That requires permission. It is also a commercial endeavor since you are obtaining money for the tickets. Always get permission.

**Q:** Do all of these answers apply to patterns and quilts seen on a website?

**A:** Absolutely! The courts have consistently held that putting something on the Internet is no different from publishing it in print. Unless a website specifically says

that you may copy for free, you cannot download or print the material. Another issue with the Internet is people posting photographs on their blog sites. If a photo shows a quilt that is protected by copyright, the photo is a copy and putting it on the site is publishing. Both require the designer's permission.

**Q:** What steps should I take if I see a copyright infringement at a quilt show?

**A:** First, don't assume that because you see a copy quilt that it is an infringement. Again, if the maker has the permission to make the quilt and to display it, it is okay.

You may want to speak to the organizer of the show to ask if they are aware that it is a copy quilt. They can be held liable for the public display along with the maker.

*The information provided here is general and not meant to provide specific legal advice. For information about a particular situation, consult with an attorney.*



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*Visit her website, [dyesmithy.com](http://dyesmithy.com), for information on classes and guild programs. Her hand-dyed fabrics and other items are available at [etsy.com](http://etsy.com).*

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