

Copyright and Communications with the Art World:

How Copyright Law Affects Young Artists

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Copyright laws have been put into place as a means to help protect creators, and their intellectual rights in regards to the works they create. As Paul Goldstein says in the journal piece *Copyright*, in the art journal *Law and Contemporary Problems*, “Copyright, in a word, is about authorship. Copyright is about sustaining the conditions of creativity that enable an individual to craft out of thin air, and intense, devouring labor... Authorship in its contemporary sense implies not just an author, but an audience; not just words spoken, but individuals spoken to” (80). One issue that can arise, however, is when creators do not know as much as they should in regards to protecting their works, which can harm their business prospects. With students of institutions such as OCAD University representing some of the next generation of creatives, this study was to determine whether or not students adequately knew copyright law. Initially, I had hypothesized the following:

1. There is a high probability that the students of OCAD University on average have a low knowledge of copyright laws.
2. It is likely there is a probable significant difference in knowledge between students studying for a degree in design, versus students studying for a degree in the fine arts.
3. It is highly probable that students do not further look into these laws due to it seeming like a daunting task.

This led to my attempt to answer the following questions:

1. How well do OCAD University students know copyright laws?
2. Do design students or art students better know the laws?
3. What is stopping students from learning more about these laws?

These three questions were what formed the basis of this survey and research.

In *Art Law Research Resources: An Introduction* by Erin Elliot, he details a number of cases that served as an inspiration for this avenue of research. His first is a case between an artist by the name of Richard Prince, and another artist by the name of Patrick Cariou (80). Prince had taken images from one of Cariou's photography books, and had been selling them in a gallery space. Because Cariou owned the copyright to the work, the courts ruled in his favour and Prince would have to cease and desist, and destroy all other copies of the work. In this example, copyright protected Cariou's work from being infringed upon and exploited for profit.

In *Copyright and Its Categories of Original Works* by Justine Pila, she notes similar cases, based on precedent and on technicalities of each case brought forward. One such case is *Bauman v Fussell*, which was a dispute about a photograph of two birds fighting. Due to the different mediums of the two works and their definitions, the case was dropped as it was not considered a direct copy infringing on copyright laws (245).

What both of these had in common was the amount of background knowledge needed to comprehend either case fully. While it is undoubtedly beneficial for artists to know their rights regarding the works they create, it was hard to say whether or not they knew what boundaries lay in the law as to what can and cannot be created. From this stemmed the idea to test students at OCAD University. In *Copyright and Art*, by Carla Phelps, she describes many terms used for different types of copyright. Reading her journal allowed me to form more solid operational definitions to base my own work around.

My survey (see appendix A) still intended to answer all three questions, and was thus broken down into three sections. The first section is identification to categorize the students taking the report, based on what each student was studying towards for their degree. The main listings were provided as follows: a Bachelor of Fine Arts, a Bachelor of Design, a Bachelor of

Art, a Master of Fine Arts, a Master of Design or a Master of Art. An ‘other’ section was provided as well. As well, this section attempted to categorize where they thought they felt in terms of their knowledge. The second section is used to categorize their knowledge objectively in a test. Each test is out of eight points, with one point being awarded for each correct answer. Using the Canadian grading system, participants that scored under 50% correct would be considered to have low knowledge. Anything above 90% would be high knowledge. The last section was to determine if it was possible to, and how, to make learning about copyright more accessible to students, based on what was currently hindering them.

Due to a lack of an accessible sampling frame for the whole of OCAD University students, the survey was conducted online via a Google survey, which recorded the answers provided by the participants. Due to the timeframe this was to be conducted in, convenience sampling became the chosen sampling method, and the survey was distributed over social media groups specific to the university to gather results. Later, this data could be brought into SPSS Statistics for analysis; out of the twenty-seven participants, only twenty-six were included in the final analysis as there was a group of one participant – categorized under the ‘other’ section of the survey – which was too small a grouping to fit into the final analysis.

Report – Figure One

NumberOfCorrect

What the participant is studying	Mean	N	Std. Deviation	Median	Range	Kurtosis	Minimum	Maximum
Bachelor of Fine Art	4.75	8	1.488	4.50	4	-1.410	3	7
Bachelor of Design	4.83	18	1.200	5.00	5	.711	2	7
Total	4.81	26	1.266	5.00	5	-.321	2	7

Report – Figure One Continued

NumberOfCorrect

What the participant is studying	Std. Error of Skewness	Std. Error of Kurtosis	Std. Error of Mean
Bachelor of Fine Art	.752	1.481	.526
Bachelor of Design	.536	1.038	.283
Total	.456	.887	.248

Out of the two groupings created from the results, students studying towards a bachelor of design degree did have higher scored overall – with a mean score of 4.83 (approximately a 60.3% grade) – as compared to students studying towards a bachelor of fine art – with a mean score of 4.73 (approximately a 59.1% grade). Students studying towards a bachelor of design still scored higher when looking at the median value, which is a whole point higher than those that studied fine art. However, this same group also had the lowest minimum score, at only two out of the possible eight points available.

Overall, the mean score is 4.81, which would give a grade of approximately 60%. It is a passing grade; however, it still demonstrates a below average knowledge of copyright laws as being the norm among students of both disciplines.

Report – Figure Two

	**How well do	**How much do
	you believe	you believe
	you believe you	copyright laws
	know copyright	affect your
What the participant is studying	law?***	work?***

Bachelor of Fine Art	Mean	1.63	2.13
	N	8	8
	Median	1.50	2.00
	Range	2	2
	Std. Error of Mean	.263	.295
Bachelor of Design	Mean	1.11	2.17
	N	18	18
	Median	1.00	2.00
	Range	2	4
	Std. Error of Mean	.196	.232
Total	Mean	1.27	2.15
	N	26	26
	Median	1.00	2.00
	Range	3	4
	Std. Error of Mean	.162	.181

Perhaps surprisingly is that, despite their lower scores, the students studying for a bachelor of fine art believed they knew copyright slightly better than the students studying for a bachelor in design. In contrast, both groups had very similar beliefs overall as to the affect of copyright on their work, with the median score for both being a two (only a little).

Independent Samples Test

		Levene's Test for Equality of Variances	t-test for Equality of Means			
		Sig.	t	df	Sig. (2-tailed)	Mean Difference
NumberOfCorrect	Equal variances assumed	.264	-.152	24	.881	-.083
	Equal variances not assumed		-.140	11.248	.892	-.083

Independent Samples Test

		t-test for Equality of Means		
		Std. Error Difference	95% Confidence Interval of the Difference	
			Lower	Upper
NumberOfCorrect	Equal variances assumed	.549	-1.216	1.049
	Equal variances not assumed	.597	-1.395	1.228

Reading from the top row, as the sig. value is above 0.05, the 2-tailed value is 0.881, and is therefor non-significant. In this study, we fail to reject the null hypothesis with our final results of the student's scoring, and conclude that with this sample size, there is no significant difference between the scores of bachelor of design students and bachelor of art students.

Conclusively, this is not a large enough sample size to determine which group of students is better versed in copyright law, however it does give an indication that overall, students might have a lower than average knowledge. 76.9% of participants did say however that they found copyright laws to be intimidating which leaves the impression that many might not know more due to a lack of confidence to research on their own (See appendix B). Of the options provided in the survey to learn more, the majority of these students would prefer to learn more online, at 53.8%, and only 3.8% did not want to learn anything further about the topic (See appendix C). From this it may be beneficial in the future to do a two-part test, one which studies a group of students as they are on their knowledge as a control group, and another group of students who have completed an online course on the topic of copyright law.

References

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Appendix

Appendix A

How Copyright Law Affects Young Artists: Copyright and Art Questionnaire

Hello, my name is Alessia! I'm a third year student in the Digital Futures program.

Thank you for considering taking part in this survey! I am currently enrolled in a statistics course here at OCAD U, of which this survey is a part of. This survey has been designed to collect information on, and evaluate, how knowledgeable students are, pertaining to copyright laws. The collected information will be used in a paper about the topic.

Your participation is completely voluntary and anonymous. Your responses will be kept confidential and your responses will be undisclosed individually.

Please answer the questions as best as you can. Please do not go back and change your answers once they have been recorded.

By continuing, you are agreeing to allow your answers to be collected and used for research purposes.

* Required

1. **What are you studying at OCAD U? ***
Mark only one oval.

- ☐ Bachelor of Fine Arts
☐ Bachelor of Design
☐ Bachelor of Art
☐ Master of Fine Arts
☐ Master of Design
☐ Master of Art
☐ Other: _____

2. **How well do you believe you know copyright law? ***
Mark only one oval.

- ☐ Not at all
☐ Only a little
☐ An average amount
☐ Very well
☐ All there is to know

3. **How much do you believe copyright laws affect your work?**
Mark only one oval.

- ☐ Not at all
☐ Only a little
☐ An average amount
☐ Quite a lot
☐ Entirely

Instructions: The following questions are to test your knowledge. Please answer them honestly, entirely, and without the use of external aids. Do not go back and change your answers once you have completed a question.

4. **Copyright is the same everywhere in the world. ***
Mark only one oval.

- ☐ Agree
☐ Disagree

5. **There is only one type of copyright. ***
Mark only one oval.

- ☐ Agree
☐ Disagree

6. **Formal copyright registration can be broken. ***
Mark only one oval.

- ☐ Agree
☐ Disagree

7. A common law copyright can: *

Mark only one oval.

- ☐ Be broken by publishing your work publicly
- ☐ Be transferred accidentally
- ☐ Allow the creator to collect damages from pirates
- ☐ All of the Above
- ☐ None of the Above

8. Is your work automatically copyrighted when you create it? *

Mark only one oval.

- ☐ Yes
- ☐ Yes, but only partially
- ☐ Yes, but only under certain circumstances
- ☐ No

9. Some works are ineligible for copyright status. *

Mark only one oval.

- ☐ Agree
- ☐ Disagree

10. Copyright cannot expire.

Mark only one oval.

- ☐ Agree
- ☐ Disagree

11. Copyright gives you:

Mark only one oval.

- ☐ The right to reproduction
- ☐ The right to display
- ☐ The right to distribute
- ☐ The right to adapt
- ☐ All of the above
- ☐ None of the above

The following questions have no right or wrong answer. Please answer them entirely and honestly. Select all options that apply.

12. Select all that apply. Copyright law is: *

Check all that apply.

- ☐ Intimidating
- ☐ Helpful
- ☐ Accessible
- ☐ Other: _____

13. I would be willing to learn more about copyright laws. *

Mark only one oval.

- ☐ Yes
- ☐ No

14. I would know where to start researching copyright laws. *

Mark only one oval.

- ☐ Yes
- ☐ No

15. Where would you prefer to learn more? *

Mark only one oval.

- ☐ A classroom
- ☐ Online
- ☐ In a peer group
- ☐ I would not like to learn more
- ☐ Other: _____

Appendix B

**** Select all that apply. Copyright law is: ****

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	0	6	23.1	23.1	23.1
	intimidating	20	76.9	76.9	100.0

Appendix C

**** Where would you prefer to learn more? ****

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	A classroom	9	34.6	34.6	34.6
	Online	14	53.8	53.8	88.5
	In a peer group	1	3.8	3.8	92.3
	I would not like to learn more	1	3.8	3.8	96.2
	Other	1	3.8	3.8	100.0
	Total	26	100.0	100.0	