

Attachment 2 - Some selected examples of the many instances of copyright infringement documented as part of the NAVA artists survey May 2016.

International artists have used my work and claimed it as their own in the past without my knowledge - only by luck have I stumbled over it. Contacted the artists personally and requested they immediately discontinue putting their name on my work, or using images without my consent. They have removed my material. In other cases where my work has been used for media purposes without my consent (and/or given credit) I have not taken any further action - it becomes incredibly time consuming, mentally draining and seems pointless to an extent in the grander scheme of my mental and physical health and the investment that would be required to follow it through, particularly with international usage.

A local public school received a CASP grant for me to create a mosaic for their school. I designed and built the mosaic. They used part of the image and printed this image on a book a coffee mug and they sold these to raise money for the school without my permission. I received no payment for this. The money to create the mosaic was so minimal it just covered the materials to create the mosaic. I spoke to the principal at the time and she said that as a public school they could do this as they can copy a certain amount of images for learning purposes. And she seemed to think I would agree, but she never asked my permission to copy my design and then sell it.

Used on websites without attribution. And in contracts for public art or community arts, the contract has stated that they don't have to attribute my work in publicity & promotion. With the website, I asked that my work be credited to me. Since it wasn't a commercial site and it was done through ignorance, I asked for attribution and contact details be included with the image. With regards to the contract, I pointed out that this was contractually illegal, so it could not be included and when they threatened to go to another source for the work, I pointed out that this issue was not a fair reason to cancel the contract and if they did so, I would seek legal advice and restitution. Their initial response was to say "but we have consulted other artists and they haven't complained. Also, it would take too long to change our standardised contract, so you might not get the work." I pointed out that if they (now knowingly) applied pressure on me to sign an illegal contract as it stood, then that was also an offence. Eventually the clause taking away my right to attribution was removed (and) my work was credited.

Reproductions of my drawings being sold in a public institution were reproduced overseas without my knowledge and reproduced on jigsaw puzzles and then sold to Coles where they were sold nationwide. I had a solicitor follow it up with Coles. I received payment which I did not consider to be fair but which failing a better alternative I accepted. The work was not removed from sale as I requested but as I was very young at the time I accepted the payment and conditions as being better than nothing at all.

A lecturer at university used my designs for commercial purposes. I was young and taken advantage of as a Uni student.

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Patrons: Pat Corrigan AM, Mrs Janet Homes à Court AC, Professor David Throsby AO. ACN 003 229 285 / ABN 16 003 229 285

My artwork was cropped, altered, and had text overlaid without permission. I brought the editing of my image up with the people in question, but it was too late as the publicity had gone out. I haven't obtained any response and no steps were taken. It had already been done and distributed. Another organisation once wanted to use my artwork on a tote bag and mousepad, which I refused.the organisation was upset with me, but I stood my ground and refused to allow permission for this use of my artwork.

Excessive online redistribution and publication without my permission of several event images. Intentional cropping out of watermarks identifying me as the author of works. Formal letters of demand. They have removed my material. In most cases locating who had infringed was difficult

Drawings I have done have been used for promotion of art courses by a private institution. I was only alerted to it recently by a friend but apparently they had been doing it for a couple of years. I rang the institution and they (told) me the work was in the public domain because it had been photographed and posted online. They removed it from their promotional material.

My original design was modified and screen printed onto multiple garments. I haven't obtained any response and no steps were taken. Too hard basket and didn't believe I would win.

Use by a client of rough designs ("we can't afford to go ahead at this stage") for a finished artwork without my permission. Work completed by a third party. NAVA, Legal aid. A letter to the offending party with demand for financial reparation. I received fair payment for use of my work.

Newspapers using photos without permission, without credit and in wrong context. National institutions selling my images on line without my permission or paying a commission. Contacted newspapers, organisations mostly to no avail. Newspapers never reply. Also sought NAVA's advice and legal advice. Cannot afford to pursue legal action.

A photo posted online was downloaded, had a caption written over it and re-uploaded on someone else's website without permission being asked for or credit being given. I contacted the person immediately, informed them that they were infringing my copyright and asked them to take the image down. I had to translate my communications into Arabic as there was a language gap. They have removed my material.

Designers asked to use an image of mine for a fabric. Purchaser of my art then using the image to make cards from it. Numerous cases of people using my images on websites to promote their own business. In most cases I have contacted the infringer and explained that I hold the copyright to my own work and they are to cease using it. Sometimes that works.

A television morning show filmed their crew clowning around in an immersive installation in an exhibition. They then used this footage to promote their television program over many weeks. They were asked to stop this and compensate me for the use of my work and the subsequent loss to the value of my work by the repeated showing and by the context in which it was aired. It seemed that there (were) both copyright and moral rights issues. Formal correspondence representing my concerns were ignored by the TV station and the solicitor said that there was nothing that I could do without taking them to court at great expense. Even then without any response/communication from the TV station it was hard to know how to move on. So I contacted them again informing them that their failure to respond was a reflection of their character as a broadcast licence holder. They then responded by saying that the use was only incidental to the purpose of the filming and they said that the work was a public sculpture. We outlined the points where their use was an infringement of my rights. Basically that their use of the work was not a news item. The reuse of the film as program promotion was a commercial use, that the public exhibition was not a permanent installation of the work so the exemption for public sculpture did not apply, and that by the actions of the crew clowning around bowing and gesturing in a comic way made the work integral to their use not incidental. Moral rights issues were also argued. Loss also occurred to me as a sale was being (negotiated) and the client contacted me saying that I must be getting a bit for the program promotion. Because the work was made fun of over and over and because of its commercial use the sale did not proceed (my view and not expressed this way by the client). Through Arts Law Centre legal aid was sought, refused appealed and refused again. The Legal aid was refused on the grounds that public interest would not be served by supporting the action. I tried to raise funds elsewhere but it was clear that the TV station could just rub me out financially and I would be worse off even if I won the case. The Copyright Council were involved in advising. The Arts Law Centre were involved in advising. But in the end there are no rights in law for individuals who do not have funds to pursue them. What on earth is the point of stopping the infringement when damage has been done. What is the point of having rights that you cannot pursue. For me even though the promotion was taken off the air the infringement goes on. I was not making a TV prop for a goon show. The work was my creative work with commercial value for exhibition, sale, lease or hire. It was used opportunistically and without regard for my rights. It is not the law that protects rights it is resources.

Reprints that have not been sanctioned by me. Changes to my art work that I have not approved. Theft of my designs for commercial use by major companies. I complained and advised museums holding my work of the infringement so that at least it was recorded somewhere publicly that I have been misused. My name has been taken off some work and ownership of the idea adopted by the manufacturer. In the biggest example the company was too powerful for me to tackle. In another example the owner of the company wanted credit out of vanity for my work. In another example it was the Roman Catholic Church so I chose not to pursue it but asked for my name to be removed because I did not want credit for a design that had been botched by the Church. I have concluded that I always need a contract before

beginning a job. Legal advice is not always correct and it is expensive. Many solicitors do not understand how the art market and artists work.

I naively showed a casual employer my own creative work in order to become more employable; within months of my moving on to other work due to a lack of work on offer, this employer began making same-to-similar work & selling it. It was a conceptual as well as an aesthetic infringement. I felt there was nothing I could do. I fumed. To point out what I believed was an infringement of my copyright, risked ridicule from that still potential employer who was held in high regard in the industry. To talk about it with another employee was all I could do; It was just another grievance in a long list of grievances: underpayment, non compliance of super payment, benefits, etc. I did not have the resources to pursue it. Finance, time, energy: I had to work to earn a living & pursuing this seemed unlikely to yield any positive outcome. What if it all turned out not in my favour? I would feel even more tainted.

People from different parts of the world including Australia have tried to copy my artworks off the internet, even with watermarks! I messaged them a terse message and asked them to remove my artwork images off their website or credit me or I would have copyright legalities put onto them. Most of them obeyed but some ignored, so this has made me very angry. There are no resources let alone support to pursue it to a higher level, this is why we need stronger support for copyright in this country. That way people can't steal my works and devalue them!

A photograph I produced was used in a piece of magazine advertising material to sell a product without my knowledge. My photographs have been used multiple times uncredited to promote products and services via social media which severely hinders my ability to be paid for such work, or to be sought for the professional commercial services that I provide. A business used one of my illustrations as part of their branding without ever having contacted me for permission. Regarding the magazine, I contacted the business and the magazine directly and informed them of the breach of copyright and arranged an appropriate fee to cover the rights of printing my image for their advertising purposes. Regarding social media I send a message or email to request they provide a credit and link back to my name and suggest that if they like my work they should engage me professionally to produce some specialised work for them. In some cases, where work remains uncredited, I then find other lines of communication and in the end threaten them with legal action for breach of copyright. - Daniel Purvis // Photographer, Illustrator and Designer

Images of my designs put up on websites without any credit or linking back as required under the Creative Commons license I use. Contacted the website operators or hosts to make a complaint. Images in the above circumstances being further circulated on Pinterest to generate links back to the original website. Contacted Pinterest to make a complaint. Images of my designs being put on a website in a way that strongly implied the author of the website had created the pieces. Other designers whose work was copied complained to the designer copying our work and she withdrew the items from sale. Finished designs being copied by a younger designer. In some circumstances my complaints made no difference and I

wasn't able to take it further as they were not in Australia. I did what I could and moved on.

Recently a man who had bought a painting of mine used it in his video made for public release He wanted me to give him another painting so I could be credited on the video, which I could not afford to do. I was about to write and ask NAVA what to do. He became quite aggressive when I told him my costs were too high to give away my work. In another case another work was used in the winning Australian house and garden "50 best rooms" then it later appeared on the cover of Scope magazine in WA without acknowledgment. Is that normal practice? My knowledge of copyright law is non-existent so I was unsure of how to go about finding out and pursuing my rights.

images of my artworks were reproduced in various media without my permission and other artists have used/copied obvious aspects of my works without attributing credit. Could not do much without it sounding like sour grapes. When confronting the artists, the reply was that my artwork was a source of inspiration and that I should be proud of influencing others.

My photographs were used on saleable items without my permission. Contacted the people who used the photos - there have been a few. Some people were apologetic and paid but others, mainly record companies, just told me to like it or lump it as they worked by their own rules. I couldn't afford to take them to court. I haven't worked for those companies ever since.

I leased my work to a company and then I saw my paintings as props on Stinger the TV series. It was too late but I eventually collected all of my work which was severely damaged on the edges.

I designed trophies for a national member organisation. I design works in order to profit from manufacturing the objects. After the first year, the organisation commissioned the same design from a trophy maker in another state. They made these for many years and I lost the \$25k profit/year for many years after. I rang the MD of the organisation and told him that this was infringing my copyright and his response was, simply, "Sue us". Implicit in that sentence was that a one man business had no chance of winning against them. I made a complaint to the appropriate govt department at the time and was told that I had a clear case of copyright infringement. However, I was also told that the department had a limited budget for pursuing unconscionable conduct such as this and they could only afford to spend it pursuing large cases. I followed up with my solicitor but just to get it to court at that time would have cost \$38k min. So, the result was that I lost despite the law ostensibly on my side.

A design submitted to a manufacturer (clothing) and then rejected. Four weeks later my design with minor alterations appeared mass produced in their stores. No resources at the time - this was in 1990 - I learnt, became informed and now understand and keep up to date with my rights, and strategies to protect copyright and IP.

I use my copyright ownership to the max - I sell originals of my work, I also create other products such as cards, posters and t shirts from my images, regarding it as a way of making my art affordable to people who enjoy it. I don't make much money out of it, but as long as I continue to own the copyright, even if I don't still own the original, the images that have done the equivalent of winning the lottery, by becoming popular, as opposed to the ones that have fallen into oblivion, can still help to make my art-making sustainable. I know I am not the only person in Australia who relies on the jackpot images (i.e., the successful ones) to support the others, and all the risk-taking that allows me to grow as an artist. Otherwise, how can I take risks? How can I keep spending money on materials and equipment and studio space, not to mention my time? MY investment in IP is huge, and without it, I can't produce anything. Whether or not my personal art-making is considered valuable is irrelevant - we never know who is going to end up being important or create the one thing that defines a nation or a generation. I doubt that it will be me, but if I think that someone is going to take away my ownership of the successful images I have created (and I may not know they are successful until many years after their first outing) I feel as though I have no chance of continuing my artistic journey.