

Copyrighting infringement: is the threat real for Artists?

Many artists have asked me recently about protecting their images from online theft. Downloading photos from websites is as easy as 1-2-3 so... what can you do to protect your work, and more importantly, should you be worried about it?

1. Why is your work online?

Let's start by examining the reasons you have put your work online in the first place. As an artist, having a website means that millions of people and potential collectors are able to see images of your work for free. A digital portfolio can reach potential galleries, collectors, art critics, curators, museums, friends and family. To ensure your site will be seen by as many people as possible, it needs to be easily accessed, should be easy to navigate, with clear images that are large enough to be seen properly on most monitors, yet not too big that they will take too long to download .

Making it easy for everyone to see your work of course makes the images vulnerable to theft. What tools are available to prevent theft and are they effective?

2. Are the tools to protect images effective?

There have been many attempts to prevent theft from websites, from disabling right-click to putting watermarks on images. Unfortunately, most of those have simple work-arounds that any tech-savvy thief will know:

- Flash site: though you cannot download an image from a flash site, anyone can use the print screen function to get an image. Get a flash site because you like the look, not because you are told it will protect your work from copyright infringement
- Disabling right-click: this will annoy anyone who legitimately wants to promote your work (a blog reviewer trying to post an image of your work for example) yet is easily circumvented.
- Watermarks: to be effective, the watermarks would have to be so big that no one (including potential collectors!) would be able to see the image properly. But, a watermark which allows the image to be seen unscathed can easily be removed by anyone with some Photoshop expertise. Watermarks, then, seem to be a doomed proposition.

3. Who are the thieves anyway?

Let's stop for a minute and think about the purposes of our potential thieves. Possibly the most threatening would be someone stealing images for mass printing and distribution. Imagine walking into a Bed and Bath, and seeing your paintings on shower curtains!

Here, your best defense is the web itself: images prepared for the web are usually not suitable for printing, because they are at a low resolution (72 dot-per-inch) and are typically fairly small (on average about 500 pixels or less than seven inches).

A licensing company usually has large pools of artists doing work for them, and basically do not need to steal art that will reproduce poorly on their products, and lower their quality.

4. Can nothing be done?

If you are truly worried about copyright infringement, you can register your images with the government (see the government site at www.copyright.gov). The current cost to register is \$45. You do not need to register to obtain copyright. According to the law:

Your work is under copyright protection the moment it is created and fixed in a tangible form that it is perceptible either directly or with the aid of a machine or device.

You only need to have the copyright registered if you wish to take legal actions against someone:

Copyright exists from the moment the work is created. You will have to register, however, if you wish to bring a lawsuit for infringement of a U.S. work.

Beware that an actual lawsuit against anyone can be quite expensive, and you probably should be comfortable spending up to \$5, 000 and risk not recovering any monies.

In conclusion, though the risks of copyright infringement do exist, artists should probably not spend too much time worrying about their images being stolen for nefarious purposes. Most people who will download your images will do so with or without your permission, and usually will not have any criminal intents (bloggers, galleries, friends, students). For those who do, bringing any legal action against them will be costly, time-consuming, and in the end, may not bring any reparations or compensations.