

Dear Sir / Madam,

I would like to submit the following opinions regarding the copyright act in New Zealand.

I am a full time qualified professional artist having been selling my work for over 15 years. I sell my work in 2 galleries in New Zealand. I sometimes carry out commissioned work privately. I also sell my own limited edition giclee prints from my own website as well as on Facebook and Instagram.

Are the current Copyright law objectives appropriate?

I only know sections of the copyright law which I have found useful for my own work so am not experienced enough to answer this.

Do artists want resale royalty?

Yes, I would love to see this happen in NZ. It would have to rely a lot on trust and that it is communicated to the artist that his / her work is up for resale and it seems very fair that the artist receives a portion of the resale price. I have known a time where a gallery has resold one of my paintings that they had sold a few years earlier thus clipping the ticket on it twice – getting 45% of the original sale price plus another 45% on the higher resale price as my work had gone up in value – and me as the artist who created the piece, who owns the copyright got nothing of the resale. And in fact, has only ever received 55% (gallery having taken 45%) of the original work of art in total no matter how many times it is resold.

The Commissioning rule.

I think the artist should always retain copyright and understand that currently a commission painting has the copyright held by the 'commissioner'. If I wished to do a limited edition print of a commission I would not be able to do so under the current law. Having said that, if the law were to change and the copyright was held by the artist I would still ask permission from the client for a reprint – but the original art work has been created by the artist, not actually by the commissioner so why on earth does the artist to retain copyright?

5. Artworks placed in public spaces are excluded from copyright protection, ie Section 73 of the Copyright Act.

I definitely think art should be protected under copyright law in commercial places and in exhibitions – I actually thought it was but I see I am wrong. How many times have I seen people taking photos of art for who knows what purpose. I know of people who have taken photos of art in a gallery and then printed it out for themselves to save themselves some money by not having to purchase an authentic print from the artist / supplier.

SOCIAL MEDIA AND INTERNET – the above question absolutely opens up the world of the internet and I hope this will be looked into. On no account should art be reproduced from the internet / social media sites without the artists consent and additionally, on a very basic level, whenever art is shown on another site it should at the very least have a link to the artist.

6. Moral Rights.

It would be nice to have the rights of visual artists readily available. Up to now I haven't had any major issues and in the last I would have gone to somewhere like Artist Alliance but they are now no longer but I think artists generally look out for each other and are very helpful so if there were an organisation to turn to I feel confident that other artists would be able to help.

I would be very happy to supply any further information should you require it.

Kind regards

Ingrid

Ingrid Boot
Artist