

Shirley Cresswell Artist

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Submission re New Zealand Copyright Act

As an artist in New Zealand I have experienced other artists directly copying my work. It is extremely distressing and the current act does very little to protect us. In this country to prove a breach of copyright is expensive and difficult. Unfortunately the only way to date with addressing the issue has been to contact the person copying directly which is stressful in itself. The problem with access to the internet and social media these days there is also a lot of artists copying work from established artists overseas. A gallery I am involved with has had to address this issue just in the last month as work presented to the gallery was a direct copy of an Australian artist and also a UK artist. It is more and more common for copyright laws to be ignored and I think this is just unacceptable.

I have a direct interest in the NZ Copyright Act and would like to express my opinion on certain aspects.

1. Copyright law principles. There needs to be clarity and clear outlines expressing what copyright means for art. This needs to respect an artist's rights to protect their work.
2. Resale royalty. In countries around the world they have resale royalties in place. With social media and the internet my work is seen in countries all around the world. As an international artist I feel that resale royalties are necessary and as the value of my art increases that I have the right to benefit from this as the creator.
3. As an artist in New Zealand there is no collective rights organization that assists artists with matters such as copyright breaches etc. It would be great in the future to have representatives that look after artists.
4. Commissions: Currently commission copyright is unfair.

The current law codified in Section 21(3) of the Copyright act is if someone, ie a purchaser, "commissions" and pays artist to produce artwork then the "commissioner" is the copyright owner, which runs contrary to the default that the creator automatically owns the copyright.

I paint many commissions usually using my own photographic references. It is my creativity that creates the painting, my skill to be able to paint and gel a piece together to meet the clients wishes or specific beach walkway. It is also my already established identity as a seascape artist that has brought the client to me for the commissioned work which to me means my style and subject matter is very specific...so surely I should own the copyright. I feel strongly that this law be changed.

Conclusion:

I hope my comments and thoughts contribute in the copyright act review. In particular regard to the resale royalties and commissioning rule that directly affect my work as a fulltime professional artist in New Zealand.

Yours sincerely

Shirley Crasswell