

Ethics in the Design Industry

By Luis Murillo

Intellectual property, Copyright infringement and plagiarism

The standards of professional practice in Design.

- Know what are your rights and how to act.

For most creative industries it is crucial to understand what terms like intellectual property and copyright stands for. On a very basic speedrun of the term, intellectual property is anything or any concept that you have created or conceptualized, is your ownership over your creations.

Now in the design industry there are various applications for this term, owning the rights of your work means that its manufacturing, reproduction and commercialization is legally all of your ownership. This is mostly applicable under illustration artwork, animation, Fonts and things that follow under a similar category, designs like Logos, Ad campaigns or websites do not follow this same terms. While Works like animation and illustrations are totally in ownership of their creator it doesn't mean that they use ad reproduction rights can't be transferred to other entities that you plan to sell your work. In any case one of the most crucial things to understand while working in this industry is to protect your work.

Use Of Copyrights: How to protect your IP

Copyright.gov is a website used by a lot of designers in the field, to protect your work when needed, other ways to get this protection are.

The Library of congress, if you email one or design or artwork pieces that you wanna be sure that you have the copyright protection claim, to the library of congress under your name and address. Doin this would show record of your copyright ownership to any artwork, design or any other type of documentation or media.

Exclusive rights In most "work for hire" all ownership of a product is transferred to the client when the project is completed, most of these cases are when working on logos or ad pieces for a company.

Some of the most impactful cases of copyright claims in the industry

The statue and the picture

- Rogers v. Koons

The legal dispute of this case involves the photographer Art Rogers and the international artist and sculptor Jeff Koons. In this case the dispute was due to Jeff Koons had crafted a sculpture named "string of puppies" which was based on Art Rogers' photograph of a couple holding a group of puppies, which he has copyright and licence for the use of various postcards, greeting cards and merchandise.

In the court cases what was being question wasn't if Koons bluntly stole the use of this photograph but if the use of this photograph as a reference could be use under "Fair Use" Which in the final benedict of the case the appeal for Fair Use was denied, due to the close resemblance of the final work, and the commercialized use of the final work, and have no educational value to be used for.

In my opinion what Jeff Koons did was to attempt to commercialize an already famous and commercialized project, and this is a crucial thing to have in mind. When is ok to use pre existing assets in a project. One could also argue that the reason Koons decided to crate this statue and based it on this particular photo was due to the already established success on the picture, and unknowingly he could have financially damage the original creator by commercializing his artwork and that would have sturd any financial gain from Rogers who was the original creator.

- The Associated Press vs. Fairey

"Hope" posters,

(or change, whatever the mandela effect lets you remember.)

Now this is one of the most famous cases in recent history, both the work implied and the legal ramifications of this court case were one of the most eventful moments both in general culture and the design industry.

To recap the events, artist Shepard Fairey did a portrayal of who was at that Presidential candidate Barack Obama, this pop style portrait was based on a picture taken by one of the photographers of the Associated Press. Fairey was later sued by the AP, for infringement of their copyright ownership of the photo, the claim was that the portrait did not add any substantial addition to the image. Fairey held a counterdemand against the AP stating that the use of the photo as a reference was on fair use and the demand of the AP was infringing on his freedom of speech.

Now the dilemma of this case not only affected the entire design industry but it also had ramifications far beyond it and extended to a big part of society. At the time this poster had become an icon in society and had one of the images most associated with the campaign of president Barack Obama. While the close association with an important political figure and the crucial significance with the political activism at the time, would have given weight to Fairey's fair use claim. While the impact of this case created cant be denied, the results of this case and their ramifications may never known. At the end the case was settled outside court and all of the charges were dropped on both parts

In my opinion I do have to agree with Fairey's claim, the poster was indeed created for political activism, which can be argued are under educational purpose. The demand from the AP would have been infringing on his freedom of speech, and if the cases where to have gone to court, the AP claims where that the use of this poster would have damaged journalism were unsustainable. While Fairey's claim that this would have hampered freedom of speech and negatively impacted the design industry, was a more sustainable claim.

Other important practices to have in mind

The ethics on the use of fonts

Fint are another thing to have in mind when working in the Design industry or any other creative industry, a lot of people will look over on the use of fonts, Most of the executive workers either dont care or don't know the importance of fonts. But also a lot of people working in the design industry will see the use of fonts as granted, without thinking of the possible legal ramifications

Some of the ethics in the use of fonts are

- Make sure you have license to use that font
- Make sure your employer has license to that font
- Contact the font suppliers if you have any validity on the terms of user
- Don't lend fonts

IMAGE STEALING

Nowadays with the rise of the internet, search engines and social media, the misinformation or the plain unmindful behavior of image stealing have risen in the professional field.

This unrightful conduct could not be seen as an issue for many. One must understand taking these pictures without the consent means taking someone's work for free and for granted. Many people keep doing this without understanding that they are not only stealing from the photographer but also stealing from the company who's hold ownership to the image, (and if applicable to subject) also stealing from the models who were contracted for the image.

While most of the times this type of infringement goes unnoticed, there still is a high probability, specially if an individual is working on any type of communications or design field, to receive a cease and desist order.