

Illustrations

- 1 This code deals with rights in a **visual work** (illustrations). The main form of protection for artistic works is copyright and this applies as soon as the work is produced. **Digital artworks** have the same copyright protection as physical, tangible artwork.
- 2 Illustrators are often **commissioned** by clients who need visual works for their services, products, promotion and more. Illustrators generally licence the use of their work to their clients. This does not assign (give up) the copyright in the work, but allows the client the right to reproduce the work in a **clear, defined way** (such as in an advert, book cover, app page) for a defined time period (1 year, 2 years etc) and for a geographical area/territory of use (such as UK, EU or USA)
- 3 Illustrators also create **personal** artwork or their own products, which may be for sale or license. This artwork is also protected by copyright.
- 4 The copyright in an artwork is **separate** from the physical work itself. A physical artwork can be owned, but the owner does not have the right to reproduce it if they do not also own the copyright. Physical property rights and copyright in a work can be in separate hands.
- 5 There is no copyright in an idea or a concept, only in the **expression** of that idea or concept, namely how it is represented in the image. Once the idea exists as an image, that could be copied, and copyright then applies.
- 6 There is no copyright in an illustrator's **'style'**, even when the style is distinctive. Artists work hard to create their own visual voice and so copying another's style can be considered unethical.
- 7 **Copying** a 'substantial' part of an image and including it in a new illustration can be an infringement of the copyright in the first image. The test of being an infringement is of quality not just quantity, such as copying one key aspect from the work. Any recognisable **characters** created by the artist are also protected.
- 8 **Moral rights** are automatic rights that illustrators have in their work and protect their reputation and integrity of work. The moral right of **Paternity**, to receive a credit, has to be asserted in writing.
- 9 Copyright in an illustration **lasts for 70 years** after the death of the artist.

See also: *Copyright Basics, Moral Rights and Exceptions & Fair Dealing*

This document is one of a series of introductions to the rules that apply to most copyright works in the UK and does not purport to offer legal advice. Some special cases apply and in case of doubt appropriate advice should be taken.

© British Copyright Council 2020 • Use permitted without modification and with attribution