Fair Use in the Visual Arts
Code of Best Practices in Fair Use for the Visual Arts

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Available at:
cmsimpact.org/fair-use
collegeart.org/fair-use
Code of Best Practices in Fair Use for the Visual Arts
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CAA Committee on Intellectual Property

Intellectual Property and the Arts

http://www.collegeart.org/ip/
Code of Best Practices
in Fair Use for the Visual Arts

BUILDING ON EXISTING CODES
DEVELOPED FOR VISUAL RESOURCES AND LIBRARIES
Reclaiming Fair Use

How to Put Balance Back in Copyright

Patricia Aufderheide and Peter Jaszi
1/3 of the visual-arts community have avoided or abandoned work because of copyright concerns.
Code of Best Practices in Fair Use for the Visual Arts

HOW MANY HAVE ABANDONED A PROJECT FOR COPYRIGHT REASONS?

1 in 5 Artists
3 in 10 Museum Staff
4 in 10 Academics
WHAT'S THE BIGGEST PROBLEM?

1. Restrictive publishing contracts
2. High licensing fees
3. Difficulty of obtaining clearances
4. None of the above
SELF-CENSORSHIP
WE HAVE A PROBLEM...

Licensing
Hyper-
Compliance

SELF-
CENSORSHIP
Many museums are now being applauded for freely sharing their public domain works with the public.
Code of Best Practices
in Fair Use for the Visual Arts

Reflects:
• Conversations with over 250 Visual Arts Professionals
• Survey of Membership of College Art Association
• Expert Oversight by Project Advisors
• Input from Community Practices Advisory Committee
• Review by Legal Advisory Committee
• Oversight of CAA Fair Use Task Force, Committee on Intellectual Property, Board of Directors
Code of Best Practices in Fair Use for the Visual Arts

- Writing about art
- Teaching about art
- Making art
- Museum uses
- Online Access to Archival and Special Collections
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FAIR USE

Practice Makes Practice
Code of Best Practices
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MORE INFORMATION:

THE CODES AND MUCH MORE

(VIDEOS! PRESENTATIONS! FAQS! WEBINARS!)
cmsimpact.org/fair-use
collegeart.org/fair-use

Further questions? Please contact: nyoffice@collegeart.org
FAIR USE: MEASURING IMPACT

ENDORSEMENTS BY:
- American Library Association
- Art Libraries Society of North America
- Association of Art Museum Curators
- Association of College and Research Libraries
- Association of Research Libraries
- Society of Architectural Historians
- Visual Resources Association

STATEMENTS OF SUPPORT BY:
- American Alliance of Museums
- Association of Art Museum Directors
About 60% of visual arts professionals who use others’ copyrighted work do not always feel compelled to request permission.

80% of those people have relied on fair use to modify their approach.

11% of those people only started using fair use after the Code was created.
FAIR USE: MEASURING IMPACT

The majority of visual arts professionals know about the Code

63% of respondents were familiar with the Code, almost all from multiple sources

32% of those who heard about it have shared the Code, most often with multiple people, including colleagues, students and administrators.
FAIR USE: MEASURING IMPACT

Visual arts professionals are using the Code to change practices.

51% of respondents (1,222 respondents) have already used the Code in their work.

25% of respondents work for an institution that changed its policies.

19% of those institutions did so only after the Code was created.
FAIR USE: MEASURING IMPACT

IMPLEMENTATION BY CAA:
- New CAA Author Agreements
- Questionnaires on analytic writing and making art

IMPLEMENTATION OF CODE’S PRINCIPLES BEYOND CAA:
- Association of Art Museum Directors (AAMD): New Fair Use Guidelines
- Robert Rauschenberg Foundation: New Fair Use Policy
- New Policies at Museums
- Artists Confidently Creating New Work

For more on the Code’s impact please visit: http://www.collegeart.org/news/2016/02/22/caa-celebrates-national-fair-use-week/
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THANK YOU!

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