

### How long does Copyright Protection last?

Copyright for literary, dramatic, musical and artistic works lasts for the creators' life plus 70 years from the end of the year in which he or she died. This period of protection applies throughout the European Economic Area. Other territories may give shorter periods of protection but usually not less than life of the creator plus 50 years. There are some special provisions which apply to older unpublished works. (See Fact Sheet 17).

Sound recordings, films, broadcasts and cable programmes are protected for 50 years from the date of making or the date of release if the release occurs within the first 50 years. Copyright in typographical arrangements of a published edition lasts for 25 years from the end of the year in which the edition was first published.

### Remedies if someone infringes Copyright

If someone infringes copyright by doing any of the so called restricted acts without the consent of the copyright owner (which is usually the creator). The creator may then be entitled first of all to an injunction to prevent further infringement, damages for the infringement that has already occurred, which is usually assessed on the basis of a normal licence fee that would apply or alternatively the creator can ask for an account of profits arising from the use of the work. Depending upon the flagrancy of the infringement a

Court can award additional damages. The creator is also entitled to delivery up of any infringing items that may remain, and may opt to destroy them.

### What to do if An Infringement is discovered

If, as a creator, you discover that someone has been using your work without your consent, you should inform them that you are the copyright owner – this is called putting someone 'on notice'. You should then ask for an immediate undertaking that they cease the infringing activity and seek their proposal as to the payment of damages. If you do not get a satisfactory response within a very short time, then you will probably need to take legal proceedings. In all cases you should take specialist legal advice.

*The content of this fact sheet is of benefit interest only and is not an exhaustive explanation of copyright protection and remedies for infringement. This fact sheet is not intended to apply to specific circumstances. The contents of this factsheet should not therefore be regarded as constituting legal or other advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific and specialist advice. Design and Artists Copyright Society (DACS) www.dacs.org.uk http://www.dacs.org.uk*



# Portsmouth & Hampshire Art Society NEWSLETTER

May 2010

President: Barry Green

www.portshantsart.org.uk

Chairman: Rita Judd



### Chairman's Introduction

Before we know it the Summer Exhibition will be upon us. I hope you have all been busy painting during the long cold winter. Spring is here now and the gardens are starting to come alive and hopefully summer is around the corner. So if you have not started painting yet get started so that we can have another glorious Exhibition like the one last year.

Considering the recession we sold more paintings last year than the year before, so we must be doing something right. From the feedback we received it was considered one of our best. Well done all of you.

You will find the EXHIBITION forms inside this issue. PLEASE READ THEM CAREFULLY BEFORE FILLING THEM IN.

It is important that you offer to invigilate if you can. We are a voluntary society and it is not fair to leave a few to do all the work. Your input is always appreciated. Thank you.

Invigilators need to talk to people and try to sell the programmes and hand out the voting slips, always leaving one person on the desk. Also please fill in and sign the day sheet each day. This saves work after invigilators have left.

There will be a change in the voting system this year. The voting slips and box will be on the sales desk. This will ensure one vote per person.

Good Luck this year. Let's all help to make it another successful Exhibition.

Rita Judd – Chairman

### STOP PRESS

Summer Exhibition: Outline page 5, Regulations page 6. Be sure to read the details of this year's Summer Exhibition especially the dates when you need to send your forms in. There are four application forms enclosed for

1. Main Entry
2. Portfolio Entry
3. Payment Form
4. Invigilation Form

### Portsmouth & Hampshire Art Society Calendar 2010

**Time:** All monthly meetings are on Tuesday from 7pm to 9pm.

**Venue:** Marie Rose School, Gisors Rd. off Locksway Road, Milton, PO4 8GT.

**25th May** *Jake Winkle. Watercolour, Venice scene.* Jake has a unique style using Dark to Light producing a very atmospheric painting.

**29th June** *Competition.* It is a fun evening with quizzes with prizes. There is a prize for 1st 2nd & 3rd. The subject is "Thing's I love".

**Sat 31st July to Fri 13th August**

*Annual Exhibition at St. Thomas' Cathedral – More details inside this Newsletter.*

**28th September** *John Welsh, Oils.* Horses painted in the traditional style. Inspired by Turner but, in his large canvasses, John displays a more expressionistic approach. His equestrian art focuses on the elegance and power of these animals.

**26th October** *Social, mini exhibition.* Prize for best exhibit and the prize giving for Summer Exhibition. This is a ticket only event so buy your ticket early.

Ring Rita Judd to reserve your place. Or buy ticket at Thursday class.

**30th November** *To be arranged.*

**December** *No meeting.*

**Note:** Due to circumstances beyond our control sometimes artists cannot attend, we try our utmost to find a substitute.

## Pershore Print Ltd

*Special offer to Portsmouth & Hampshire Art Society Members*

### Greetings Cards

(7" x 5" or 5 7/10" x 5 7/10")

25 – £25

50 – £45

100 – £75

*Material: 260gsm Trucard – VAT & Freight charged extra*

### Fine Art Prints

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### Member's Profile – Sylvia Mundy

Drawing and painting have always interested me and it always helps when family encourage you and appreciate your efforts. They have from an early age to a present.

At Grammar school, there was nearly always one of my paintings on display in the corridor. Drawing was a significant part of my Zoological and Botanical studies and I took particular pleasure in making scientific diagrams of apparatus.

In 1959 I had my first try with oil paints bought for me by my husband. I managed to attend evening classes at Oak Park School for one year (1972/1973) but could not continue due to family and commitments.

When I retired in 1993, gifts from my husband, son and daughter and a small legacy enabled me to study Botanical Illustration with Pauline Dean at the Royal Horticultural Society, Wisley. The variety of form and detail therein I find fascinating but concern for my eyesight terminated this endeavour.

Seeking a broader view, in 1977 I enrolled with South Down's College for a part-time painting and drawing course. The tutor was Alan Worthy-Turner to whom I am indebted for teaching me so many drawing and watercolour techniques, many different styles and about so many artists. I clearly remember one class on Ben Nicholson's work which inspired me to move away from representational work. Thought processes which go through my mind in looking for shapes, simplifying and putting my perspective on subject matter give me enormous satisfaction and pleasure. This modus operandi has led to commissions.

In response to positive encouragement from my husband, I joined the Portsmouth and Hampshire Art Society in 1999 and exhibited for the first time in 2000. A year later I was invited to join the Emsworth Artists Association, with whom I regularly exhibit.

In June 2001, Channel 4 made a series of "Watercolour Challenge" programmes in Provence



### What do you know about copyright?

If you are like me, Copyright seems complicated and perhaps wouldn't affect the amateur artist, but you may wish to consider how to help to protect the income of artists and be on the right side of the law. Well, from what I have read, there are several aspects we all need to consider, three in particular:

- (i) Am I infringing another person's Copyright if I copy their photo or artwork? Answer: Yes almost definitely; always seek their permission especially if you intend selling your copy!
- (ii) If someone has copied my original art work; what can I do about it?  
Answer: This is called a 'Copyright Infringement', when even a small recognisable part of your work is copied without your permission. Seek legal advice from an organisation like DACS (see below). Putting your name, year of creation and a © sign on the art will help you with your case.
- (iii) When you sell an artwork you don't sell the Copyright, which remains your property unless you sell the Copyright ownership. The buyer can't reproduce your artwork without your permission (you decide on its value).

Please note that this article is my take on Copyright and shouldn't be regarded a legal advice, but don't take my word for it, seek advice. I am pleased to have obtained permission to reproduce in this issue, one of the many Factsheets from the Design and Artists Copyright Society (DACS), an organisation which helps artists with reward and recognition for their work. Their website [www.dacs.org.uk](http://www.dacs.org.uk) <http://www.dacs.org.uk> is full of help and Factsheets explaining copyright. I urge you to have a read, for those of you who are offline, I recommend you visit your local Portsmouth and Hampshire library and use their free facilities, you have no excuse not to know!

Peter Coote

#### Copyright Protection and Remedies for Infringement

Copyright protection is regulated in the United Kingdom by the Copyright, Designs and Patents Act 1988, which came into force on 1 August 1989. It has since been extended and amended by various regulations including the Duration of Copyright and Rights in Performances Regulations which took effect from 1 January 1996 and the Copyright and Related Rights Regulations 1996 which came into force on 1 December 1996.

#### What is protected by Copyright?

Copyright does not protect ideas. It is commonly said that it protects the expression or form that ideas take. The works that are protected by copyright are:

- Literary, dramatic, musical or artistic works. Artistic works include graphic works, photographs (see Fact Sheet 14), engravings (see Fact Sheet 13), sculptures (see Fact Sheet 8), collages (see Fact Sheet 15),

works of architecture including buildings or models for buildings (see Fact Sheet 10) and works of artistic craftsmanship, (see Fact Sheet 11)

- Sound recordings, films, broadcasts or cable programmes and
- Typographical arrangements of published editions.

When a work contains a combination of elements – for example a multimedia art work, multiple copyrights can exist in the work to protect its separate elements.

#### What is Copyright?

Copyright is a bundle of rights which allows the owner of the copyright in a work to prevent any other person from doing various things with the work without his or her consent. This includes copying the work (which would include any form of copying such as printing, or including it in a film or making a copy of a drawing), performing the work, broadcasting or transmitting by cable a copy of the work and issuing such copies to the public or distributing copies.

Issuing copies to the public includes anything done by electronic transmission. So the right applies to posting works on the internet. In relation to artistic works copying includes making a copy in three dimensions of a two-dimensional work and vice versa.

There are certain exceptions and exemptions to copyright protection to allow fair use and fair dealing with works. (See Fact Sheets 3 and 20).

#### How does Copyright come into existence?

Copyright protection is afforded to copyright works the moment that the works are fixed in any material form. In the United Kingdom and most other territories works do not have to be registered to be afforded copyright protection or to prove ownership. However, if you put the symbol © with your name and the year of creation somewhere on the work you will make people aware of your claim to copyright ownership, although of itself, it is not proof. It is, however, sometimes useful to be able to prove a time at which the work was in existence and in what form. Many creators of copyright works therefore send themselves a copy of the work by recorded delivery post and then keep the envelope with the date stamp unbroken. If there is any question that subsequently arises as to the time of creation of the work, this envelope can be opened in the presence of a solicitor or an appropriate official.

#### Who Owns Copyright?

Generally speaking it is the author of the work (i.e. the creator) that first owns the copyright existing in it. One exception to this is if the creator of the work is an employee and the work is created in the course of employment, where the first owner of the copyright in the work will be the employer. In some circumstances a commissioner of a work might own the copyright. This depends upon the terms of the commission contract, so it is important to read these carefully. Copyright can be assigned (in writing signed by or on behalf of the copyright owner) and it can be licensed to third parties.

## REGULATIONS for the Exhibition of Pictures and other works of Art

### *Portsmouth & Hampshire Art Society Summer Exhibition*

#### *St Thomas's Cathedral Old Portsmouth 1st to 13th August 2010*

1. All work will be examined and rejected if deemed unsuitable (subject to poor framing, overall quality or offensive content).
2. All works submitted will be hung in the order listed on the entry form at the discretion of the Committee and there being sufficient space available.
3. All sculpture, pottery and craft must be understood to be Art.
4. A maximum of **six works** for Full members, **four works** for Associate members and a maximum of **five additional works** for the portfolio. **One** framed and **two** portfolio works for Junior members. If portfolio works are sold, no replacement copies are to be added to the Exhibition.
5. All submissions to be the **original** work of the exhibitor — no copies of other works of art.
6. Works exhibited by the Society at previous Summer Exhibitions are **not** eligible **nor are copies** of previously submitted work. However works previously exhibited framed may be entered unframed as portfolio exhibits, and previous portfolio works may be submitted framed — only once in each case.
7. All works to be hung in the exhibition must be suitably framed. No clip frames permitted. Screw eyes, or D rings, to be fixed to all frames and strung with picture cord or wire. Stretched (unframed) canvas works will be acceptable subject to hanging space available.
8. All framed works to be labelled on the back with details corresponding to those on the entry form. Labelling on sculpture to be suitably out of sight when the work is on public view. Labels for Portfolio work to be on the **front top right** hand corner. See separate Rules for Portfolio.
9. Unduly small works of art are inadvisable for security reasons. Works of a size exceeding 24" x 36" will be subject to an extra charge of £1 per exhibit.
10. Only Artists Originals will be exhibited on the screens or walls of the cathedral. Portfolio entries can be originals or prints and all portfolio entries must be clearly labelled to indicate their method of production e.g. linocut, etching, giclée, etc.
11. **Minimum price of each work including frame to be £40.** See Separate Rules for Portfolio.
12. A commission of 25% will be charged on works sold: 15% to go to the Society, 10% to the Cathedral. BUT if a credit card is used: 15% commission will go to the Cathedral and 10% to the Society.
13. The Submission Forms, together with the appropriate Fees listed on the Payment Form must be forwarded to the Hon.Treasurer before **13th July**. (No charge for Junior Members exhibits). Cheques to be made payable to **Portsmouth & Hampshire Art Society**. Write Society name in full.
14. All works must be delivered to St Thomas's Cathedral, Old Portsmouth, at the exhibitor's expense between the hours of **2pm - 4pm on Thursday 29th July**. No work will be accepted after this.
15. Under no circumstances can exhibitors remove works from the Exhibition after selection. Work will be displayed **until 12 noon on Friday 13th August**.
16. On the last day of the Exhibition, **Friday 13th August** works must be **removed between 3 – 4pm**. Artists collecting work must wait to be escorted. Works not collected by **4pm** will be removed from the Cathedral and a **storage fee** of £2 per day per exhibit will be levied.
17. The Council cannot and do not accept responsibility for any injury or loss which may occur whilst works submitted are in transit or in the charge of the Council or an agent. **Artists are responsible for insuring their work against theft or damage.**

NO WORK CAN BE RECEIVED EXCEPT ON THE UNDERSTANDING THAT  
THESE CONDITIONS ARE FULLY ACCEPTED BY THE EXHIBITOR,  
AND THAT ALL WORKS ARE SENT TO & TAKEN FROM PORTSMOUTH CATHEDRAL  
ENTIRELY FREE FROM ANY EXPENSE TO THE SOCIETY.



for Watercolour Challenge Club Members. My daughter had given me membership as a Christmas present. So, I was delighted to be asked to take part, but it coincided with my husband's eightieth Birthday celebrations; I declined. Imagine my excitement when a further phone call asked me to go just for the first day's recording! It was a great experience. The programme went out on Channel 4, on 3rd September 2001.

In 2004 I started to attend the PHAS art classes and have received encouraging and informative comments from all the tutors. I moved into acrylics and abstract painting and continue to explore different techniques. Extracting from reality and painting flowers probably give me the most pleasure. But I don't think I will ever stop experimenting – variety is the spice of life.

*Sylvia Mundy*

### *Membership News*

Hello everyone, time flies, it only seems a short while ago I was asking you to send in your subs for this year, that time has come and gone and by now you should of all received your new membership cards for 2010 - 2011 if you have not please let me know. Fortunately the weather now seems to have improved so I hope you are all getting out and about working hard towards this years summer exhibition, I look forward to seeing you there.

Since the last newsletter we have had twelve new members they are Linda Turner, Jenny Mapp, Gale

McGarry, Murray Bowden, Heather Jay, Bridgette D'Arcy, Demelza D'Arcy, Sharon Silver, Goli Saeidi, Dave Shepperd, Rosemary Devonald and Jane Denham a BIG warm welcome to all of you.

Just to let you know the society now has 208 members so as you can see we are in quite a healthy condition. Just time to say I look forward to seeing you in the summer at the exhibition, all the very best.

*Nigel*

### *Newsletter News*

Well since the February Newsletter, the AGM has clarified the future of the PHAS newsletters; the membership fee increase will help to pay for two Newsletters a year.

There are many factors affecting costs, Colour, Quality, Size and Postage.

Colour & Quality – we can't do our artwork justice without a quality colour picture; we could save costs by reducing the number of colour pages, printing other pages with written content in black.

Size & Postage – An A4 newsletter constitutes a Large Letter in Royal Mail terms with subsequently higher postage costly than a normal 1st class stamp. In terms of printing, an A5 newsletter means twice as many pages although it's the same weight.

No doubt we'll be experimenting with options moving forward. If you are impressed with the quality of this newsletter and need to reproduce your own work, then why not contact Pershore Print Ltd who will be delighted to help.

*Peter Coote*



### Artists Profile: Rosie Blake

A great deal of my childhood was spent growing up in East Africa and as an adult have visited other countries in Africa. As far back as I can remember I enjoyed being creative with whatever was easily available be it weaving grasses, plating palms, stones, shells, drawing, needlework or painting, there was always something being created!

My African childhood memories continues to have the most influence on my art whether it's the colours or subject from the sultry earthy combinations, the cool neutral colours or the strong hot vibrant colours – the vegetation, climate, smells, earth and skies, the heat of the days or cool of the nights or the wonderful roaming animals. Africa gets into your bones, your very being and never leaves!

Another influence to compact on my artistic life was an art teacher at school. A woman approaching retirement, of few words with a terrifyingly daunting presence, she rarely smiled but on the very rare occasion she did, I feared her thickly well made up face would shatter like a china doll hitting the floor! She



appeared to stare through you as she explained in slow deliberate mono tone either that you should start again or how your effort could be taken to another level! She was a brilliant teacher, respected and whose lessons we mostly seemed to enjoy!

I enjoy painting in silence in my studio with songs from the birds outside as company! The silence allows me the luxury of total immersion to recall scale, texture, mood, light and colour. I mostly paint with acrylics and a pallet knife often mixing my colours directly on the canvass. I enjoy the challenges and

choices acrylic paints present. Each stroke building to create and form the final outcome of a passionate magical journey, which I try to interpret onto the canvas. The palette knife helps to give me the textures I want to create.

Some of my paintings have been described as ... atmospheric ... unique ... almost minimalistic ... intriguing. I hope through my paintings others may let the freedom of their imagination run so as to enjoy and capture their own magical journey from scenes or visions from their travels around the world.

I have been most fortunate that my paintings have graced walls of those who live in country homes to city apartments. I continue to exhibit paintings in various venues and galleries but am always seeking new venues. Further exhibition and examples of my work can be seen on my website: [www.rosieblake.co.uk](http://www.rosieblake.co.uk)

*Rosie Blake*

### Summer Exhibition

You will see that the forms for the summer exhibition have been included with this newsletter. Last year was a very special year being our centenary but we hope this year we will meet everything we achieved last year and maybe a little bit more!

The format is the same as for previous years but there are a few reminders and points to mention. If you are exhibiting, invigilating sessions must be performed, and this year we will be asking invigilators to mingle more with the visitors and be more proactive. Once you have been allocated invigilating sessions it must be your responsibility to find a replacement if you find you are unable to attend. An emergency number will be available for you to contact if you need to cancel on the day. If you are not exhibiting, but are able to invigilate during the exhibition, we will be very pleased to receive a form from you too!

No tea or coffee making facilities will be available



for invigilators this year so please bring your own or use the coffee shop across the road. Car parking tickets will be available for invigilators to purchase for 80p each.

We are also offering the opportunity for individual artists to paint in the cathedral during the exhibition for either a half or full day session (one person demonstrating at a time). Please be aware that you will be painting in a public place and so must be prepared and happy to talk to visitors whilst you work. If you are interested in doing this, and it should be fun, then please contact me directly so that we can work out a rota.

Leaflets, car stickers, forms and Private View invites will be available at future PHAS meetings, on the website or please see a committee member. If you are able to put up some posters or know anyone that would want to attend the Private View then please take a leaflet or ask for a Private View Invite.

There is an extraordinary amount of work that goes on behind the scenes to organise the exhibition each year and whilst we try to get it right all of the time sometimes things do slip through the net. Work has already begun in earnest and, if you are able to help for the set up or close down periods or for the Private View itself we will be very happy to hear from you.

And just a reminder that you can only submit entries for the exhibition if you are a fully paid up member!  
*Sue Colyer*