

# FAIR USE AND THE GRAPHIC ARTISTS GUILD

## Fair Use Rules

The art of collage is mainly the act of partially using another person's work and incorporating it into a new, original piece of art. Because of this, collages often use copyrighted materials. This means that parts of collages could potentially include material that is legally protected. If this is the case, it would be considered copyright infringement, making it illegal. However, it is possible that the way in which you use copyrighted material could fall under what is called "fair use." While there is no specific legal rule for the art form of collages, there are four criteria to follow to make sure your collage is considered fair use:

1. **What is the purpose and character of the collage?** If the collage piece you are creating can be considered "transformative", (i.e., creates new meanings or visuals) it will fall under fair use. Your collage would not be considered transformative if you use the copyrighted material in the same way it was used in the original. In addition, you must consider whether your collage is being created for commercial purposes. Will you use it for consumer products like printing the image on T-shirts to sell, or just selling the art piece by itself? If you plan to use the collage to make commercial consumer products, it will not be considered fair use. This is the most important criterion in determining whether your collage would be considered as fair use.
2. **What is the nature of the original work?** If the copyrighted material you are wanting to use was originally created for artistic purposes, like a painting or photograph, it will most likely not be considered fair use. However, if the material was for factual or informational purposes, like a newspaper clipping, it will most likely fall under fair use.
3. **How much of the original work are you using?** If you are using copyrighted material in its entirety, it will probably not fall under fair use. In addition, if you make the copyrighted material the main centerpiece of your collage, putting a border around someone else's painting for instance, it would be considered copyright infringement.
4. **Does your collage affect the potential market for the original work?** If your collage falls into the same market as the original work, it will not be considered fair use. For example, if you use a newspaper photo in your art piece, the original work (the photo) and the new art piece (your collage) would fall into two separate markets and would therefore fall under fair use. Most collages will be considered fair use under this criterion.

While all four of these criteria are essential, it is most important to consider whether the new work is transformative. The more transformative your use of the original work in your collage, the more likely it will be considered fair use.

## The Graphic Artists Guild

The Graphic Artists Guild was founded in 1967 in order to protect the rights and works of graphic artists. These artists include graphic and interactive designers, illustrators and animators, and web programmers and developers. The Guild seeks to provide its members with tools to succeed in the field such as advocacy, advice, the *Graphic Artists Guild's Handbook: Pricing & Ethical Guidelines* and other resources, and social and educational events. The Guild was originally created to serve as a labor union for graphic artists working in the automobile industry in Detroit, but in 2014 voted to change from a union to a trade association. The mission of the Guild is to “promote and protect the social, economic, and professional interests of its members.” The Guild is broken up into five regions — East, Midwest, New England, South, and West — and is headquartered in New York City.

*Kattwinkel, L. J. (2004, January 24). Fair Use or Infringement? The Graphic Artist Guild. <https://graphicartistsguild.org/fair-use-or-infringement/#:~:text=in%20your%20portfolio,-Q,-I%20designed%20a>*

*About the Guild. (n.d.). The Graphic Artists Guild. <https://graphicartistsguild.org/about/>*

*FAQs. (n.d.). The Graphic Artists Guild. <https://graphicartistsguild.org/faqs/>*