

K-STATE

Research and Extension

For Staff and Judges

Use of COPYRIGHTED/TRADEMARKED Material In 4-H Visual Arts Fair Exhibits and Activities *



Goal: The goal of this guidance is to inform youth and adults about the preservation of intellectual property as an important youth development skill related to citizenship.

What does copyright mean?

A copyright and/or a trademark are legal methods used by artists, photographers, writers, and others to protect their original and creative works. Protected items may range from professional photography and books to music, sport logo insignias, corporate and brand name logos to art designs. It is important to remember the idea itself cannot receive a copyright. The expression of an idea is what is copyrighted. For example, one cannot copyright "bears", but specific bears like Winnie-the-Pooh and Smoky Bear cannot be copied without permission.

As a youth development program, 4-H has the responsibility to prepare materials that help program participants learn about proper use of copyright and trademark regulations.

Copyright means complete or portions of materials cannot be reproduced without permission and proper crediting of the source. It is not possible to address all situations that may occur; however, the following information will provide some background for making decisions and determining appropriate actions.

Proper crediting of source includes name of book, magazine, newspaper, etc., author/artist/publisher/website (whichever is most logical), date of publication, page number. If 4-H youth lack some of the documentation when exhibiting, judges should use the situation as a teachable moment, remembering this is meant to be a learning experience, not a policing experience.

Digital Sourcing

Guidelines for social media citation format from the Modern Language Association (MLA).

Source	MLA
Tweet	Last name, First name (Twitter username). "Write the entire tweet here." Date, time posted. Tweet.

Facebook post	Last name, First name. "Title of the Post." Facebook. Date posted. [Date accessed. <post the link here>]
YouTube video	Last name, First name (or YouTube username). "Title of the Video." Online video. YouTube, date of posting. Web. Date accessed
Google+ post	Last name, First name. "Title of the Post." Google+. Date posted. [Date accessed <post the link here>]

It is the responsibility of individual 4-H youth to be aware of copyright/trademark regulations when developing 4-H exhibits and communication activities for public display at county and state fairs. **4-H youth are encouraged to create their own original work and illustrations so they can avoid using copyrighted and/or trademarked material.**

The symbol © indicates the owner of the material holds a copyright. For instance, this symbol frequently is seen on professional photographs. However, the copyright symbol is not legally required in order to copyright something, so assume that anything published is copyrighted. Digital images may include a watermark branding the image as property of the owner. Rights to trademarks (or brand names) are protected by either of the following symbols: trademark ™, service mark SM, or registered ®. Digital images may include a wordmark branding the image as property of the owner. **We assume that anything shared on the internet is considered published and copyrighted, unless it is designated for free use.**

There is no simple answer to all questions that may surface about copyright, especially related to digital text and images. Remember if you are using a portion of the information as a reference in a written piece (copied newspaper clippings, a website, a verse for a cross-stitch, or content for an exhibit booklet), especially related to digital text and images, and you credit the source properly, you are following the necessary copyright guidelines and able to display your project publicly. If you are using the source (photograph, painting, digital image) to create a similar design, you must ask permission before you try to duplicate the original, and you would not call it an original design.

For educational purposes, "fair use", the legal term (not to be confused with a fair exhibit) is a provision of the current copyright law that allows reproduction of limited portions of a copyright work. This can occur in the school classroom as assigned by an instructor for the purpose of learning a special technique or style. The same could be applicable for learning experiences by 4-H youth enrolled in 4-H projects such as the visual art project when planning for an exhibit in the technique class. However, resulting items or articles cannot be entered as fair exhibits

and put on public display – unless permission has been requested AND GRANTED. When entered at fairs, the permission letter must accompany the exhibit during judging or evaluation. **A label “Permission to use copyrighted material has been granted” must be posted on displayed exhibits at 2021 State fair. (Effective June 2021)**

Frequently Asked Questions

1. **Can 4-H youth use/copy the 4-H emblem in exhibits?** YES. Click <https://www.kansas4-h.org/resources/policy-guide/Kansas%204-H%20Policy%20Handbook%20March21.pdf> to find Kansas 4-H Policy.

As a member of the organization, they are encouraged to use the 4-H emblem. The 4-H emblem means a four leaf clover, with an "H" on each leaf. **Without the H's, it is simply a clover and not the 4-H emblem and can be used in any way.** One may use the 4-H emblem by adhering to the following guidelines:

- No printing or design can cover or be super-imposed over the emblem.
- Traditional color for the clover is green with the H's in white or gold. However, any colors can be used.
- The stem curves to the right.
- **ITEMS INCLUDING THE 4-H EMBLEM CAN NOT BE SOLD FOR PERSONAL PROFIT**

When using the 4-H emblem, include “**18 U.S.C.707**” to the right of the stem as shown on the emblem on the first page of this piece. Exceptions may occur when the 4-H emblem is part of a piece of art or is smaller than ¾” thus the wording would distract from the piece or be too small to be read. For the exceptions, a label with the protection statement should be placed on the back of the item or in the write-up for the exhibit with the following:

The 4-H Emblem is protected under Title 18 U.S.C. 707.

2. **Can the 4-H youth ever use a design inspiration (IDEA) from a magazine picture, painting, sculpture, website, app, etc. to create a 4-H visual arts exhibit?** YES.

Pinterest or other electronic sources can still be used to help find ideas. The source must be properly cited. The exhibit must not be an exact replica of the source and should show goal setting, educational content, and growth in the project area.

https://www.extension.iastate.edu/4h/files/page/files/Pinterest%20to%20Original%20Source%20in%203%20Easy%20Steps_1.pdf - Iowa State Pinterest to Original Source in 3 Easy Steps

For clarification, examples of both needing to get permission versus not needing follow. A 4-H youth creating a hair dryer melting crayon art entry after they saw an example on a website such as Pinterest, would not require copyright permission because they used a similar technique, but the work was original. A 4-H youth creating a cornhole game board and painting them yellow and green including the John Deere logo would need copyright permission because of the logo usage.

3. **Can cartoon/anime characters be used on posters, drawings, paintings, etc.?** One cannot recreate the character unless they have permission from the owner of the copyright.

Because of copyright laws, 4-H will not publicly display recreated characters/unless the exhibitor has received permission to display publicly, from the owner of the copyright. Popular cartoon/anime character images are copyrighted designs. However, one may cut out a character from a purchased item and use that image of the character in their exhibit. Displaying a purchased image is permitted because the author of that image has licensed the copyrighted image to be sold to the public for display. (For example, the Powercat logo used on Kansas State University t-shirts.)

4. Why is it okay to take a photo of a copyrighted item? In most photographs the 4-H youth is taking a picture (an exact likeness of the item). They are not trying to duplicate the item. If they were manipulating the photo to distort or change the image, then permission would be needed because they are changing the original logo or trademark. (Effective June 2021)

5. Is digitally generated art copyright safe to be entered in original art class? Maybe. Is it truly original? You can do some incredible digital artwork. There are many different software programs and web-based to assist you in this creation.

6. Can items in the public domain be used without permission of the Copyright owner? Maybe. But what falls in the public domain? Here are some rules of thumb to help determine if the material is in the public domain.

- Be sure to check the latest publication date on copyrighted materials. It is generally permissible to use materials 95 years or older without requesting permission, however the source must be documented. It is also permissible to use information from print material that is considered in "public domain". Many old photos taken by professional photographers were not copyrighted as they are today, thus can be copied for use (it may be especially important to copy when needing to protect fragile originals).
- As of 2019, copyright has expired for all works published in the United States before 1924. In other words, if the work was published in the U.S. before January 1, 1924, you are free to use it in the U.S. without permission. These rules and dates apply regardless of whether the work was created by an individual author, a group of authors, or an employee (a work made for hire).
- Because of legislation passed in 1998, no new works fell into the public domain between 1998 and 2018 due to expiration. In 2019, works published in 1923 expired. In 2020, works published in 1924 will expire, and so on. For works published after 1977, if the work was written by a single author, the copyright will not expire until 70 years after the author's death. If a work was written by several authors and published after 1977, it will not expire until 70 years after the last surviving author dies.

7. Can any item done in an art class be used as a 4-H exhibit?

Not all projects completed within a classroom setting are copyright safe for public display in the fair setting. Sometimes a teacher will allow the use of copyrighted subject material if:

- it is an assignment focusing on a technique (i.e. learning to mix and match colors found in images or art),

- learning about an artist or artistic style (i.e. copying a master's painting to learn their style), or
- if it is more for personal use (i.e. drawing assignment in a sketchbook).

These types of projects are very appropriate for the classroom but are not meant for public display. That doesn't mean that some teachers might not do so. Some teachers are not as aware of the copyright law. There is a difference in the number of people that may see a work displayed in an art room (100 maybe tops) compared to fairs (1000's) so the issue may not have been brought to the teacher's attention.

8. Can 4-H youth use fabrics, decals, stickers, etc. they have purchased with copyrighted designs in 4-H exhibits? YES

The supplier has received permission (and often paid for the right) to use the design in the specific item as sold. This does not constitute a copyright violation when the 4-H youth uses it. However, if **the design is copied by the 4-H youth** and used in another media or for a different purpose this would infringe on the copyright.

9. Can a copy of sheet music be used in an exhibit that is on display? YES.

This is permissible if the *original version was purchased by the 4-H youth* and if the music is being used in a visual arts project.

10. Can digital or print articles, directions, or pictures be copied? MAYBE

It is permissible to copy, from digital or print media, articles, directions and accompanying pictures on how to do a process or procedure, for personal use. The source of the information must be documented. When using a quote or citing a specific segment of printed information it is important to credit the source just as you would in writing assignments, themes, term papers, etc. One should not reproduce (copy) pictures from digital or print media and claim it as **original artwork**. A picture, as part of an article that is being referenced in a report or illustration of directions, could be copied because it is a point of information, not the source of a design. Use of copied pictures on posters are allowed if the copyright restrictions of the source permit that use. It is permissible to use portions of a book, poem, etc. that you have purchased for a visual arts exhibit.

11. If a 4-H youth purchases a kit, can it be exhibited in regular visual art classes? NO.

A purchased kit does not represent creative project development by 4-H youth, which is one objective of the visual art project. (Some counties/districts do have kit classes that are appropriate for beginner junior level exhibits at the county level but are not state fair eligible.) In a kit, someone else created the design and identified or selected the materials to complete the finished product (which may be helpful when a young person is learning a new skill). 4-H youth are advised to consider the project goal they want to accomplish and the evaluation criteria that applies to the respective class in which the item is exhibited. Some kits may be appropriate in project areas other than visual arts.

12. Can I exhibit a pre-made ceramic piece that is used as a canvas for a visual arts exhibit? Yes. In this case, the art piece would not be entered in Clay and Ceramics as a class. Instead, the art piece would be submitted to another fair class as another medium of art would

be judged depending on the youth's goal that they submit to the judge (please refer to the judging score card for more detail).

13. Can I exhibit a visual art piece that I duplicated at a guided 4-H group learning activity about techniques or different mediums of visual arts? NO.

Youth are encouraged to participate in guided 4-H group learning experiences about technique and different mediums of visual arts. Youth project work should use such learning experiences as a launching point to explore and refine their own creative works.

Instruction on obtaining permission to use copyright materials

Often we get "ideas" by observation of other's works of art, crafts, recipes, etc. (See FAQ 2b.) As a digital citizen, it is very important to give credit to those individuals or companies who have created materials, resources, logos, trademarks, photographs, digital media, etc. that you may want to incorporate into a 4-H exhibit for a county fair. In many cases requesting permission can do this.

The next page provides a sample "permission to display publicly" letter, which you should modify to meet your particular request. This permission is needed when an item made by you is going to be on public display. **Getting permission to use someone's work often takes a long time. Act today.**

Your letters will most likely be sent in an electronic form, but if physical letters are done, please make sure to send two copies of your letter to the person or company from whom you are requesting permission. They will most likely keep one copy and return the other to you. You should also send a self-addressed, pre-stamped, envelope to aid in their convenience to respond to you. **Remember they do not have to grant you permission, but if you explain fully how you plan to use their work in a 4-H exhibit, they are more likely to grant permission.**

It is important to remember that giving credit to someone else is very important in any area of your work. In written papers, it may be through the use of footnotes; with exhibit items, credit and permission are included in the accompanying documentation. As you put your ideas together, be sure to keep a list of where you get your ideas. If it is a book, magazine, or other printed material, include the name of the publication, the issue, volume, year, and page number from which it was taken. If it is from a digital source, proper copyright sourcing should be done. This type of documentation supports your efforts to give credit to the original individual or source and practice good citizenship in 4-H.

Remember, when in doubt, ask permission.

Additional Resources

Pexels.com License Guide – www. Pexels.com - <https://www.pexels.com/license> - This is a bank of photos and videos that can be downloaded and used for free.

Creative Commons.org – Terms of Use - <https://creativecommons.org/> Sharing site that give every person and organization in the world a free, simple, and standardized way to grant copyright permissions for creative and academic works; ensure proper attribution; and allow others to copy, distribute, and make use of those works.

**This has been adapted from Iowa State University Extension and Outreach Resources*

Sample letter for copyright/trademark use

Your Address
City State Zip
Date

To Copyright Holder
Address
City State Zip

REQUEST FOR PERMISSION

Dear Copyright Holder:

I am a 4-H member in _____ County, Kansas. 4-H is a non-formal youth education program connected with Kansas State University Research and Extension. I am learning about _____ (*drawing, sculpting, welding, quilting, etc.*) in my 4-H activities.

I would like permission to use _____ (*your logo, trademark, copyrighted ad, painting, etc.*) in my _____ (*watercolor, pencil sketch, pottery, quilt, woodworking, etc.*) item.

Material to be used: (*your logo, trademark, copyrighted ad, painting, etc.*)

Taken from: (*sports item, tractor, packaging container, magazine, or book—including publisher, date, page, etc.*)

My finished item may be exhibited at the _____ County Fair and Kansas State Fair in the 4-H (*visual arts, etc*) show. This item will not be sold or reproduced for profit.

Please sign both copies of this form as provided below and return one to me in the self-addressed, stamped, envelope enclosed. If you have any additional conditions of use, please include these at the bottom of this form.

If you are not the holder of these rights, please advise me of the name and address of the correct party I should contact.

Sincerely,

4-H youths Name typed below signature

Enclosure: Self Addressed Stamped Envelope, copy of form

_____ Permission is granted as stated above. _____ Permission is not granted.

Printed Name

Title

Company

Signed

Date

The credit line should read:

Copyright Information Resources

Citing social media sources

<https://www.editage.com/insights/getting-the-references-right-citing-social-media-sources>

Fair Use and Public Domain

<https://fairuse.stanford.edu/overview/public-domain/welcome/#:~:text=The%20term%20%E2%80%9Cpublic%20domain%E2%80%9D%20refers,one%20can%20ever%20own%20it.>

The Copyright Website

<http://www.benedict.com/>

The United States Copyright Office

<https://www.copyright.gov/>

United States Patent and Trademark Office

<http://www.uspto.gov/>

University of Texas Crash Course in Copyright

<https://guides.lib.utexas.edu/copyright>

Stanford University Libraries: Copyright and Fair Use

<http://fairuse.stanford.edu/>

The Copyright Society of the USA

<https://www.csusa.org/page/Definitions>

Web Law FAQ

<http://www.patents.com/weblaw.sht>

Copyright Management Center: Indiana University/Purdue University

<https://ctl.iupui.edu/Resources/Instructional-Technology/Copyright-and-Fair-Use>

Arts Law

<http://artslaw.org>

The Copyright Act of 1976, as amended, is codified at 17 U.S.C. Sec. 101 et seq.
<https://www.law.cornell.edu/uscode/text/17/101>