

OrigamiUSA Copyright FAQ

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The usual disclaimer

- *This document describes*
 - *(1) our general understanding of copyright law as it applies to origami, and*
 - *(2) the policy of Origami USA in light of that understanding.*
- *This document is not intended to constitute legal advice and should not be construed as legal advice. Please consult with your own attorney regarding your own unique legal situation or requirements.*

Where did this come from?

- We contracted an experienced lawyer with 25 years experience in copyright and intellectual property to prepare an opinion
- Nevertheless, there is very little case law on origami (so many things are not definite -- these are one lawyer's opinions)

General Principles

- Here is our understanding of the law and OrigamiUSA's policy in light of our understanding of copyright law:
- 1. Neither the images nor the folding sequences for *traditional* models — generally those over 100 years old — are protected by copyright
 - specific diagrams for traditional models, such as those redrawn for recent publication, are protected.
- 2. Original origami compositions composed within this century *are* generally protected by copyright,
 - whether or not they are marked, and whether or not they were purchased or obtained for free, unless copyright is specifically waived.

General Principles (cont'd)

- 3. When you legally obtain instructions for a copyrighted origami figure, for example, by buying a book of instructions, along with that book you have the right to fold as many copies of that figure as you wish for your own enjoyment and/or for private display. However, you have not obtained the right to fold, teach, or display it commercially, unless that right is specifically granted in the instructions.
 - There is some dispute/question about this...
- 4. Folded origami figures are works of art and are protected by copyright. Specific origami *techniques*, however, are, in general, not protected by copyright but are potentially protectable by other means (e.g., patents).

Q&A (general principles)

1.

- *May I fold someone else's model?*
- For personal use, almost always yes.
- For commercial usage or publication, you must ask permission unless author has granted broader permissions (e.g., Creative Commons, blanket authorization)

2.

- *May I diagram someone else's model that I learned informally?*
- It depends what you mean by “learned informally.” See answer to the next question (no. 3).

3.

- *I have a new method of folding someone else's creation – do I have the right to diagram it?*
- Yes, if you developed your method of folding independently (no access).
- Keep in mind, however, that if you have diagrammed someone else's model, the final diagram shows what is essentially their finished work. That work, and any derivative representations of that work, is still protected by copyright. That is, you need the same permission as outlined in the answer to question 11 below.

4.

- *May I photocopy someone else's origami diagrams?*
U.S. copyright law permits limited copying for research and personal use. Such copying is governed by four "Fair Use" principles (See Title 17, Section 107 - <http://www.copyright.gov/title17/92chap1.html#107>). Generally, making multiple copies, copying an entire work, or redistributing copies are not permissible.
- OrigamiUSA permits photography of works in our reference library for this reason.

5.

- *May I re-draw someone else's diagrams and use them as my own?*

If your redrawing is based on an original copyrighted diagram and is substantially similar to the original, then no.

- (your drawing is an infringing work)
- Therefore, you should obtain the permission of the copyright owner of the diagram before redrawing it.

6.

- *May I teach someone else's model?*
- Generally yes informally “among friends” (see Fair Use...)
- Generally yes if you are teaching a class under the auspices of a nonprofit educational organization and all copies of the diagrams, instructions, and/or model utilized in your class have been obtained lawfully by you.
- Generally not for hire without permission.

7.

- *May I make a video tape of a person teaching someone else's model, and sell the tape?*

Not unless you obtain the permission of the creator of the model.

8.

- *May I display on my web site or in other public forums a picture of an origami figure I copied from the creator's web site?*

Not without the permission of the creator.

9.

- *May I display in origami shows and other public forums an origami figure I purchased from the owner of the copyright to such figure?*

Yes. You are entitled under the copyright laws to display in public a “sculptural work” you have lawfully acquired.

10.

- *May I display in origami shows and other public forums an origami figure I folded using instructions or diagrams provided by the owner of such instructions who is also the owner of the copyright to the figure itself?*

Normally, yes, as there is implied consent by the owner of the instruction or diagrams for the person doing the folding to own the resulting figure. If the owner has specifically reserved public display rights to himself or herself in a lawful contract or license to the folding person, then the display right is not accorded to the person doing the folding.

11.

- *May I use an origami figure I folded using instructions or diagrams provided by the owner of such instructions in a commercial setting, for example, in an advertisement?*
Not without explicit permission from the owner of the instructions for this usage.

12.

- *May I display in origami shows and other public forums an origami figure I folded using instructions or diagrams which I developed myself (or were developed independently by someone other than the owner of the copyright to the origami figure)?*

Only with the permission of the owner of the copyright to the origami figure. The copyright to the figure is separate from the copyright to the folding instructions or diagrams. Since you have not purchased the instructions or diagrams from the owner of the copyright to the figure, you have not obtained an implied right to ownership of your copy of the figure and the display rights that accompany such ownership.

13.

- *I have independently developed folding instructions or diagrams for making a model, the copyright to which is owned by a third party. In developing such instructions or diagrams, I did not utilize the folding instructions or diagrams of the owner of the model, did not take apart the model, and my instructions or diagrams are not substantially similar to the instructions or diagrams owned and published by the owner of the model. Can I publish, sell, and distribute my instructions?*

Yes, but see answer to number 11; you still need the permission of the owner to the copyright of the final figure.

14.

- *I learned a model via oral teaching and want to teach it to a friend. Do I need to attribute the creator when I teach it?*
Yes: it is, in OrigamiUSA's opinion, always proper and ethical to attribute the creator of a model, and in many countries where copyright laws include Rights of Attribution, it is your legal obligation as well.

15.

- *Can I distribute diagrams if I'm teaching a class (with or without pay)?*

You need explicit permission from the creator and diagrammer.

16.

- *I developed a folding technique (“hex pleating”, or “a way of folding feathers”). Can I copyright it?*
- Probably not. If it is primarily useful, you would have to patent it to protect it.
- And if you’ve already disclosed it publicly, you can’t get patent protection overseas (and, after 1 year, can’t in US)

Moving Forward...

What if I find an infringement?

- Two principles (sometimes opposing):
 - “Protect it or lose protection”
 - Don’t immediately assume malice (infringers are often well-meaning, but not aware of copyright issues)
- A polite note (“I saw...were you aware...?”) is always a good way to start
 - Many people are willing to be compliant once they know what the issues are

What Should I ask for?

- Different artists ask for different things:
 - Nothing?
 - Attribution/acknowledgement?
 - Percentage?
 - What you ask for may depend on the usage.

What if we can't reach agreement?

- Decide if it's worth pursuing
 - Lawyers are expensive
 - If copyright was not registered, you can only ask for actual damages (diminishment of your economic potential)
 - If registered, statutory damages (\$\$) may be requested

How can I get permission?

- Ask...but how to contact?
- Ask for contact information on origami-L, ousa-members, OrigamiUSA
- Check Origami Artists and Creators website (www.digitalorigami.com/oac)
- OrigamiUSA & OAC are discussing “contact clearinghouse”, but need volunteers to work on