

2nd Conference on Copyright in Origami (2CoCIO)

**Location: Kaufmann Auditorium - American Museum
of Natural History**

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Notes

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Overview of US Copyright law by Jon Rochlis

Relevant Law: copyright act of 1976, US code 17

How to think about copyright issues: is work copyrightable? Exceptions,...

Property Rights: limitation with use. Exclusive rights of authors: allows no trespassing, right to ask others to not use

Intellectual Property: protects where the product comes from, not logo

Why are there copyrights? Science/authors/writings -> copyright (limited time)

What can be copyrighted, Original works of authorship fixed in tangible medium of expression.

Pictorial, graphic and sculptural works: technical drawings, diagrams

Sculptural work: useful article

Utility can NOT be protected b copyright, trademark.

What happens with an Origami that has a function? Origami box has a function to hold objects.

What good is a copyright? Exclusive rights of authors

Is teaching an origami model a "performance" of a work? Maybe...

US has limited version of Moral Rights.

License: promise not to sue with use of copyright use

Implied License: origami book implies the right of folding of the model following the diagram

Limitation on authors 'rights – fair use: very difficult to use.

Parody (not satire) = fair use

Limitation on author's rights 1st Sale Doctrine

Cost of copyright registration: copyright.gov \$35

How does copyright apply to Copyright by Robert Lang

See presentation document . . .

Most of the material is available on OUSA Copyright FAQ

Case: Korean Copyright violation by OrigamiHouse

Presented by Márcio Noguchi on behalf of Makoto Yamaguchi and Eiko Matsuura.

See presentation document . . .

If you don't make your product free, piracy will do it for you by Nicolas Terry

Proposal: Earn money even if the product is free

Why free could become a new economic system (to earn money)?

We are living an old economic system: if I want something, I have to pay something

New view: if I want anything, I just have to take it. If I want news, I get free. If I want to find any information, I get for free (in the Internet). The trend is that information, news, services, will become free...

Ideas for solutions in a free product economic system?

1. Classic advertising marketing product
2. Watch a movie, and get a diagram for free
3. Use Flickr: 90% users are free, but 10% are paid.
4. Give something for free, and hope that with that they be attracted to buy something else

Use piracy as a great marketing tool (instead of fighting it). For example, Vietnam is well known for its piracy. On the other side, they now have great creators.

Aspect of piracy: Teenagers have huge quantities of copies of diagram (in the same way that they do have several thousands hours of downloaded music). The implication of removing their piracy copies means to them, removing their "life"

We have to think that fighting piracy could result in negative results. Need to think using piracy to good use.

If you want to sell for money, need to find something that can not be copied. Some ideas:

- Immediate need: for example, if you want to see the movie now, you have to pay it. Pirate copies usually becomes available at a later time
- Customization: users are generally ready to pay for customized (personalized) items.
- Authenticity: usually, authentic DVD's are much higher quality, and it has extra materials (like Director's cut, interviews). Products by the original creator have higher value than copies because they are authentic.
- Accessibility: make diagrams easily accessible, but with links to shops
- High quality products: customers wants original books which are high quality
- Ready to pay to find something of value

For example PassionOrigami.com is free with 4,000 origami pictures by 600 authors, news (organized by most recent news and best news). It has 1,4 million visitors. About 20% goes direct to the shop, mostly looking to download free e-books. Then, a small percentage buys something. There are items that can not be downloaded: papers and high quality books.

NHK Case by Koichi Tateishi

See presentation document . . .

Online materials

Interpretation of artistic value: drawing line between simple/complex, paid/non-paid.

Exception of copyright laws for educational purposes.

David Petty, JOAS and NOA combined effort.

The use of artwork in advertisement by Joseph Wu

Illustrator work: use of Origami, instead of traditional computer illustration or other media. The assumption is that the artist owns the rights of the artwork. For the basis of the illustrator to make the living, attribution should be given.

Non exclusive rights can be given for some types of media (dealt on case by base basis).

In the British law, different from the American copyright law, the Moral Rights is recognized.

Usage rights limitations: in terms of geography (specific countries, or globally); duration (1 year, 5 years, forever), media type (in movies, print, etc), and unlimited use (anywhere they want, anytime, for as long as they want). The artwork becomes property of the company. The sale of the artwork is separate from the selling of the rights.

Interesting question: how much you have to change the art to become your property? How does it apply into Origami? Assumption: Origami is another form of art, so should be treated as so, like a painting, sculpture. So, the finished model in itself should be copyright, as an expression of creativity.

There is a gray area of how much it needs to be changed before it becomes your artwork. Copying the style is more difficult to identify, as the original creator becomes busier. It is possible for an artist to use work works from others, with permission and proper payment.

Infringements experienced:

- 1) Indonesian work submitted to an advertisement contest outside of their geography
- 2) A picture was downloaded from a website, modified, and used for their magazine advertisement.

Items to keep in mind:

- Know who to go after (the agency)
- Know how much to charge
- Hire a lawyer

The Cindy Ng and Bellagio Cases by June Sakamoto

2007 Good news: discovered origami being presented at a conference. The bad news was that they were Mr. Yamaguchi's models which were used without his knowledge, and obviously without permission. The initial approach was to contact the infringer directly. It was advised that permission was necessary for the use of the high heels by Mr. Yamaguchi. When compensation was mentioned, the infringer became defensive and involved a lawyer. It was agreed to that the models would be removed from the website, and stop its use (Summer 2007). However, there was no financial compensation.

At Bellagio hotel it was found out that Mr. Yamaguchi's models were used in their campaign. With the power of attorney from Mr. Yamaguchi June Sakamoto started conversations indicating that permission is required. The lawyer asked proof of the publication, and what kind of compensation was asked. After some research, a value was mentioned, to which the layer agreed to pay immediately without further questions.

Girlgami book by Cindy Ng. After consulting a lawyer, claim for copyright violation was filed as it was a repeated infringement. After \$10,000 and 4 months, Mr. Yamaguchi run out of funds, at which point an organization called California Lawyers for Artists was suggested. It provided 30 min of free consultation. A lawyer who was a former ballet dancer offered excellent advice, and the case is still in progress.

OAC by David Brill

See presentation document . . .

David as an artist had created and shared Origami freely. However, the dividing factor is when money is involved.

Origin of OAC:

- Bloomforever.com profiting by selling bouquets using Kawasaki Roses without permission.
- The increase of books available for download without permission.

A small group of authors and creators got together to join efforts and see if as a group they could do something. So, OAC was created.

Case: Origami iPhone App by Won Park

An iPhone App called Money Origami contained Pictures of models by various artists like Charlie Esseltine, Kawahata's Yoda, and several of Won's model (Koi, Fighter). No permission was requested. Several of the MoneyFolders_United group sent a message to the producer ask the observation of the rights of the creators. At the end, the web app was removed, but no compensation was received. Won Park could also not receive any financial compensation on behalf for all the others artists.

On a different instance, a person was selling the \$Koi on eBay for \$6. As a matter of principle, asked to be removed.

The opposing viewpoint by Joseph Wu

Where this attitude comes from? In Origami, people want to learn? There is understanding in many organizations. Some of that is based on the history of creation of several Origami organizations: to foster the sharing of Origami. It is a social activity. It turns from sharing for a mandatory requirement. Creators are selfish if they do not share... People are "entitled" to receive diagrams: "I want it, give it to me!"

Instant gratification of the current society: "I want it now." Waiting for something good is not common now.

Reason/justification of sharing (copying) Origami materials

- I don't care
- Yes, I agree, BUT...
- Misunderstanding of what Internet access mean in terms of content and right. I paid for my Internet access, so if I found anything using it, it is mine.
- Fair use. I have my own copy, I put on Internet.
- Music practice: form of trying before buying
- It happens anytime
- It is impossible to fight anyway, so why bother trying
- It is on the Web, so it should be OK
- Information should be free anyway, price should not be put on information
- I live in countries where it is difficult to buy books (specially in 3rd world countries)
- Why don't sell digital form?
- You should be pleased that people like your work, I am creating a fan club and doing you a favor
- If it is available, I will pay, but if not, I will pirate it

Questions from those who want to do origami as business, but who are not creators:

- I don't know how to get hold of the creator
- What about language barriers?
- I tried to contact, and but they don't answer
- It is easier to ask for forgiveness than permission
- If I change my design, how much do I have to change it so that it will be my design
- I am putting my own interpretation to this work
- What if I sell the stand and give away the model for free

For people who are teaching. What about if I am selling my time?

Copyright Future; closing remarks by Jan Polish

See presentation document . . .

Copyright was originally created to encourage creativity.

Sharing is voluntary. It should be the creator's right to share or not. It is case by case. Permission was granted from certain authors like Tomoko Fuse, Makoto Yamaguchi, etc., to teach their models at OUSA. On the other hand, Master Yoshizawa did prefer some specific qualified teachers only.

Origami directory plan.

Digital Origami plan.

Q&A session

Question (by Marc Kirschenbaum): It would be interesting to see how bulk registration of photograph's (Full statutory protection) could be relevant to Origami registration.

Answer (by Jon): Details of registration available on copyright.gov.

Comment: iTunes is based on dependency on of a specialized device (iPod) that restricts the use. It would be interesting to work on an idea of Secure PDF, Digital signature to be used as deterrence.

Answer (by Anne Lavin): Digital Origami is considering an idea of watermark with details of the buyer like saying name of the owner, etc.

Question (by Robert): What was the sale values of Cindy Ng's book?

Answer (by June Sakamoto): Not known yet know (no response received by Cindy yet)

Question (by Robert): Models are available online for sales. Are you doing anything to deter?

Answer (by David Brill): We should, but it is not happening as actively as we wanted due to the large numbers of cases, and limited resources. If you are aware of infringements, please report to OAC. Despite of the challenges, OAC had been somewhat successful by distribution of tasks.

Question: Etsy and eBay sometimes sells works that might be infringing copyright.

Answer: Etsy/eBay respects the DCMA Millennium act, so mails of complaints sent to them generally results in good response. This is a place we can make the difference, and it also helps increase the level of awareness.

Comment (by Richard): With the promotion of movies like Between The Fold, we need to be better prepared to expand Origami, and perhaps ready to share more traditional models.

Comment: Need to think about the new Internet mindset (suggested by Nicolas).

Need to make it clear that instead of the money going to the publisher, it should go to the creators.

Question (by Doug Caine): Are there distinction between step by step photographs and diagrams?

Answer: As long as there is creativity demonstrated, both should not matter.

Comment/Observation: Spending time and efforts to stop high-schools kids is not a good use of time. Instead, we should focus on the "big fish", and go to the deep pockets like Bellagio. Also, keep in mind that wherever possible, that the registration is highly recommended.

Comment/Observation: The idea of giving something for free is a good practice. Perhaps should use Piracy as a part of the marketing strategy: This is the latest David Brill work, or include statement like “don’t send out...”

Question (by Doris): Artists are in business, so we need to think Origami as business. Is the purpose of OUSA a business or the spread the idea of idea and share? Need to think who we are?

Answer: OUSA understand both aspects. OUSA should like to share models and disseminate the art, but at the same respect the rights of the creators. Without the creators, there would be no Origami art to be disseminated...

Comment (by Jose Thomas Buitrago): A publisher from Spain collected several models from origami.com and printed a book without any credits to the creators.

Question: Who has the rights of books of expired copyright holders?

Answer: After expiration, it becomes part of public book (think of Shakespeare)