

Understanding Copyright, Derivatives and Design Credit in Quilting

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MODERN QUILT GUILD

www.themodernquiltguild.com

Understanding Copyright, Derivatives and Design Credit in Quilting

Posted on July 30, 2016 by themodernquiltguild

Based on member feedback, this post is currently under review and will be revised in the next few days. We still feel this is an important issue to discuss, and we invite you to post your questions and comments below. While we may not be able to get to every comment, we invite open dialogue and will respond to comments as we are able to.

Update: We were hoping to have a response within a week of the post, but we are facing vacation or business travel schedules from external consultants, volunteers and staff. We will post the updated blog post the week of August 22nd and apologize for the delay.

Inspired by?

Ever heard the phrase “inspiration is everywhere?” If you’re looking at all, it is. We are bombarded with inspiration: on Instagram, in quilt shows, and all over the Internet. Modern art and graphic design are ripe with inspiration for modern quilts. Steven Bradley wrote an informative post, [The Line Between Inspired By and Copied From and How to Stay On Its Right Side](http://vanseodesign.com/web-design/inspired-by-copied-from/) (<http://vanseodesign.com/web-design/inspired-by-copied-from/>). This line can be blurry and, in some cases as Bradley points out, it can be a good thing to be on either side. When it comes to entering a quilt in a quilt show like QuiltCon, it is important to understand the difference between an original design and a derivative of someone else’s work. Both are welcome entrants in quilt shows, but with derivative work, the maker has additional responsibility to credit the source of inspiration, acknowledge the work as a derivative and obtain permission to exhibit the quilt. All quilt shows have their own requirements, but at QuiltCon, derivative quilts should only be entered with appropriate credit, permission from the original artist and for exhibit only.

All About Derivatives

“Derivative.” It sounds complicated, and you may have heard it in a negative context before. But what does it mean when it comes to quilting? First, let’s define the word. According to the Oxford dictionary, a derivative is “(typically of an artist or work of art) imitative of the work of another person; originating from, based on, or influenced by.” In the quilt world, this means that if you make a quilt using someone else’s pattern, artwork, photography, or quilt design, it’s a derivative.

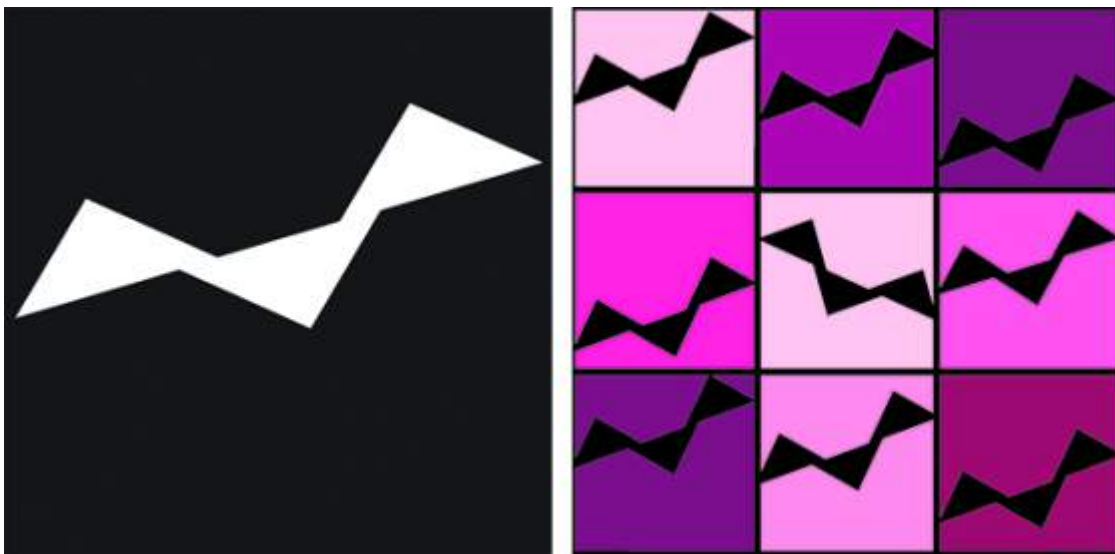
How can I tell if my quilt is a derivative?

The hard and fast rule is this: If someone can recognize who or what influenced your work, then it's a derivative. The easiest way to determine this is to ask around: Ask your family, friends and members of your guild. Ask quilters and non-quilters. If it was based on something, show people the original work and ask if they can see the influence in your work. Our best advice: use common sense.

Derivative: Using or altering a pattern

If you use a pattern for your quilt, that's great! It's a great way to grow your skills, make awesome quilts and do what you love. However, when entering your quilt in a show, you should acknowledge the design source (the pattern and the designer) and get permission to enter your quilt. You may have purchased a pattern and put your own spin on it, but if the original quilter's work is still recognizable in your version, it's a derivative. Because of the nature of patterns, a quilt created from a pattern — even if it's different — is still a derivative.

In this example by Jacquie Gering, the quilt on the right is a derivative of the Fly quilt on the left, and credit would need to be given to Jacquie and permission would be needed to enter this quilt in a show.



The quilt below is also inspired by the Fly quilt below, but it is not derivative. The designer of this quilt took the concept of overlapping triangles and developed that concept into an original design. While you may not need permission from the designer to enter this quilt, it's always courteous to ask — and designers love to see original work inspired by their own and to be credited for the inspiration.



Original: Inspired by artwork

Derivatives aren't always based on other quilts — sometimes inspiration comes from the art or design world, but the rules are the same. You may, however, be inspired by artwork and still create an original piece that embodies your own voice and style. This quilt by Shannon Page is a great example. She created an original quilt inspired by a 1940s placard. In this case, she would not need to ask permission from the placard artist, because it is not a derivative — it's merely inspired by the art.



Shannon used a "This is a V-Home" placard

(https://www.cyberdriveillinois.com/departments/archives/teaching_packages/illinois_at_war/doc18) (left) as inspiration for a quilt (right). The placard was created by the federal government's Office of Civilian Defense, and is part of the public domain according to U.S. copyright law (https://en.wikipedia.org/wiki/Copyright_status_of_work_by_the_U.S._government).

Derivative: Quilt reproduction of artwork

Reproducing a piece of art in a quilt does not make it original. Sometimes quilters mistakenly believe that a reproduction of art is an original design because they did the work to figure out the math, draft blocks, make templates, choose different colors or write a pattern to translate art into a quilt.



Left: Anni Albers Black White Yellow, 1926/1964, silk and rayon, 80 × 47 in. (203 × 119 cm). Image used with permission © V&A Images, London / Art Resource, NY Permission for quilt from Artist Rights Society.* | Right: A quilt derivative of Anni Albers' weaving by Jaime David.

Jaime David made this beautiful quilt based on a weaving by Anni Albers. As you can see, Jaime obviously did loads of work to translate this weaving into a quilt, but she will be the first to tell you that this quilt is not her original design. It was a personal learning exercise to learn from the genius that was Anni Albers. What she learned about color, shape and design from this quilt has helped her find her own voice as a quilter. If she wanted to enter this quilt into QuiltCon she would need to enter for exhibit only, credit Anni Albers and secure permission to exhibit the quilt.

Derivative or original: Taking a workshop

Techniques are not copyrightable, but patterns and designs that you may learn in a workshop are. If you take a workshop with a well-known designer and learn their technique, often the product that comes out is a derivative work. This is especially true of pattern-based workshops. If you're entering a quilt for show that uses someone else's technique, your goal is to infuse your own style and voice so much into the quilt that it isn't recognizable as someone else's technique. Create and submit a work that is truly your design.

Who decides if it is derivative?

Only a court of law can decide if a work is derivative. Lawyers, legal teams, other quilters, even a show jury can disagree on if a quilt is a derivative. As we said earlier, it's a fine line and many times a blurry one. A good rule of thumb is the original designer/artist is the one who decides. If you can't ask the original artist or designer, step away from your work and ask others, but only you know if and how much you were influenced by the work of others.

When to get permission

If you are using a derivative quilt at home privately, you do not need to get permission — though whenever you use someone else's work it is polite and best practice to ask for permission. However, if you plan to display the quilt publicly or enter it into a show, you should obtain permission to exhibit.

How to get permission

This part is usually easy — and fun! Send an email to the designer and show them a photo of the work you've made. Explain that you were inspired by their work and ask politely if you can enter it into a show or display it publicly. Be clear that you plan to give credit in your description. Chances are the

artist will be happy to give permission and flattered by the work you've done. However, if they decline, you need to respect their wishes.

If you enter a quilt for QuiltCon, you may disagree with the QuiltCon jury on whether or not your quilt is derivative. The best person to decide this is the copyright owner. Ask! Sometimes the copyright owner will say it is not derivative. We will also honor the artist's/designer's wishes.

What if I can't get permission?

"I saw the design on Pinterest and don't know who made it!" Unfortunately credit isn't always given on the Internet, and it can be hard to find the original artist. But if you want to enter a quilt based on another design, you need to do due diligence. One way to do this is using Google image search. Upload your image to images.google.com (<http://images.google.com>), and Google will find image results that are similar. Click through as many as it takes to find the original artist.

"I was inspired by the work of an artist, but he/she is dead!" If the work is not in the public domain (<http://copyrightuser.org/topics/public-domain/>), you may consider contacting their estate for permission. See the section below about our process of contacting an estate for this blog post.

What is public domain?

"Public domain" refers to any creative materials that are not protected by copyright, trademark or patent laws. These are owned by the public and can be used by anyone without permission. **For quilters, the most common designs in the public domain are traditional quilt blocks.** These designs have been around for dozens (if not hundreds) of years, and the rule in many countries is that the work falls into public domain 70 years after the last creator's death. Once a work enters public domain, it cannot be copyrighted again.

If you create a quilt using traditional quilt as an inspiration or starting point, you do not need to obtain permission. See Amy Garro's post [Copyright & Quilting](http://www.13spools.com/2014/12/can-copyright-quilt.html) (<http://www.13spools.com/2014/12/can-copyright-quilt.html>) for a more in-depth discussion of copyright and public domain. (Note: Copyright laws change from country to country, so it's best to research laws where you live for more information.)

Submitting a derivative work to a quilt show

Quilt show juries for international or national shows almost always prefer to exhibit original work, and since derivatives are not original, they aren't as desirable in large shows (local shows are more open to derivative work). However, if you feel strongly about submitting a derivative quilt, follow these steps:

- **Request permission.** Ask the original artist if you can enter your quilt into the show. Show them a photo of the finished quilt, and get their permission in writing (email is okay). Often times, they'll be

pleased you want to enter a quilt based on their work! However, if they don't give permission, don't submit the quilt.

- **Be transparent.** Be clear in your submission that the work is derivative. Also share with the jury or quilt show committee that you obtained permission from the original maker, designer, or artist.
- **Give full credit.** In the quilt description, you must give credit to the designer who influenced your work. It's not only fair, but simple common courtesy.

Additional Reading

- [How do you define derivative artwork? By SAQA \(http://www.saqa.com/resources.php?ID=2244\)](http://www.saqa.com/resources.php?ID=2244)
- [Copyright & Quilting by Amy Garro \(http://www.13spools.com/2014/12/can-copyright-quilt.html\)](http://www.13spools.com/2014/12/can-copyright-quilt.html)
- [An Explanation of Design Permissions by America Quilter's Society \(http://www.americanquilter.com/shows_contests/design_permission.php\)](http://www.americanquilter.com/shows_contests/design_permission.php)
- [How Copyright Affects the Quilter by Canadian Quilters' Association \(https://www.canadianquilter.com/pdf/Copyright.pdf\)](https://www.canadianquilter.com/pdf/Copyright.pdf)

How do I find my own voice and style?

Great question! Many quilters work on this for years and build up their style over time. Yours will become clear as you make more quilts, learn what skills and styles you gravitate toward, and recognize what you love most about the process and your designs. Here are some ideas to help you on your journey:

- **Stop consuming. Start creating.** It's easy to get overwhelmed by the endless quilts on Instagram, Pinterest and Facebook. Step away from the screen from time to time and simply sew. Make what you want to make — not what the Internet tells you to. Do the work.
- **Take time to play.** The more you experiment with techniques and styles, the easier it is to find your niche. Increase the time you spend sewing without a pattern.
- **Do what you love.** One technique or design may inspire you more than others. Use that as your starting point and see where it takes you.
- **Watch [Latifah Saafir's webinar, "Being True to Your Inner Quilt Artist."](https://community.themodernquiltguild.com/content/being-true-your-inner-quilt-artist-latifah-saafir)** (<https://community.themodernquiltguild.com/content/being-true-your-inner-quilt-artist-latifah-saafir>) It's a great resource for any quilter, no matter where you are in your journey.



<https://community.themodernquiltguild.com/content/being-true-your-inner-quilt-artist-latifah-saafir>

Interested in how we obtained permission to publish the image of Anni Albers' weaving above? Read about it below. Sometimes obtaining permission is as simple as sending a few emails. Sometimes it can be more complicated.

1. We contacted [The Art Resource, Inc.](http://www.artres.com/) (<http://www.artres.com/>), to express interest in using the image of Anni Albers' weaving as an example.
2. We were asked to explain the scope of publication, including authors, publish date, distribution, etc.
3. We paid a fee to the Art Resource, Inc., for the one-time, non-exclusive world English language rights for the use of the one image in the article.
4. We were asked to obtain additional copyright permission from the [Artists Rights Society](http://www.arsny.com/) (<http://www.arsny.com/>) (ARS).
5. The representative at ARS contacted the Albers Foundation on our behalf to request permission to use the image in the blog post.
6. We submitted a draft of the blog post in PDF form for the Albers Foundation to approve and went through a few rounds of changes.
7. We paid a fee to the Albers Foundation for one-time use of the image.

8. The whole process from first contact to final approval took about 60 days. But it pays to do the work!

** Reproduction, including downloading of Anni Albers' works is prohibited by copyright laws and international conventions without the express written permission of Artists Rights Society (ARS), New York.*

This entry was posted in [Design](#), [Quilt Show](#), [QuiltCon](#) and tagged [derivatives](#), [quilt derivatives](#). Bookmark the [permalink](#).

122 thoughts on “Understanding Copyright, Derivatives and Design Credit in Quilting”

modernmarks

August 2, 2016 at 11:01 am • Reply

Hello, Thank you so much for the excellent post. Gre

Paula

August 2, 2016 at 11:33 am • Reply

I'm so glad I didn't renew my membership.

themodernquiltguild

August 3, 2016 at 9:55 am • Reply

Hi Paula,

We want to be sure our members get value from their memberships, so while we are sad you didn't renew, we do understand and respect your decision.

In the quilting world, the issue of derivatives is not just limited to the MQG. Here are some articles (linked above in the blog post) from other shows or quilting membership organizations that address the issues of derivatives:

- How do you define derivative artwork? By SAQA
- An Explanation of Design Permissions by America Quilter's Society
- How Copyright Affects the Quilter by Canadian Quilters' Association

Heather Grant

Director of Marketing & Programming

Margarete

August 2, 2016 at 3:07 pm • Reply

What a detailed and informative article. Thank you so much.

Krista - Poppyprint

August 2, 2016 at 3:46 pm • Reply

Thanks for this post. This is such a difficult area for many quilters. Have QuiltCon rules changed since 2015? My Blackbird Fly quilt was made using Denyse Schmidt's Proverbial Quilt pattern templates, which I credited. However, my quilt won a first place prize for Use of Negative Space at QuiltCon 2015. Based on this post, my quilt is a derivative. Am I understanding correctly that it

wouldn't currently be eligible for judging/awards? I fear that pretty much any improv quilt now could be considered a derivative of work by Gwen Marston, or any Gees Bend maker, or Nancy Crow. Is this not going to severely limit the quilts eligible for awards at future QuiltCon shows?

themodernquiltguild

August 3, 2016 at 9:45 am • Reply

Hi Krista,

In theory yes, the quilt would not be eligible for awards. We will make exceptions on derivative quilts if you have explicit written permission from the original designer that they are ok with you winning monetary compensation for the quilt. Improv is a tricky area for sure, but many times the improv designers doesn't consider the quilt derivative, some improv designers do. It's always good to check. A good quilt designer will say, "No, I don't consider this derivative." or "Yes, this is derivative, please credit XYZ and yes/no you can have this be eligible for awards."

At QuiltCon 2016 we thoroughly reviewed all the entries and identified 50-75 that were considered derivative out of 350+ that were accepted. Out of those only about a dozen were not able to obtain permission. We email entrants individually and here is the form email we sent (we customize it slightly for quilt patterns):

"We were looking through all of the quilts that reference inspiration in their design and this included . It appears to be from a Please ask permission from the artist for it to hang and if it is eligible for awards. You did a great job acknowledging your source, but you need to go one step further and ask permission...It's usually as simple as asking with a quick email or phone call.

"Once you obtain permission, please email us letting us know by Friday, 12/18. If you would prefer to remove your quilt from consideration, please let me know ASAP.

"Once you have obtained written permission, your entry will need to meet three criteria.

1. Derivative works are not considered original, so in regards to the question "This quilt was entirely designed by me and is an original design." We will change the answer to "no".
2. Derivative quilts can not be offered for sale unless there is a formal licensing agreement/contract with the original artist.
3. Derivative quilts must be for "for exhibit only" (not eligible for awards) unless there is a formal licensing agreement/contract with the original artist.

"While slightly different, this website provides some good insight.

<https://www.legalzoom.com/articles/what-are-derivative-works-under-copyright-law>

"Thanks so much and please let me know if you have any questions.

Heather Grant

Director of Marketing & Programming

Christa

August 2, 2016 at 4:54 pm • Reply

Thanks for posting – this is so helpful. I'm also very pleased to see The Modern Quilt Guild encouraging original work and featuring it more prominently at QuiltCon

Kay Sorensen

August 2, 2016 at 10:07 pm • Reply

I see this article taking the word derivative way too far. I have seen much work where there was simultaneous creation by artists who had never seen each other's work, yet came up with work that was very similar. Although I realize it was meant to be an informative article I feel it fell down it fell down in many areas and points made.

themodernquiltguild

August 3, 2016 at 9:49 am • Reply

Hi Kay,

I understand you think that the word derivative is taken too far. That is the tricky part of derivatives! Everyone has a slightly different opinion and in the end only a court of law may decide. For example, there have been instances when the QuiltCon jury thought a quilt was derivative, but when the quilter emailed the artist, the artist said it wasn't derivative.

That is why we suggest you always email the artist first. If an artist doesn't think it is derivative, they will say so!

However, there are instances where a quilter didn't consider it a derivative, but the original artist did. That is a sticky wicket and one many shows don't have the authority to determine. This is why we suggest to email the artist.

If you feel our article wasn't very good, I encourage you to read these articles as well (links above in post). They may be stronger in areas and make better points:

- How do you define derivative artwork? By SAQA
- Copyright & Quilting by Amy Garro
- An Explanation of Design Permissions by America Quilter's Society
- How Copyright Affects the Quilter by Canadian Quilters' Association

Heather Grant

Director of Marketing & Programming

Kay Sorensen

August 3, 2016 at 9:59 am

I have read the saqa information. This is not an issue for me as all my work is totally original from inside me drawing on the years I have lived. But I do feel that this left out some very important points. I only show now in solo shows and an occasional invitational show.

Stephanie Forsyth

August 4, 2016 at 2:40 pm

Seems interesting that the board and powers that be, seem to have not consulted and/or listened to their member base whatsoever. Much luck with that!

themodernquiltguild

August 4, 2016 at 7:52 pm

Hi Stephanie Forsyth,

This post was created in direct response from member requests over the course of the last three years. Members came from two general perspectives:

1. I'm a designer/artist and I think the MQG should educate members on derivatives.
2. I don't understand what derivatives are, can you clarify?

Heather Grant
Director of Marketing & Programming

Laura Hartrich

August 3, 2016 at 8:26 am • Reply

I had exactly the same thoughts as Krista of Poppyprint. If I made an improv quilt, would I have to ask permission from Gwen Marston, Nancy Crow, Sherri Lynn Wood, and the ladies of Gees Bend before showing it at QuiltCon? Is it not enough to acknowledge that I am inspired by all the great improv-style quilters who have gone before me? I think it's wonderful and necessary to operate with the understanding that we are all influenced by the visual world around us, including other quilts we admire. I think it's good to state our inspirations, as it adds to the collective knowledge and inspiration pool we have as a group of quilters, and it's simply the right thing to do. However, I'm concerned this post will scare people away from entering amazing quilts in the QuiltCon show because they aren't "original" enough. What is a completely original quilt? I'm not sure it exists. We are all re-mixing what we've seen before, and I don't see why quilts should be excluded from full participation in the show for that reason.

Kay Sorensen

August 3, 2016 at 10:45 am • Reply

Yes, there are totally original quilts....as anyone who goes to my HUGE show in at Anderson Arts Center in Kenosha, Wi in January through March will see.

gleaned

September 1, 2016 at 10:04 am

I'm happy for your success, however there's no need to be rude to other people. The post you're replying to points out that quilting has been going on for so long it's impossible for something to be completely new. Your quilts for example rely heavily on a kaleidoscope tie-dye style, which every summer camp in America has been for the past 50 years.

themodernquiltguild

August 3, 2016 at 11:03 am • Reply

Hi Laura,

It is a very tough question. Improv is a tricky area, but many times improv quilters may be "inspired by" over derivative. I don't think we will "scare" people from entering. The number of derivative quilts accepted is not the majority and I think it is helpful for quilters to think critically about whether their work is "inspired" or "derivative" they are not the same. Did you read about the improv in a book *and follow the directions explicitly?* Take a workshop *and your is based on a design or pattern from the instructor?* Copy a photo you saw? It is derivative. Were you playing around in your studio with zero direction? Not derivative.

As for why derivative quilts should be excluded from full participation, it really comes down to ownership of the design. For example, we got a quilt that was an amazing derivative of a licensed character by a major movie studio. The quilt was amazing, was original but 100% derivative. The quilter could not profit from it (via an award) without a licensing agreement. As expected, the studio declined that quilt to participate. There is some debate there, was that quilt considered "fair use"? Tough to say, but better to ask than risk a lawsuit.

Items in italics have been edited from the original comment for clarification and correction.

Heather Grant
Director of Marketing & Programming

Laura Hartrich

August 3, 2016 at 11:48 am

Thanks for your response. I guess where I have a hard time is the idea that a person could be playing in their studio with “zero direction.” We don’t create in a vacuum. We are influenced by everything around us. I just don’t think it’s possible to create non-derivative quilts in the manner you are describing. Every idea comes from somewhere.

I understand the problem with licensed characters. I get that. But the quilt-to-quilt inspiration seems like a huge grey area, even though your post presents it as black-and-white.

After reading your response to my comment and to Krista’s, I have a better understanding of why this post was written. Parts of your response to Krista, about the number of derivative quilts entered in the 2016 show, and the process you went through to have the quilters seek permission, would have provided some great context if included in the original post. For those of us not in the know about that process, this post seems like you are presenting a new rule of entry, and that it’s coming out of the blue. Maybe add some context to the post, about why you are trying to make quilters more aware of derivative work, and that they may be required to seek permission if they enter a quilt that is identified by the jury as derivative. I feel like that context would have helped to clarify the post overall.

Finally I’d like to say that the tone of the post is a little off-putting. The post seems to admonish quilters for making derivative work. Your definition of derivative is so broad it leaves very little to be made or explored. In the section “How do I find my own voice and style,” you recommend quilters stop consuming and start creating, and then you recommend Latifah Saafir’s webinar on being true to your inner artist (a lecture I love, by the way). In her lecture, Latifah recommends a steady diet of art, architecture, graphic design, and general beauty to inspire your designs. Doesn’t this contradict your recommendation to stop consuming? Wouldn’t Latifah’s outstanding quilts be derivative by your definition?

Krista - Poppyprint

August 4, 2016 at 11:44 am

Laura – excellent points and thoughts on this topic, with which I wholeheartedly agree.

Melissa Everett

August 4, 2016 at 9:45 am • Reply

I believe this is definitely going to scare people off. I’m at a loss for words. We are drawing inspiration from 100s of years of quilt making. I hope people keep making whatever they are inspired to make. I agree, man, I’m so disappointed, perplexed and really upset by this article.

Amy DeCesare

August 17, 2016 at 5:52 pm

Amen – my head is spinning, and I would never attempt to jump through all of these hoops just to show a quilt. Just reading the process of asking permission makes me want to say, “Oh, forget it!” I wholeheartedly agree that 100s of years of quiltmakers could never be adequately acknowledged, in accordance with these guidelines. Contact the estate??? Seriously???

themodernquiltguild

August 4, 2016 at 11:29 am • Reply

Hi Laura,

It is not black and white. In the article above we state "Only a court of law can decide if a work is derivative. Lawyers, legal teams, other quilters, even a show jury can disagree on if a quilt is a derivative." Derivative works are very much a grey area.

I can see how a member may see this as coming out of the blue. But it has been a topic for a very long time. Every QuiltCon, a designer or quilter has approached us on this topic. We have gotten numerous emails. We have gotten accusatory emails of quilts that were in the show. This issue has been rising steadily since 2013 and we feel we must educate people about the topic, since it is an area people don't always think about (especially if they are not professional quilters).

I'm sorry you find the tone off putting. It is always a challenge to communicate about something people may disagree with, find controversial or offensive in a way that is positive for everyone who reads it.

Heather Grant
Director of Marketing & Programming

Laura Hartrich

August 4, 2016 at 2:56 pm

I'd still love to hear your response to my question about Latifah's webinar lecture, and whether her quilts would be considered derivative under your definition.

Irelle Beatie

August 3, 2016 at 2:43 pm • Reply

I am surprised that one would need to get permission to enter a quilt in a show that is made from a pattern that they purchased. I would think that if a pattern is published and sold that the permission would be implied. Most patterns prohibit using them for commercial use but I would not consider a quilt show to be in that category. I always give credit if I use a pattern or workshop as inspiration but I typically don't ask permission from the pattern designer. Is that wrong?

themodernquiltguild

August 4, 2016 at 11:32 am • Reply

Hi Irelle,

It is surprising! The majority of quilt designers would allow you to enter for prizes, but there are several instances we have seen where quilt designers do not allow it. That is why it is always courteous to ask the original designer. If you have the potential to win or earn money, it "could" be considered commercial use.

When we started asking people to ask pattern makers for permission, we got at least 5 emails from pattern designers thanking us for being sure quilts were appropriately credited for derivatives.

Heather Grant
Director of Marketing & Programming

Allison Schnackenberg

August 5, 2016 at 9:25 am • Reply

Hi Irelle. Please see this article. <http://so-sew-easy.com/sewing-pattern-copyright-law/> "in legal-ese. Patterns for clothing and other useful items generally are not copyrightable. See Supreme Court – Baker v Selden, 101 U.S. 99, (1878). Even if patterns were copyrightable, the product made from the pattern would not be covered by the copyright. see Baker v Selden, (1878). Copyright owners only have the rights defined under copyright law and cannot make statements that restrict the subsequent use of their product once they have sold it. see Supreme Court – Bobbs-Merrill Co. v. Straus, 210 U.S. 339, (1908)"

Ginevra

August 3, 2016 at 5:19 pm • Reply

I am considering making a quilt that would be derivative of a Creative Commons Attribution-ShareAlike 3.0 Unported (CC BY-SA 3.0) licensed work (it's a mathematical diagram). Do I need to contact the original creator or am I able to use that license (of course I will do the attribution part!)?

themodernquiltguild

August 4, 2016 at 11:34 am • Reply

Hi Ginevra,

Based on what I read, I would say you don't need to contact the original designer BUT we are not a lawyer and am not giving any kind of legal advice here at all. It could be good to source the Creative Commons license you are using when you attribute the work.

Heather Grant
Director of Marketing & Programming

C. Michelle

August 4, 2016 at 6:39 pm • Reply

Ha ha! Great question

Jenn

August 8, 2016 at 8:31 am • Reply

I entered a quilt based off of a computer generated image of a math 'formula' last year, and was told it was derivative.

Rita Libeau

August 4, 2016 at 5:34 am • Reply

This article has totally scared me off entering Quiltcon. I'd love to hear from Gwen Marston or Sherri Lynn Wood on this topic.

Stephanie Forsyth

August 4, 2016 at 2:38 pm • Reply

Definitely won't be renewing my membership or trying to submit to MQG shows.

Allison Schnackenberg

August 4, 2016 at 4:03 pm • Reply

I have to concur with pretty much everything Laura said here. I don't think the tone of your presentation has struck the correct chord. I also think that the article is posted and responded to anonymously is a little weird.

Putting aside the point of licensed characters (we all get that).

As far as patterns go, I am personally surprised that Quiltcon still accepts work based on patterns. I would think that as a modern show, you would have moved beyond that by now. I am sorry that there are some designers who are upset that people have been influenced by, or maybe even copied their work. I disagree with them, and I find it curious when someone who publishes patterns, or books, or teaches workshops for commercial gain then objects to their work or ideas being used. I can understand them being disappointed if they are not credited. But is not illegal for anyone to sell or exhibit work they make using a pattern. <http://so-sew-easy.com/sewing-pattern-copyright-law/>

And I think that we all get... or are getting... that attribution is something that is valued in the modern quilting community.

You are of course entitled to represent the position of your show. But I also feel that you have overreached, and that your language is open to misinterpretation. You appear to be attempting to represent the legal position, which I think can be challenged on several points.

Taking the example of improv, I don't think that just because Sherri Lynn Wood created a wonderful book about various techniques, that she is the first one to use any of them. She speaks of the influence of the collection of Eli Leon, and how those quilts led directly to her own practice. She quotes Eli: "When a flexible pattern is handed on from one quilt maker to another it is the range of possibilities that is transmitted."

In closing, I simply feel that if the quilting community is going to go down the road that, for example, Amy Garro proposes (copyrighting log cabin blocks?) then we are dishonoring the traditions of the quilters who went before us. We are creating a race to the copyright office, and a world of land-grabbing.

All art is theft – Pablo Picasso.

themodernquiltguild

August 4, 2016 at 7:54 pm • Reply

Hi Alison,

The comments on this page are all coming from Heather Grant, Director of Marketing & Programming. You are welcome to email me directly as well at heather at themodernquiltguild dot com.

Thank you for the feedback, I'll go back and sign all my comments.

Heather Grant

Laura Hartrich

August 4, 2016 at 8:01 pm

Thanks for signing your comments, Heather! Are you also the author of the post? I think people are wondering that as well.

themodernquiltguild

August 4, 2016 at 8:06 pm

Hi Laura,

We worked as a team to write the post. I oversaw the creation of the post by MQG staff with guidance from members of the Education Committee. The buck stops with me. Content oversight is under my role in the MQG.

Heather Grant
Director of Marketing & Programming.

Amy Garro

August 4, 2016 at 8:10 pm • Reply

Allison, I agree and firmly believe that the world has gotten overly grabby with copyright. There are many things we COULD claim copyright over that just seem silly. I encourage the mindset of abundance, openness, and sharing, for the greater good of the creative world.

Cheryl

August 4, 2016 at 4:23 pm • Reply

This is a tough one... As a teacher of Improv in many forms, I really don't think we can say that a lot of improv work is derivative from mine or anyone else's work. Some yes, but not all or even close to half. There are techniques, colour combinations, and styles which may be stronger to one quilter or another, but it is a broad, broad world of making. Improv is as unique as handwriting, in my opinion. Everyone develops their own rhythm as they sew. And no one has a license on an improv log cabin or wonky star.

Of course there are times when something is more than 'inspired by'. And of course people should be contacting the artist of the original inspiration in that case. I've had people contact me for permission to enter after they made something derivative from a class I taught, a pattern from my book, or even something I spoke about. While I appreciate the respect that comes from the email, I also don't think it is necessary.

What about the Modern Traditionalism category?

One related but not exclusive to this topic thought, some traditional quilt shows have a category "From a Pattern" to allow quilters with technical skills and perhaps some interpretation to still enter shows without feeling a pressure to be perfectly original.

Julie

August 4, 2016 at 7:24 pm • Reply

Setting firm rules that quote legalities which are defined by MQG as "blurry" is irresponsible.

If proper legal counsel had been engaged this post would have provided relevant and usable information.

Clearly, in replying to comments you are towing the line, without the consideration that there are gaping holes in the original post.

This is a hugely disappointing manner, in which MQG has chosen to "educate" about copyright and derivative works.

This statement goes completely against the MQG mission, to support and encourage growth and development through art, education and community.

Rather than support and encourage you are undermining and discouraging, providing misinformation, and dividing the membership.

I would recommend reframing this topic in such a way that supports the community and the membership.

If this is the continued direction of this organization, I am seriously reconsidering my membership.

themodernquiltguild

August 4, 2016 at 8:03 pm • Reply

Hi Julie,

These are not “firm” rules. They are guidelines. We ask people to get permission for derivative works. There may be instances where exceptions can be made and we encourage members to email us to ask.

I do believe this post falls within the “education” portion of our mission.

Feel free to email me directly with how you would suggest we reframe the topic. We created this post because members asked us to. Member feedback is important to us and the creation of this post was in direct response to member feedback.

Heather Grant
Director of Marketing & Programming
heather at themodernquiltguild dot com

Laura Hartrich

August 4, 2016 at 8:32 pm

Why not continue the conversation here? Why move it over to email? It seems like we could all benefit from an open discussion on the subject.

themodernquiltguild

August 4, 2016 at 8:45 pm

Laura,

I’ve made an error. I’m trying to get feedback on suggestions from membership on how to fix it. Julie can post her feedback here or via email. I only suggested email as I thought she may post a long reply.

Also, I’m in meetings all day tomorrow and won’t be able to reply to blog comments. Email tomorrow would allow me to provide a more prompt and timely reply, but members are welcome to post where ever they would like.

Heather Grant
Director of Marketing & Programming

Julie

August 5, 2016 at 11:23 am

As someone who deals with copyright on a daily basis... Fair Use, limitations and exceptions to copyright were ignored. Again I think this post would benefit from actual legal research.

https://en.m.wikipedia.org/wiki/Fair_use

https://en.m.wikipedia.org/wiki/Limitations_and_exceptions_to_copyright

Who was responsible for due diligence?

The process outlined for obtaining permission to use the Albers image for this blog post – illustrates the lack of due diligence. Use of the Albers image in this instance is fair use.

1. Start with due diligence.
2. Use examples that are not questionable.
3. Make the post relatable to the general membership.
4. Don't get divisive – Be artists talking to other artists. We're all on the same team.
5. QuiltCon 2017... This is going to have a negative impact on entries. Damage control.

*i just spent way too much time writing this.

melissa everett

August 5, 2016 at 5:58 am • Reply

I agree Julie. Thank you for posting!

Melanie McNeil

August 4, 2016 at 7:38 pm • Reply

Thanks for this. I understand why some quilters feel defensive or confused. However, I believe few people consider giving credit where it is due, whether for show / contest or not. Photos are everywhere without attribution. Why? It isn't that hard to say "XYZ made this terrific quilt. I wanted to use that idea to ..." I guess if you see it on the internet, it's free for the taking, or so some people think.

Sarah

August 5, 2016 at 4:48 am • Reply

I agree with everything most of the other commenters have said. I'm all for giving credit where credit is due. However your guidelines seems both excessive and unclear to me. Not to mention offputting to members in both tone and content, vague as it may be. I agree with Julie that your post undermines and discourages members. I too am discouraged, disappointed, and a bit confused by the presentation of this information and the tone of the article.

Allison Schnackenberg

August 5, 2016 at 6:50 am • Reply

Hi Heather.

Thanks for letting us know who you are. Now that you have provided some information about the motivation behind this move by the MQG, I have a couple of questions: (1) Can you provide any documentation regarding the complaints that you can have had from designers? I am left with the feeling that a handful of designers have skewed the perspective of the MQG leadership on this topic. It would help us to understand really what percentage of the MQG membership is represented. (2) Why has there been no public discussion or consultation on this? The guild has, what, over 10 thousand members now? Why were guild leaders not consulted?

I remain entirely disheartened by your decision to publish an article which I feel is legally indefensible, socially irresponsible, and which goes against the spirit of creativity and the traditions of quilters before us. I do not believe you have given proper consideration to the impact of your words on the modern quilting movement. You have started with the premise of attribution and ended up fear mongering and discouraging growth. It feels as if you are defending the needs of a few over the beliefs of many.

I do appreciate that you are largely responding to commentary, thank you for that.

themodernquiltguild

August 5, 2016 at 7:51 am • Reply

Hi Allison,

Here are some answers:

1. I can dig through emails and provide some quotes, but it will take some time. We also had many verbal conversations about this topic that are not documented in any official way. We do take the feedback of our guild members seriously, and this post was a response to those requests. Does the post need some editing for clarification? Yes, and we are working on it.
2. We post and create content every day. Some content is a single member suggestion, some is from our committees, some is based on feedback we get from surveys, some are staff ideas. We have never had our content publicly reviewed because of a tremendous number of challenges. How do we determine what content should be reviewed publicly? Is it all of it? Some of it? How do we manage that workflow with staff? Who do we listen to over others? How much does this cost in labor hours? Should we have all content reviewed by membership before posting? Isn't posting the content a form of review? AQS and SAQA both have policies in place. Why should the MQG not have a policy? Is it ok for people to pass work off derivatives that the original artist considers a copy?

These are all important questions and concerns. This is a grey area. We did not intend for the content to be as extreme as it is perceived. In all fairness to all members, we have also gotten an number of emails and comments that support this post.

What is most important to is to have a conversation about this. Having people talk about what is derivative and what is not is a GREAT conversation because it is a grey area and people will disagree about it. But talking about it, will help people understand derivatives. We have an obligation as exhibitors to start this conversation. We are listening.

Heather Grant

Director of Marketing & Programming

Laura Hartrich

August 5, 2016 at 8:01 am

Yes, the MQG creates content every day. But not all content is equal. Some is light fare, some is substantial. What you have posted here is a substantial piece on an important, complex, and even controversial topic. It seems disingenuous to equate a post like this with, for instance, a post of a beautiful quilt. You yourself said you worked on this for months. Don't try to downplay it like it's the same as all your other day to day content. It's not.

Kay Koeper sorensen

August 5, 2016 at 8:19 am

IMHO this does more damage to the Modern Quilt movement than it benefits it.

How many modern quilters "Invented" a block that had existed before and we're not aware of what quilters had previously created?

Stephanie Forsyth

August 5, 2016 at 8:44 am

But your original post was NOT a conversation at all really. It was a fuzzy blanket statement, which set undefinable guidelines for what was allowed into the contest now. There was nothing in the tone of the original article that indicated that this was an open discussion

whatsoever. as for referencing other “golds and how they run it that’s fine except for the fact that part of what has made modern quilt guild stand apart was the fact that people were searching for something that was different than the typical guilds that they were being forced into by lack of any other choices. And to be honest I’d be curious to know what their membership numbers have been like over the last few years and whether they’re increasing or decreasing, before I decided to base MQG on their parameters.

Allison Schnackenberg

August 5, 2016 at 9:20 am

Thanks for your reply Heather. It seems to me that your article was not presented as the opening of a discussion, it was presented as fait accompli. If you are considering revisions to this article, and to your policies, that is a really positive thing.

I’m not suggesting that you open every decision by the MQG to public consultation. But opening this conversation up in your forums, or on your website, before formulating a policy, would have been a very productive exercise. Too often we feel pressured into making decisions which would truly benefit from some fermentation. When you are acting in the capacity of leaders of a movement, you have a responsibility to closely examine your process for making statements which could have a profound impact on the direction that movement takes. Are you setting a precedent for a movement based on copyright, or on a tradition of creative energy?

I do think it would help the conversation if you were clear about who has raised objections with you about derivative work, and how many complaints you have received. It would really help everyone to understand that. It would also help to be clear about the specific nature of these complaints – are we talking about copies being passed off as originals, or simply about a lack of accreditation? Let’s hear directly from some of these people so that we can understand their viewpoints and their experiences.

Do you need a policy about derivation? Yes, I believe you do. And that policy should be crafted after a lengthy period of open discussion and testimony by as many of your members as possible.

When you say “the maker has additional responsibility to credit the source of inspiration”, do you mean legally, morally, or in respect of the MQG’s wishes?

You need to distinguish between what is LEGALLY permissible and what is permissible and desirable in an MQG context, and what position you are seeking to represent.

Example: “A good rule of thumb is the original designer/artist is the one who decides.” Not true, and not good advice. And not how the legal system (which is where this story ends) works.

I would ask you to consider ring fencing your reference to a licensed design (let’s say Mickey Mouse), as that is a very different situation and should not be taken (as I have seen some discussion elsewhere indicate) as an analogy for using a pattern, or a technique. This needs to be clear.

Requiring that attribution is given is one thing. Requiring that written permission is obtained is another. I do NOT believe that, legally speaking, I need permission to exhibit a quilt based on a commercial pattern. I do NOT believe that, legally speaking, I need permission from an

instructor who taught me FMQ or improv because I have gone on to use those techniques in my work. Creating an unnecessary burden such as this needs careful consideration, and robust legal examination.

My own suggestion would be to ask for attribution on every entry. "Who or what inspired your design? If you used a pattern, please credit the pattern designer here. If someone else's work directly inspired your design, please credit them here." And stop there. (And as I have said previously, consider not allowing entries based on commercial patterns, for reasons other than legal issues.)

I would also suggest it would be good to hear from some MQG designers and makers on this. Let's hear from Heather Jones about her blocks directly based on work by Josef Albers. From Heidi Parkes about her quilts based on work by Georgia O'Keefe. Sherri Lynn Wood and the work of African-American quilt makers. Gwen Marston on the many influences she has cited.

Personally, my career has been in the music business. I own or control the copyrights in many works and have been in the position of defending them in the legal system. I feel that I do empathize with the perspective of designers, but I also feel in the context of any type of art we have to recognize there is a collective sourcebook.

"Where do we get our ideas for making quilts? We can tell you one thing for sure: our ideas don't come from thin air and neither does inspiration for anybody else. Artists, designers, crafters, engineers and inventors build on what came before. Where did Picasso get his ideas for his African mask series, for example? Artists do not sit in empty rooms waiting for divine inspiration. They are out in the world looking around." – Gwen Marston and Cathy Jones
"Free Range Triangle Quilts"

Thanks for your consideration.

Kay Sorensen

August 5, 2016 at 9:50 am

Ideas CAN come from thin air....or for me a lifetime of living. My work is not a copy of anything. It has been inspired by my lifetime of living.

My work comes from my soul. I no longer enter shows. I don't feel anything I am currently doing could be copied by anyone.

I did write a blog post about why I couldn't teach/share my methods:

<http://quiltspluscolor.blogspot.com/2015/03/how-i-came-to-point-of-creating-my-ice.html>

Ramona

August 28, 2016 at 3:47 pm

Yes, "How much does this cost in labor hours?" is right! All paying MQG members, that's your dues right there! Glad I didn't renew my membership to pay these salaries. HA!

Frank Palmer

August 31, 2016 at 5:17 pm

"1. I can dig through emails and provide some quotes, but it will take some time."

So how much time do you need to accomplish this? It's been nearly a month. Or is this like when I asked for information last December and didn't receive it until August? It's called transparency. Don't tell us you want it, and then refuse to give it.

Jennifer Grace

August 7, 2016 at 6:27 am • Reply

Thanks so much for your comments. As a lawyer who has been watching this conversation with much interest, I think your comments and suggestions are spot on.

Kristyn

August 10, 2016 at 5:12 am

Jennifer, do you have any idea who I can contact regarding the copyright of machine or hand quilting? I am gathering more information as the 2 people I have spoken to both say that quilting stitches are not copyrightable. But I have no idea where they found this information. For me, I am a machine quilter and I am concerned with my freehand machine quilting only. I quilt circles, lines, other shapes etc which I plan and design where they will be quilted and if they will be perceived as being a derivative of someone else that quilted the same shapes, in a different design.

Corinne Sovey

August 5, 2016 at 8:36 am • Reply

I hope everyone that finds this post so negative at least agrees that other people shouldn't be finding modern art work on pinterest (wall art, illustrations, etc), then making a copy of the work as a textile / quilt, and then passing it off as their own. Right? I feel like that message is falling through the cracks and it is an important one.

arainboth

August 5, 2016 at 9:00 am • Reply

This is a controversial topic. As a long-term member of the quilting community, I can state firmly that there are MANY people making quilts who don't understand anything about copyright, let alone derivative art. Because so much of our knowledge base in quilting is public domain, many quilters think ALL of it is public domain. I am still trying to get people to understand why it's not okay to copy purchased patterns or "just those pages" out of a book. Not only do they lack the knowledge, they don't care. Copyright is not something that hits home until someone calls you on it....which is, IMHO, exactly what you have done in your article. I hope this article opens the door to a lengthy and substantive continuing discussion about derivative art. For the record, I also believe that there is a GREAT deal of confusion regarding the need to ask permission before showing a quilt created from a pattern. One friend, whose daughter is a copyright attorney, indicated that the designer really only needed to be contacted if the quilt was going to make money. I've always asked permission from the designer, for instance, before allowing a piece to be auctioned or raffled. I can see how that would certainly apply at a national show. At the local level, not so much. I am anxious see where others go with this topic. There's a lot of learning to be done.

Allison Schnackenberg

August 5, 2016 at 9:32 am • Reply

I think the understanding of copyright, or lack thereof, is something that is lacking not just in the quilting community, but in the general public at large. Particularly since the advent of the internet and the availability of so many works in easily reproduced digital formats.

I agree education is important, but I feel the MQG has made a serious misstep in the presentation of this subject. They have taken a "blurry" area and made it even more blurry. Really what is needed is clarity and robust examination, both from a legal standpoint as well as a historical, social and moral one.

However, I disagree with you about pattern copyright. Please read this article which has a lot of good, well-researched information. <http://so-sew-easy.com/sewing-pattern-copyright-law/>

“In legal-ese. Patterns for clothing and other useful items generally are not copyrightable. See Supreme Court – Baker v Selden, 101 U.S. 99, (1878). Even if patterns were copyrightable, the product made from the pattern would not be covered by the copyright. see Baker v Selden, (1878). Copyright owners only have the rights defined under copyright law and cannot make statements that restrict the subsequent use of their product once they have sold it. see Supreme Court – Bobbs-Merrill Co. v. Straus, 210 U.S. 339, (1908)

Stephanie Forsyth

August 5, 2016 at 1:06 pm • Reply

There’s a big difference between copying the pages of a book/pattern, versus making a patterned quilt and putting it in a show though.

Jean

August 14, 2016 at 11:03 am

Photocopying a pattern or book for my own use, so the original is not damaged while i am making the item, is perfectly acceptable. What is not acceptable is copying to make a profit, or deny profit to the original designer — making copies for six friends so they don’t need to buy the pattern, teaching a class by providing copies instead of requiring students buy their own pattern, or copying/rewriting the pattern with slight modification and then selling it as your own.

As stated above, it is perfectly legal to buy a pattern, make the quilt or make changes to the quilt, and then display it. Accreditation should be expected and most traditional guilds are catching up (at least in Canada) but written permission should not be necessary.

Jen - A Quilting Jewel

August 5, 2016 at 11:29 am • Reply

Clearly this is a very sensitive topic that has hit home with many. As someone that designs my own quilts and publishes patterns, I agree with needed to educate the general quilting and modern quilting community about proper attribution and copyright laws. Perhaps we could add a lecture on this topic at QuiltCon itself? It would be great if we could do something walking through the show and could speak to some of the quilts hanging and where they fit into certain categories. Passing by vendor booths too (maybe a sponsorship opportunity) to talk about patterns could be worked in.

I do find it still a bit unclear as to where some of my work would fall, as I often just go into a design program and throw lines on a page until I like something. But what if it happens to look like or was inspired by something that I may have seen a year or two ago that might have been in my subconscious but was not even remotely thinking about when designing a quilt? Clearly there’s a gray area that’s hard to define and perhaps there should be some conversation about.

I also think we should all take a moment and recognize the Heather and the MQG is actually listening and responding to all of our comments here, even though there’s a lot of criticism. That takes a lot of poise and guts to not only sit here and take in a lot of negativity, but respond with grace and accept that there needs to be more conversation. They have admitted that they could have handled things differently, which again takes a lot of grace and poise. They aren’t hiding behind a blog post, they aren’t saying this is the be all end all. They are listening to us and are open to a dialogue. As someone that has worked in marketing/public relations for more than a decade, I can say that this kind of receptiveness and openness to feedback is commendable and rare. To that, I say

thank you Heather and the MQG. Thank you for listening to your members and being open to a conversation. No one person or organization is perfect, but if we work together, we can continue to work to get one step closer.

Rossie Hutchinson

August 5, 2016 at 2:21 pm • Reply

I appreciate the changes already made to this post and hope to see more coming.

(1) I am concerned that the MQG has not explained limitations and exceptions to copyright law. Fair use is not just a defense against claims of infringement, but an expressly authorized right (*Lenz v. Universal Music Corp.*) Copyright law has always been a balancing act between protection and free access and that balancing act is codified. You must discuss the other half of the law.

(2) I would caution against the idea that designers are the best or final judges of whether another's work is derivative of theirs; people make spurious claims and even file lawsuits that hold no water. I know that sometimes accusations are made before the full story is known. For example, after Quilt Con 2105, Kathy York and I had a conversation about having quilts that were very similar in appearance in the show; no accusations were made, we just chatted about it with curiosity. Her quilt was made a year after the one I helped make (it was a group quilt), and I'm pretty confident there's no way she could have seen our quilt before the 2015 show unless she was on the jury for the 2014 show (it was rejected that year), or had a hand in Quilt Con Magazine 2015 (it was photographed for the article on group improv). Since I doubted she could have seen my quilt, I wasn't concerned by the similarities; simultaneous innovation happens and both quilts resemble the sun, an object that is often depicted in art. Kathy may have had some concerns, but she took them up directly with me. I wonder if another quilter in her shoes (or my shoes) would not have taken her questions to the quilter in question, but rather to the MQG? What I'm suggesting here is that you may be hearing claims of unfair copying, but those claims may well be false.

(3) Case law suggests that pattern-writers, once they have sold a pattern to an individual, do not have the right to control the product made by following that pattern. Pattern writers do not have the right to deny others the right to show a quilt or profit from a quilt. *Baker v Selden*, (1878); *Bobbs-Merrill Co. v. Straus*, 210 U.S. 339, (1908). Why would the MQG waste their time protecting rights that don't exist? Why would the MQG open themselves up to lawsuits from quilters who are excluded from the show because a pattern-writer is asserting rights they don't have?

(4) I'm 100% in favor of encouraging better crediting of sources and ideas in the written materials that accompany quilts. I support the MQG in making this moral and cultural intervention, but think that it should be framed as such, not as a legal question. I worry that the amazingly-broad definition of "derivative" currently put forth will lead to less crediting as people would worry that any and all of their sources would suddenly become people that have to grant their permission for the quilt to show.

(5) The original post declared that derivative works would be ineligible for prizes at our Guild's international show. I think it's important that the line determining what is and isn't eligible for awards is well thought out and approved by membership. It's a big policy change to drop into an educational post. It may be time to look at the MQG's bylaws or operating policies and list out what types of changes can be handled by the board and committees in isolation, and what types of changes require a higher level of transparency such as hosting a listening session open to all members and conversations with guild leadership.

(6) I would encourage the MQG to consult with practicing copyright lawyer as you work on revisions. You are a large international organization, if you've decided to educate the masses on copyright, you should be citing the law, publications from the U.S. Copyright Office, relevant case law, and scholarly research throughout your post.

(7) I also think that you should consult with (or at least read from) cultural critics who focus on copyright and its role in creative life. The guild has some choices that they can make here and quite a bit is at stake in those choices. I would be reassured to know that the decision makers are at least familiar with the debates that wage between copyright-ists and copy-leftists.

(8) Also, in response to some of the comments I'm seeing here, fabric with licensed characters on it is not, in fact, offered any special protections. Technically, legally, it can be used and shown in the same way as a plain fabric. Practically speaking, most quilt shows will not hang a quilt with licensed fabric, but that's because Disney and their ilk are litigious copyright bozos, not because the law is on their side. See Civil Action 02-WM-2402 (PAC).

Jennifer Grace

August 7, 2016 at 6:25 am • Reply

Rossie, thank you so much for jumping in here. As a lawyer who attended your copyright lecture at Quiltcon last year, I was really hoping to see someone address the legal issues versus the moral or ethical implications of this issue. It's important to clarify between what the law actually requires, and what the MQG wants members to do because they think it's a sensible (albeit not legally required) thing to do. I don't think the original post did this. I'm so thankful for all this follow up discussion.

And as has already been mentioned before, if you're going to be dispensing what appears to be advice on a LEGAL issue, you really should consult with reputable legal counsel familiar with copyright law before putting out a position. I think that could have helped you to clarify these distinctions and probably avoided some of the issues we see with the position the MQG is taking.

Julie Mylander

August 5, 2016 at 2:37 pm • Reply

Does the MQG have the benefit of legal counsel? This article and the one located at the link posted above are at odds. Perhaps MQG could have a copyright attorney do their own research. And I agree with others – this article could have been handled a lot differently. I am left confused and a bit irritated by the article, certainly not inspired or educated.

Gina Ross

August 5, 2016 at 2:52 pm • Reply

I would like to listen to the webinar By Latiffa referenced below. I could not get to it because my browser said there were too many re-directs. What am I doing wrong?

Thanks, gina

Sent from my iPhone

>

Lynn

August 6, 2016 at 5:53 am • Reply

Why was the original post change without making the edits known? Many of us read the original version and were upset about the overreaching definition of “derivative”. I wish edits to the original post would be noted as edits. Those who missed reading the original version can’t understand why so many were so upset and started conversations about derivative work. It seems you have stepped it back quite a bit in your editing and that makes the following comments read as though the commenters didn’t understand your post. Don’t get me wrong, I think the edits make a better definition. But by the ORIGINAL definition you had about derivative works it could be read to mean that all quilts are derivatives of quilts that came before them, even that first quilt ever made was a derivative of something else and could therefore not be entered into the show.

I think you should have left the original so that the discussion that followed made sense to the latecomers.

If you are going to edit and revise it should be done so that all can see the changes. Maybe post a revised edition in a separate post or at the bottom of the first.

I DO think people should credit their inspiration or share where they learned a technique. Not only is it right, it is also interesting.

Heather Thompson Grant

August 8, 2016 at 5:49 am • Reply

Hi Lynn,

It was changed because we listened to members who were voicing concern. We made mistakes. We corrected them. The post was confusing in areas. Many people have brought up very good points.

We are working to revise it to be clear. We apologize. We will say why we have the policy, the goal of it and how it impacts QuiltCon rules in the revision.

As for the original, you can view it here: <https://mandalei.wordpress.com/2016/08/07/original-copy-of-the-mqgs-post-understanding-copyright-derivatives-and-design-credit-in-quilting/>

In the interest of transparency, our legal team will likely suggest we don’t keep the original online. We will make a note when we post the revised version if that is their opinion.

Heather Grant

Director of Marketing & Programming

judy gauthier

August 6, 2016 at 8:31 am • Reply

As a published author, and I don’t mean self-published, I would like to comment. It takes guts, grit, risk, yes a great deal of risk, and personal expense to have something published. It hurts to have someone take something without asking. However, I have to say that many of my quilts are inspired so I can see it from both sides of the aisle. But I will say this—if you want people to respect you and not copy without permission, then get a copyright lawyer and do the legwork and pay for your content to be copyrighted. Don’t rely on QuiltCon or anyone else to protect you. It is your responsibility.

I know that it is expensive, but then don't plaster it all over the internet and expect people not to copy. This is one of those things that we couldn't have foreseen before the internet was developed. There is value in the publishing industry that people are now having to learn the hard way. Don't be so willing to throw everything you make on IG or Facebook. It is gratifying in the short run, but not so great when you feel that someone has copied you.

QuiltShopGal

August 6, 2016 at 9:03 am • Reply

This is always a difficult subject, but I think the article, as well as all of the comments, certainly do a great job getting quilters to stop and think about how unique their design might be vs "might be" a derivative. The more we open up our minds to this topic and embrace discussion openly the better we become. This could certainly be a great topic for a webinar, maybe even consider hosting designers to share their perspective on this topic. The grey area around derivatives will never go away, but the ongoing discussion, with an open mind, really does help to at least be aware of copyright issues and how to avoid problems when it comes to designing when money is involved (e.g. selling patterns, winning show \$\$\$).

To lighten this discussion, I'd like to share a generic version of the other extreme of copyrights and derivatives. The Rose of Sharon designs have been around for generations, yet there is a well known designer who now aggressively goes after anyone who designs any derivative with such a design, threatening them with a lawsuit that she owns the copyright for the Rose of Sharon design. For this extreme everyone should understand that they have the right to design using such common shapes, just as one would have the right to design using a circle shape.

Let's keep an open mind and continue to discuss copyrights and derivatives.

Allison Tom

August 6, 2016 at 10:02 am • Reply

I am new to quilting and even newer (this was the first blog post I read!) to MQG. But in my last life I was a professor and dealt with questions of originality and copying – plagiarism – all the time.

I was disheartened by the original post but am encouraged by the responses to the post and to the MQG's interest in listening and getting it right. My gut response to the ideas in the original post was a heavy sense of discouragement and feeling forbidden and scolded. I couldn't see how anyone could follow the rules about derivative art and couldn't see how that fit with the vibe of quilting I was beginning to see – lots of exciting sharing and swapping in a craft grounded in ages of informal sharing, teaching and learning. It felt like a wet blanket (pun?).

It also felt false to everything I know about creative work (yes, academic work is creative, in spite of the popular stereotypes). We're all learning from each other and picking up threads others have introduced, weaving them into our work, extending them with our own ideas.

I think the term "derivative" is very problematic. "Copying" is far more clear, even though it's also got problems. But weren't members of the Impressionist school of art derivative – copying each others' style, innovations, etc? Poets write using set literary forms (patterns!) and make them their own. Everything is derivative – my "special" cinnamon bread recipe, the way my daughters wear their hair, street sign design, modern/vintage advertising.

I also think that the idea that the person who “owns” a pattern or idea is the person who gets to judge whether or not another work is derivative is very problematic. As another poster mentioned, some will be very generous and some – as in the post just previous to this one – will try to claim the most basic shapes as their personal inventions. If someone has copied another’s work unfairly, that’s the issue – not the permission or lack thereof of the original creator. (I would never consult an author about their permission/lack of permission if I found that another author had copied their work – I’d just call it plagiarism!)

I can see that it could be a problem if there are quilters who feel their work is being copied without attribution, but the line has to be drawn in a new way that respects the evolving (evolution is derivative – woot!) nature of any craft and also respects the hard work that goes into design. I think this can be done – especially by asking quilters submitting to shows to name their inspirations and sources – but there is lots of work ahead.

Diane Wespiser

August 6, 2016 at 2:16 pm • Reply

Is the Woody Guthrie quilt by the Oklahoma modern quilt guild a derivative quilt. Should they have gotten permission from the Guthrie estate or the photographer? This topic has left me with more questions than answers.

Lorraine Field

August 7, 2016 at 12:14 am • Reply

Hi. It’s your guild and you can make up whatever rules you want. I can choose to be part of it, or choose not to be. At present, I’m choosing not to be. I’m pretty sure that you could hold up each and every entry into each and every quilt show ever held and a knowledgeable person could name the derivation. A trained arty scholarly type could talk for hours about it too. For me, your definition of a modern quilt has never worked. To me, I see modern quilting as my interpretation of the world around me and how it makes me think, feel and create.

tkramzar

August 7, 2016 at 8:36 am • Reply

Wow. Absolutely fantastic article. I am not “put off.” I am not confused. I don’t care a bit about legal justification. I have been preaching the exact content of this very excellent post for years. I applaud MQG for stepping up and acknowledging and yes, educating quilters on the topic of derivation. I’ve been around the quilt world for a while and I know for sure, quilters want to copy others. There is a long standing tradition of patterns (that’s called copying) and sharing. I love copying—do it all the time! There are quilts all over my house and beds that are from patterns or clearly derived from another artist’s work. Why is there so much discussion and dissent about copying and quilt competitions? Because quilters want to copy, show their quilt and especially, get a prize. Well heck yes! It’s lots easier than doing original work. And for far too long it has been accepted. I believe many quilters are not informed about derivative work. That’s where education is valuable. Of course, we are influenced by inspiration all around us, other artists’s and the wide world, and surely spontaneous creativity happens. But I believe, in your heart of hearts, you know what copying means and you know if your quilt is derivative. Bravo to MQG for a fabulous attempt at jurying a different kind of show! To those members who are “taking their ball and not playing,” because MQG “moved the cheese,” don’t dispare, lots of shows accept deritive work. And award prizes for it. I’m thrilled to go to QuiltCon with a hope of seeing new, modern, original quilts win. And I can’t wait to enter my quilt.

Allison Schnackenberg

August 7, 2016 at 1:11 pm • Reply

I think you have a very negative view of the quilting community at large. My own experiences do not echo yours in the slightest. I do not see quilters looking to avoid being original because it's easier. And I'm kind of insulted that you are suggesting that anyone who might object to some of the issues raised in this article is to be lumped into that group. Quite the contrary. These are thoughtful, considered responses to an important issue, and they are motivated by a desire to see our modern quilting movement built on an open dialogue and a shared desire to foster creativity, while acknowledging the traditions that we come from. Not to mention a desire for any information given in the name of education to be robustly researched and as current and correct as we can possibly make it. I don't think any of the commenters here are objecting or raising concerns because they want to copy someone else's design.

Carolina

August 7, 2016 at 11:21 am • Reply

This post, and the comments so far, are primarily focused on the pieced aspect of a quilt. What about the printed fabrics? We've touched on the use of licensed character (Disney, Marvel, etc) fabrics... but what about our favorite Moda, C+S, or AGF prints? Would we be expected to note those when entering the quilt? Or ask the designers if it is okay to use their quilting cottons in our quilt? I don't think we're all going to hand-dye our own fabrics?

And what about the quilting? If your longarm quilter used a computerised design, should you be referencing the designer? If you did FMQ inspired by your favorite quilter, should that be referenced?

I think what makes this whole discussion so hard is that quilting, even when it is done by yourself in a locked room, is still a collaborative experience. You're taking fabric created by others, combining it with designs created/inspired by others, using techniques and rulers designed by others, and creating a work you love... which you then quilt, or pass on to another talented artist to quilt for you. And the collaboration with so many talented artists is part of the beauty of the quilt! To try to strip that away for the sake of "originality" feels wrong.

Frank Palmer

August 11, 2016 at 10:43 am • Reply

My quilt entries were original designs, constructed with hand dyed fabrics, and still rejected. The Modern Quilt Guild had a definition of "modern quilting" when they started, and that definition changed drastically, and suddenly, with no notice to its members, and this blog entry is just another one. Welcome to the Quilt Police. The very thing the original guild sought to vanquish, has now taken over. Hopefully, a guild will surface that echoes the original vision that is now far removed from this dystopian future.

Stephanie

August 7, 2016 at 11:36 am • Reply

If a pantograph is used on a quilt that is entered into QuiltCon, does the owner need to list the quilter and then obtain permission from the designer who created and copyrighted the pantograph design? If a stencil or pantograph that has been copyrighted is used for the quilting would that quilt be precluded from winning an award?

gleaned

August 7, 2016 at 11:56 am • Reply

“Derivative” as referenced here is an adjective. You quoted the dictionary definition, which clearly shows the word to be an adjective, then used the word as a noun throughout (yes, “derivative” can also be a noun but that word has a different meaning than the one you cited/intended). Regardless of content, it’s very hard to take this seriously as a source of information/authority on derivative art when the author’s own fundamental understanding of the topic is so poor.

Allison Schnackenberg

August 7, 2016 at 1:04 pm • Reply

I would like you to consider restoring the original post and making any subsequent edits transparent. A few thoughts as to why:

+ It’s impossible to have a thoughtful and logical dialogue about a text and topic that is shifting.

+ It makes it difficult for newcomers to understand.

+ It is disrespectful of the commenters who have put a lot of thought and time into making suggestions about potential problems or changes regarding the original text. It can make their posts seem nonsensical or misdirected.

+ You have stated that you put a lot of time and research into preparing this information. Editing it on the fly, in response to commentary, seems to negate that hard work, or at least undermines the original intent, not to mention the validity of the ideas expressed.

+ Edits without notation make people nervous. I can tell from conversations off of your site that it’s leading people to believe something underhanded is going on. I’m absolutely certain that is not your intention, but you need to be transparent about the edits to avoid raising questions about them.

If the MQG is serious about a meaningful dialogue, we all need to be reading the same information and commenting on the same information. Once you have collected comments, necessary changes can be made and perhaps you can explain your process and reasons for making changes.

I don’t imagine this is going to be a quick process for you, and I think stating, as you have done, at the beginning of the article that the points therein are under review is enough.

Many thanks.

35. Pingback: [Original copy of the MOG’s post “Understanding Copyright, Derivatives and Design Credit in Quilting” | mandalei](#)

Jen

August 8, 2016 at 6:00 am • Reply

I’m disappointed that my membership fees were used to pay for something that was freely allowed under fair use rules (the use of the photo of the Anni Albers painting.) I would be much happier if they had been used to consult with a lawyer about what the law actually says about this issue and what the MQG is actually required to do.

Last year I was one of the entrants who found out after my quilt was juried into the show that I had to receive permission from an artist because the MQG deemed by quilt to be derivative. Of course, they were only able to deem it that because I had openly credited my inspiration. If I had pretended it was original no one would have known any better. At the time I was devastated to only find out after submitting my quilt and having it accepted that it would not be eligible for any prizes or even

for any judges' comments (I understand the former, the latter is baffling to me considering that I paid the exact same entry fee as everyone else.) While I'm glad that people are finding out this year before they go to the expense of entering I am dismayed at the lack of legal research that was done in making such a major rule change.

Carolina

August 8, 2016 at 10:11 am • Reply

Jen – not eligible for judges' comments? That is harsh! To me, the feedback is the entire reason for entering the show! I want to know, from experts, how I can improve my work, and what they see as opportunities for growth. Creating derivative works is absolutely part of a quilter's learning process... and so is feedback. Without the formal critique, your only option for unbiased feedback would be to stand a few feet away from your quilt, and try to catch comments as people walk by!

Ben

August 8, 2016 at 5:42 pm • Reply

I also submitted a quilt last year which was derivative, and accepted into the show. I cited my inspiration with the original entry, but was asked to provide permission from the source. Fortunately I was able to obtain specific permission and a license from my inspiration source so the quilt could be eligible for judging. (The "specific" permission was in addition to a blanket statement on the designer's blog encouraging others to find inspiration in her ideas, and asking only for attribution to credit the source.)

But I am also feeling discouraged from entering future shows. I don't consider myself an artist (relative to the SAQA article in particular), and few of my quilts have much originality at all. I do take care to name my inspirations when I post online or enter shows, which I agree is important. I just don't see myself tracking down the designer of brick work on an old building, or of a fabric used in a placemat, which have been sources of inspiration in recent projects.

Sara

August 9, 2016 at 4:23 am • Reply

Hi Jen – so sorry you had such a negative experience. That must have been so depressing. I have to say I'm concerned about the same thing potentially happening to me, if I was lucky enough to get selected in the first place. I'm also intending to cite the original artist (although since she's quite far removed from the field of quilting I could probably get away with not doing so – I would just feel really bad about that). Could I ask whether you did in fact manage to get the permission from the artist after the MQG asked you to do so? I'm just wondering whether the permission actually changes anything if you are deemed to have a 'derivative' work – I already have permission, but if my entry wouldn't even get comments despite that I wonder if it's worth entering at all.

Jennifer Johnston

August 9, 2016 at 6:37 am

Yes, I did receive permission for my quilt to be exhibited (after a lot of heart ache and wondering whether it was worth the postage to send a quilt that would not be judged.) I had to contact one of his agents listed on his website who in turn contacted him. Getting permission turned out to be easy and the artist had very kind things to say. However, I will never, ever submit a derivative quilt to QuiltCon again. The cost (submission + tracked shipping) just isn't worth it to not get any judging comments. Derivative works also cannot be offered for sale at the show

To have my quilt be considered for awards and to receive judging comments the MQG said I would have to obtain a license from the artist (as an award would mean that I was making money off of what they considered to be his design.) I license can be as simple as an email from the artist saying that yes, it's okay for your quilt to be considered for awards. I found the entire experience so stressful that I opted not to inquire about a license (I felt there was a real possibility of the answer being no because of the "fame" level of the artist.)

David

August 8, 2016 at 9:47 am • Reply

Hi everyone! I'm a new member and a friend recommended I join so I could start entering my quilts in shows. Well, I'm totally dismayed and confused by all of this and I'm glad to see a lot of others feel the same, otherwise I'd be heading for the hills.

I am all for giving credit where credit is due.

I sell knitting patterns on Ravelry. If someone made a pair of mittens using my pattern, and entered them into a show, using your model, I would have the power to deny them winning any prize money? That makes no sense whatsoever. What kind of person would do that? Is this the kind of person this whole post is trying to protect?

Are you saying, that anyone who has ever made a quilt based on a double wedding ring, needs written permission from Cappers Weekly? This block was published by them in 1928 and isn't in public domain yet.

If I go to a class and learn a technique from someone, I have paid for that technique. I am paying that person for their knowledge. I will give credit to that person for making my life easier, but asking that person for their permission and giving them power over my quilt show entries is just nonsense. What if their class is derived from a technique they learned from someone else? Do we have to research and locate that person too, lest they be upset because my quilt looks like a quilt from a class they used to teach?

It sounds like the only thing you are judging people on here is the design of the quilt. What about fabric choices? Execution? Skill? Do these things count for nothing? Will my quilt be disqualified for one small part that has no bearing on my skill as a textile artist? If I pay someone for a pattern, the transaction is complete. Giving them power over what I make with a paid pattern is just ridiculous. The pattern doesn't make the quilt. The quiltmaker uses the pattern as one of the many tools in the process. What next? Where does this end?

Nobody exists in a vacuum. One of the many gifts we possess as humans is being inspired by our surroundings to create art. We learn from each other. Artists throughout history have taken someone else's work and made it their own, improved upon it, and left it as a legacy for those yet to come.

Jean

August 14, 2016 at 11:45 am • Reply

I agree, David, and particularly the part about technique. It has been my understanding that "technique" as a method of execution cannot be copyrighted, only the tangible forms such as written instruction. I recently took a class at a major show where the fairly new designer was teaching her special technique — i showed her my way of achieving the same results.that was much easier. By the end of the class, everyone was doing it my way. Is she going to give me credit? Not likely! Could I be accused of copying her technique? Quite possibly.

Sara

August 9, 2016 at 4:13 am • Reply

I read this piece with interest as soon as I saw it in Instagram. I have to say that I was also put off by the original post – it felt limiting, and hectoring in tone. My idea, which I'd been working on for months, definitely falls within the terms of "derivative" by your definition, and I reluctantly went back to the drawing board with a great deal of disappointment. I've since come back and read the comments and am really heartened by the fact that other quilters have had the same reaction as myself.

I do not have any issue with the idea of crediting other artists who have inspired your work – in fact, since my planned entry was to be a rather literal interpretation of another artist's piece in another medium, I had already contacted the artist in question and sought her consent to use her work in this way. She was very enthusiastic about the idea, and gave her consent willingly. Indeed, she told me how delighted she was that her work could inspire the creation of other works. After going to this effort and developing a design which builds on the inspiration piece and adds layers of meaning through the change of medium and the process of creation, I am really disappointed to learn that my piece could not be entered for competition, even though I have the express permission of the original artist.

On a more general note, I feel like a number of different issues were conflated in the original post. The issue of copyright is the clearest of those, and several far more qualified commenters than myself have made really good points about this above. I think this is an issue which you can resolve in consultation with a good copyright lawyer who has an understanding of this particular area. Of course, we all need to follow the law in this regard, and I am certain that no-one who has commented negatively on this post is arguing for the infringement of designers' rights.

I can also understand why you might be reluctant to accept quilts based on commercial quilt patterns, and the desire to place the focus on original design. Whilst I agree that this is an important aim, it shouldn't be forgotten that quilt patterns – like any other work of art – can be adapted, added to and interpreted in different ways to create something new. I also agree with the commenters above who argued that once a quilt pattern is sold, the original designer should not have the final say regarding work which is created using that pattern (although I do agree that the pattern designer should be credited in the submission). To me, this is a different area than, say, a quilt interpretation of a work of art in another medium. I understand that this can easily be seen as 'passing off' and it's therefore really important – and just good manners – to seek the permission of the original artist (unless it's in the public domain) when submitting for a competition.

For me, the most thorny issue in your post, which hasn't really come up in any of your replies to the comments here (which seem focused on the legal issues for the most part) relates to the difference between 'inspired by' and 'derivative' (although I believe that the text above, relating to the 'V' quilt, has already been changed), and their value as artistic works. To me, design is only one element of quilting – process and intention are just as important, and the three combine to create a work of meaning and value. Your post implies that works inspired by other artistic works are not of equal value to 'original' designs, since they can't be entered for the competition, even when permission of the original artist has been gained. I think this is really problematic, since there is a large tradition of reinterpreting works across the arts – the use of samples in music, for instance, or the retelling of stories from different perspectives in literature – and this is a perfectly valid form of creation with its own value, which is not derived from the source material but from what it adds to, questions, or builds from the source material. Where issues of copyright are not a problem (such as when permission is obtained), I don't see why these works should not be eligible for competition.

Ben

August 9, 2016 at 8:33 am • Reply

The email I received regarding my 2016 Quiltcon entry included this statement:

“Derivative quilts must be for “for exhibit only” (not eligible for awards) unless there is a formal licensing agreement/contract with the original artist.”

Will this continue to be the case? I was able to contact the original artist who inspired my quilt, and she graciously provided a license agreement via a simple statement in an email.

Betsy V

August 9, 2016 at 8:08 am • Reply

QuiltCon entries for 2017 opened on July 1, 2016. This post was sent to those following the blog on July 30. Now there is a link to this blog post on the contest rules page. Was this information linked to the contest rules on July 1 or not until July 30? If it was added later, is that fair? Shouldn't all the rules be set in stone before it goes live? In addition, how can the post be amended mid stream if it is part of the contest rules? What if a member already made submissions? Are they contacted that the information changed? Regardless of whether or not the rule is fair or is the correct interpretation, it's plain wrong to change anything in the contest rules once members are allowed to submit entries.

Heather Thompson Grant

August 9, 2016 at 12:46 pm • Reply

Hi Betsy,

This is a fair point! We had next to the link “(link to come)”. We'll work with members who have submitted already once we post the revised blog post. 95% of entries occur in November (about 35% of those on the last day). Right now, it is less than 20 quilters.

Heather Grant

Director of Marketing & Programming

Lizz Ann

August 9, 2016 at 10:08 am • Reply

Take a person who has never seen a quilt in their life but knows what a quilt is, ie: cloth/batting/stitching. Give them fabrics and a sewing machine and all else needed to make a quilt. I have a hunch their 'quilt' will look like other quilts out in the world in some way. There is a HUGE difference between derivative and copied. That much is black and white. Every artist is 'inspired' by something, a color, a line, a shape. All this 'nick picking' things to death is getting tiresome! And I am a bit more than worried this type of thing will turn quilters and other fiber artists totally away from sharing and competing in shows – a couple have posted they won't be entering the MQG show in the comments. This is so sad!! Look at modern car design, you can hardly tell them apart anymore. I saw a new Mercedes parked beside a new Honda and they had very similar to almost exacting lines, shapes, placement of parts on the two cars. If quilters are accusing other quilters of copying their work then they need to take this up with a lawyer NOT with the management of guilds and operators of shows who should not have police and research every entry to make sure they do not look like, even remotely, any other quilt in the universe. Derivative should be a NON ISSUE in the art world.

knitnkwilt

August 10, 2016 at 9:49 pm • Reply

In the version of the post that I read, it said that technique is not copyrightable. Therefore, improv, which is a technique, alone would not seem to be derivative. If, however, the piece actually looked like a piece that an improv workshop instructor had shown, it would seem to be a different matter.

I've most recently worked with Sherri Lynn Wood's book. Even following her directions might not be derivative since the directions are so flexible. Clearly 'inspired by,' maybe even enough to guess which "score" one had used. But it would be a rare product that was enough of a look alike to be called derivative.

Frank Palmer

August 11, 2016 at 10:48 am • Reply

This blog post has been significantly altered since being posted originally. Which is not surprising, considering the original definition of "modern quilting" (when this guild was founded) is far removed from the strict, narrow definition existing today, and continues to be strangled to conform to a standard that is not as uplifting, nor inspiring, as that original definition. The once free-spirited happiness that gave hope to the disenfranchised is now being crushed by the hammer of the quilt police. #RIP

Kay Sorensen

August 11, 2016 at 10:27 pm • Reply

AMEN!

43. Pingback: [Derivative or not? | The Lilac Cat](#)

shecanquilt

August 12, 2016 at 7:44 am • Reply

Hi Heather, I have enjoyed this debate in the comments. I have shared my views on my own blog here: <http://www.shecanquilt.ca/2016/08/lets-be-clear.html> . I look forward to clarification from the MQG after everyone enjoys a well deserved holiday break.

Leanne

Carol Gillen

August 12, 2016 at 8:39 am • Reply

The ink is barely dry on my membership, however, I feel compelled to remark on this. First, as a professional organization, I would expect an article of this type to have a professional legal review rather than links to Wikipedia and Legal Zoom. I think it damages your credibility as a professional organization. Second, I find remarks like "Stop consuming.... do the work" judgmental. This is EXACTLY the attitude I hear "modern quilters" ascribe to "traditional quilters"! My two experiences with the Modern Quilt Guild now include the disaster that was QuiltCon registration and an article that basically tells me it's really unlikely I'll ever be qualified to submit something to one of your shows.

negativitysucks

August 12, 2016 at 12:24 pm • Reply

Thank you. I wish you had experienced what it was like in the beginning, when it was a welcoming community and a movement, unlike now, where it's an exclusive club for a few, and even its own members are left on the outside, looking in. The industry needs more welcomers, and fewer gatekeepers. MQG no longer speaks for many of us, because they no longer listen to most of us. And we are leaving to go it alone, or find something better.

Sandra MacWilliam

August 12, 2016 at 3:51 pm • Reply

I disagree with the MQG regarding this new rule of “exhibit only” from the above article in this statement: “All quilt shows have their own requirements, but at QuiltCon, derivative quilts should only be entered with appropriate credit, permission from the original artist and for exhibit only.”

I agree with appropriate credit and permission from the artist. I made a quilt from a designer, even gave credit on my own personal label on my quilt and received approval from the designer to allow me to enter it in the AQS Daytona show. It was accepted, and was part of the competition.

If the quilter acknowledges the designer/inspiration and receives permission to enter, there is no logical reason why it could not be entered into the competition. None what-so-ever!

And changing horses in the middle of the stream is not appropriate or advisable for the 2017 show. People may not have entered yet, but are working on quilts they aspire to be submitted for the Savannah event. If this is going to be the rule for 2017, that is ludicrous. Rule Changes should be made before the event is open for entries. As Board members, you should know that and uphold the current rules.

princespolkadot

August 13, 2016 at 6:17 pm • Reply

I agree with you completely regarding changing criteria in midstream. Any changes should be made prior to any publication of criteria. Not once submissions are being accepted.

rmsreid

August 12, 2016 at 7:19 pm • Reply

This reads like one giant “quilt police” post. I’ve heard the comment that “modern quilters are the worst” and with this post I now agree. I will still be involved with my local guild but this post has soured me on the thought of attending a QuiltCon. I have no interest in being part an elitist club where quality workmanship can only be exhibited, not submitted for judging. AQS can have my quilt show dollars. Every artist’s work is in some way derivative because we do not create in a vacuum. “There is nothing new under the sun” is as true as when it was written thousands of years ago.

Wendy

August 13, 2016 at 1:39 pm • Reply

My thoughts exactly.

Wendy

August 13, 2016 at 1:45 pm • Reply

I’ve just read all 96 comments on this post (and the replies). I think Allison Schnackenberg talks a lot of sense, and clearly has experience working with copyright. I know you’re getting legal advice (now) but I also think you should engage with Allison before you post your revised position on this issue.

Jo Nellessen

August 13, 2016 at 8:52 pm • Reply

I have an idea to make a quilt from a painting I saw in a magazine years ago. The painting was done by an artist in France. I contacted both the magazine and the artist c/o the gallery listed. Neither has bothered to respond. Am I to continue this worldwide search because the painting inspired me to

translate it into a quilt? I do not see any instructions to follow if I do not receive a response. I did intend to acknowledge what I know however will this now prohibit me from entering any quilt shows with this project? If so a beautiful quilt will either never be made or I will be unable to show it to anyone for fear of legal problems.

**Also, what if I ask permission from someone, receive it, and then find out they were not the original artist? This is a monstrous problem and has many many issues. It has taken the fun out of quilting for me.

We all understand that you cannot zerox patterns however this seems to me to suggest that every quilt needs a permission slip from at least one person or it must remain on my bed

Ellen Ault

August 14, 2016 at 7:41 am • Reply

I am quite confused and perplexed in the direction the MQG is going. Submitting correct notes on whose pattern you may have used is a given. Adding your inspiration helps the viewer understand where the quilter is coming from. But not allowing the finished work to be judged and to be exhibit only perplexes me. A quilter of any standards is entering for their work to be reviewed, to be critiqued on their technique. Take someone who is entering because they are not a pattern designer but in turn are looking at their quilting technique. They use a pattern that will show off their machine quilting. They should not be penalized for this.

I too wonder how far will this go, being derivative? If this is the true feeling of the MQG, then what about your sponsorship? You have a blog button, to the left of this post, from Cherrywood Fabrics on their Lion King challenge. An entire challenge based on a derivative! And Disney no less, one of the biggest licensees in the world! If MQG sees derivative as a negative aspect in their viewing of what modern quilting is, they should then in turn not accept sponsorship from companies that are using themes against their quilting policies.

And further, your description of what modern quilting is from the national website:

“These include, but are not limited to: the use of bold colors and prints, high contrast and graphic areas of solid color, improvisational piecing, minimalism, expansive negative space, and alternate grid work. “Modern traditionalism” or the updating of classic quilt designs is also often seen in modern quilting.”

You returned modern traditionalism to the description, but yet it is not actually ‘included.’ It is “SEEN”, but you are not stating it as including in design aspects of modern quilting or approved of. I believe the MQG needs to reorganize, define their point of view and stay true to it across all forms of social media and press including sponsorship.

Even in the last webinar by Mary Fons, defining what modern quilting is contradicts your post here. By far the most enlightening, interesting, educating, and entertaining webinar you have had to date. Mary Fons quotes the Chairperson Jacquie Gering that modern quilting “is an attitude of anything goes.” This post contradicts her statement.

Frank Palmer

August 14, 2016 at 1:18 pm • Reply

This: “I too wonder how far will this go, being derivative? If this is the true feeling of the MQG, then what about your sponsorship? You have a blog button, to the left of this post, from Cherrywood Fabrics on their Lion King challenge. An entire challenge based on a derivative! And

Disney no less, one of the biggest licensees in the world! If MQG sees derivative as a negative aspect in their viewing of what modern quilting is, they should then in turn not accept sponsorship from companies that are using themes against their quilting policies.”

This is the perfect example of the blatant hypocrisy of MQG, and why I am leaving. It’s not about artistic development. It’s about branding and policing. And as common sense and factual as this comment is, MQG will ignore it, because it doesn’t fit the narrative of the powers that be. Those powers are NOT the membership. The membership is the product they deliver to the sponsors, and that’s the business.

Cathy

August 14, 2016 at 11:03 am • Reply

So when someone makes a quilt, before they enter it in your show they have to scour the internet to make sure no one else has made something similar? Out of basic shapes that we begin to manipulate in preschool? Of course there is going to be something similar, there are only so many ways you can configure basic shapes. Your example of the 3 triangles shaped like a bird is just astonishing. 3 triangles is original somehow? There is NO configuration of triangles that is original. I am sure there are cave etchings of 3 triangles that look like a bird. Elementary school children put 3 triangles together to look like a bird. It is primitive and basic. To claim that this is somehow original to one person, is laughable and absurd. To take it even further and say anytime triangles are put together on top of each other this one person needs to be credited is just bizarre. Seriously, this whole idea is just nonsense. Just because we have the internet now and everyone and their grandmother posts pictures of what they make, they think that they are somehow the “first” one to do it. No, they aren’t.

ANN M.

August 15, 2016 at 10:36 am • Reply

I am a simple basement quilter, a former garment sewer starting to enjoy expressing myself in quiltform. The responses to this post have been educated and well written and I can’t add anything new to the legal information. My comment is in reference to the part of the post that states “stop consuming ……” . So, I will follow your instructions and stop purchasing quilt books, stop paying for quilt classes, stop attending quilt shows, and stop paying for membership in quilt guilds. Your post comes across as a bit ignorant (in matters of law), negative, and judgemental. Not an image that an inclusive group, which is how the MQG was presented to me, should portray. I think you have become the very thing that the Modern Quilting movement had rejected in its beginning.

Kathy M.

August 15, 2016 at 12:22 pm • Reply

I actively resisted reading the MQG’s post because I’ve seen the way pattern designers latch on to myths about copyright, and was afraid I would see them here. Well, I did see them, but was also heartened to see excellent commentary by so many thoughtful and well-informed people. It’s unfortunate that this post/policy, however well-meaning, will have a chilling effect on participation in Quiltcon and the Guild. I have a couple suggestions that could help change that.

First, about using a pattern: After attending Quiltcon for the first time, I was so inspired that I set a goal of placing a quilt in the show. Now I don’t know whether to even try to enter my quilt in the “Modern Traditionalism” category. I used a pattern, which I modified extensively to create a quilt I love, one that to me embodies modern traditionalism. The pattern used a traditional quilt block, long in the public domain, that the designer had arranged in clusters of 4. The clusters created a different look from the traditional linear arrangement. What I understand about copyright law (I’m a law professor) suggests that the pattern itself might be eligible for copyright protection because of this

innovative arrangement. Assuming it is copyrighted, when a pattern is published and legally acquired by a maker, the objects made from the pattern are not infringing. I can't republish the pattern and sell it myself, but I can legally make any number of quilts and do with them what I please, whether that be selling them, or entering them in shows.

As the MQG policy now stands, it sounds like even with permission from the designer, I would probably be disqualified from judge's comments or awards. That makes no sense. Moreover, the only sensible Quiltcon rule should be that a maker who uses a pattern credit the pattern designer—and that's an ethical norm, not a legal requirement. Please, MQG, fix this rule about using patterns!

The other major point that needs clarification is about the derivative work issue, which is how the MQG is treating work inspired by another's work. First, I don't agree that copyright law on derivative work fits the quilting situation. Derivative work is one that uses parts of a copyrighted work, and adds to it. The copyright office lists examples such as a play turned into a movie, or a drawing turned into a sculpture. A quilt, which is defined by MQG as an object that can be used for practical purposes (warmth, for example), generally is not protected by copyright to begin with (though the pattern could be).

Even assuming a quilt as an object is subject to copyright, the defense of "fair use" comes into play, as mentioned in previous comments. If a quilter is inspired by what he or she sees and makes something new but with elements of the original, that's okay as long as the new work is not simply a copy. The question is what the new quilter adds, after drawing on the original inspiration: whether her work is "transformative" in a significant way.

To help explain this, I'm going to quote a famous intellectual property scholar and judge. His article mainly addresses using quotes from written work, such as literature or a song, but I think it illustrates fair use pretty well.

Pierre N. Leval, *Toward a Fair Use Standard*, 103 *Harvard Law Review* 1105 (1990):

"Does the use fulfill the objective of copyright law to stimulate creativity for public illumination? This question is vitally important to the fair use inquiry, and lies at the heart of the fair user's case. . . . I believe the answer to the question of justification turns primarily on whether, and to what extent, the challenged use is transformative. The use must be productive and must employ the quoted matter in a different manner or for a different purpose from the original. [FN29] A quotation of copyrighted material that merely repackages or republishes the original is unlikely to pass the test; in Justice Story's words, it would merely "supersede the objects" of the original. [FN30] If, on the other hand, the secondary use adds value to the original—if the quoted matter is used as raw material, transformed in the creation of new information, new aesthetics, new insights and understandings—this is the very type of activity that the fair use doctrine intends to protect for the enrichment of society. [FN31]"

My vote, if members were allowed to vote on MQG policy, would be to encourage transformative quilting by doing 2 simple things: require exhibitors to credit their inspiration, if they can, and to refuse to display work that copies other work without adding new, transformative material.

Jenny O

August 17, 2016 at 1:13 pm • Reply

As an academic library with a focus on copyright education, I'd like to second everything Kathy M said. Misunderstanding of copyright law is something that I've come to believe is a significant issue in the quilting community.

For example, the discussion of derivatives could be considered an oblique reference to the Fair Use exemption. That said, fair use is never once mentioned in the post. I will go further to point out that this is not the first time I've seen the MQG or it's agents ignore that fair use is a thing – a thing that is regularly utilized by artists. I'd add that even if it is a reference to fair use, transformativeness (kind of the opposite end of the spectrum from derivatives) is not the only factor to determining if a use is a fair use.

With the revisions to this post that are promised in mind, I would like to suggest that those involved review The Code of Best Practices for Fair Use in the Visual Arts (<http://cmsimpact.org/code/fair-use-for-the-visual-arts/>), specifically Example Three 'Making Art'. In fact, I would suggest reviewing all of the codes (<http://cmsimpact.org/codes-of-best-practices/>) – while the code for visual art is the most directly correlated to this situation, several of the others could be useful in understanding how best practices have been developed across communities of practice.

Kim

August 16, 2016 at 5:55 am • Reply

There is a tremendous amount of great information posted by commenters on this article who have far more legal knowledge and common sense. I'm all for crediting designers but this post went way too far. Did I seriously read in one of the MQG responses that we should get permission from a designer to privately display a quilt in our homes? I'd have to scroll through all of the comments again but I believe that was the gist of one of them. I'm glad that people are speaking out and reacting to the proclamations of MQG. For me, I am glad that our guild decided not to join the MQG. It seemed apparent to us at the time that the leadership was very dictatorial and there was little benefit to joining. In retrospect the decision not to join has been a great one as the movement in the MQG has been toward more quilt policing and not a sharing and welcoming community—from the tone of the leadership. I know several individual members of MQG who are wonderful people and I don't attribute the MQG leadership views to them. I had considered an individual membership and was poised to attend QuiltCon but I will not do either now. Why would I want to pay hundreds of dollars to attend lectures and take classes at QuiltCon when the leaders clearly are sending a message that such things are beneath them? In truth I love patterns, books and classes and I intend to keep creating with them for my personal enjoyment but I won't be putting any of my money in MQG's pockets. Money talks people. If you don't feed the beast then it won't thrive.

Frank Palmer

August 29, 2016 at 11:38 am • Reply

Truly.

Since this post, every time I see something inspiring, it kills my spirit, because I'm angry at how judged I feel. And the ones who said to be original the loudest, are the ones writing books that are pulled from the blog posts of others (as well as previously published work) and calling their compilation of others' thoughts "original work" and turning around to tell others to look at their own paper. The sheer hypocrisy of everything MQG stands for leaves a taste in my mouth that burns like poison. Message received, MQG. Loud and clear.

Sherry DA

August 29, 2016 at 8:03 pm • Reply

Kim, thank you for saying everything I have been thinking for weeks. I just joined MQG as an individual member in June, but with all the unnecessary mess I have heard about and read regarding this issue, I don't think this is a community I want to be involved with after that

membership ends. You know, this is quilting folks-not a one of us here invented any of it and to randomly try to lay claim to it seems greedy and EVIL to me. Recognize those who inspire you, but the attempt of an arbitrary (money!) grab of this very social art practiced by millions over centuries-people really ought to be ashamed of themselves to even suggest such nonsense....

Ciarrai.

August 16, 2016 at 2:33 pm • Reply

There's a whole lot of "who shot John" about this articles. It also goes to show when people get a little power they become dictators.

If I buy a cookery book am I suppose to locate the chef and ask for permission to use the recipes? I roared with laughter when I read that Jacquie Gering's triangle manipulation was ORIGINAL -original to who- to Jacquie.?

These are cut-outs we did as children. There is a very simple solution to all this "derivative nonsense" stop buying designer fabrics, books, magazines, patterns. Stop posting and boasting on social media. After all quilting like knitting has been around since Adam was a lad

Karen Musgrave said "politics enter everything, and why should the world of quilting be any different? She went on to describe quilting as being petty, tiring and detrimental" this description sums up this article.

There's a documentary called "Why Quilts Matter" a trailer over 8 minutes long can be viewed on youtube. It's titled history, art ,politics very interesting.

The next thing that will happen is. ruler and rotary cutter manufacturers will insist on their products being mentioned when quilts are entered into shows.

After all, they too contribute to the creation. If everyone is scrambling for credit everything used in the process deserve mentioning.

Jo Nellessen

August 30, 2016 at 4:11 pm • Reply

I quit! You have taken an enjoyable hobby and turned it into my worst nightmare. My friends and I no longer wish to be involved with the Modern Quilt Guild. Our guild has disbanded. Goodbye....

Sent from my iPad

>

Angela

August 17, 2016 at 2:13 pm • Reply

The mere existence of the Modern Quilt Guild is against its own "rules". There is nothing modern in the modern quilting movement, all is already invented.

Please, excuse my heresy.

Marty Mason

August 22, 2016 at 7:14 am • Reply

After reading your article and the resulting comments, I am throwing-up sick that I have a huge investment in QuiltCon 2017 with airfare from Louisiana to Savannah, hotel for 5 nights, class and day passes into the show.

I'm throwing-up sick that The Modern Quilt Guild of which I am a member has taken a much discussed and highly controversial legal question and narrowed its interpretation into a few paragraphs. A question of copyright infringement should remain between the quilt maker and the entity who is claiming infringement and should not involve The Modern Quilt Guild. Does the board have a collective legal background to be the judge and jury? What gave a Modern Quilt Guild member the right to pull quilts from a show because someone said that someone said a quilt is a look-alike of a picture from their past. I've invested in a Jacquie Guering Craftsy class and wonder if Jacquie might feel infringed upon if she knew that I have sewn a triangle onto a square just as she did in her video? If so, then I want my money back!

Personal opinion.....this article should have never been published. Personal opinion, you've opened a can of worms that is hurting The Modern Quilt Guild and the modern quilt guild movement.

Lisa Tucker

August 30, 2016 at 9:52 am • Reply

I'm right there with you. Dear MQG if you want to make rules, do it effective the day after QC17, changing after entries have begun is absurd. Have your "hard & fast" rules in place & all your board & staff trained in your policy. MQG has become the naysayers, just as the hand quilters were about machine quilting. I've grown weary of each new group that thinks they've invented the wheel. It ain't so, my advice is shut up & sew.

Claudia Wade

August 23, 2016 at 7:32 am • Reply

Wow. The original post is both off putting and yet confusing and fuzzy about what is permissible. If you are trying to establish rules for entry to your competition, there should be no gray area, no 'only a court of law can decide' type equivocation. Quilt design is always derivative. There are only so many geometric forms. Nothing is new, truly. This post can only discourage workshops, teaching, and book publishing. Way to go!

Patti

August 30, 2016 at 4:18 pm • Reply

So. . . why would we go to workshops, buy books or read blogs? Because we like looking at quilts and learning different ways to use those bits and pieces of knowledge. But why would I go to a workshop if I wasn't "allowed" to use some of what I learned? Why even have workshops at Quiltcon if that's so? If I see a cool tile pattern on the floor, do I have to look for the tile designer if I want to use part of it in my quilt? And I work a lot in Modern Traditional style which means everything I do starts with something "derivative". IMHO it's more another set of hurdles to jump over and frankly it's discouraging.

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