

Forum:[Hack Forums](#)

Thread: [Graphic Design Rights \[A Guide // Know Your Rights!\]](#)

Rivalry - May 29, 2015, 8:52 am

This guide is brought to you by Rivalry on behalf of Pirates, yarr!

I N T R O

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It occurred to me recently that very few people on here understand how rights to graphics actually work, so I thought I'd clear it up for you all.

As a designer, rights actually work in your favour, rather than in favour of the person buying your work.

This might be a long thread, but I guarantee you that it could save you lots of time and tears later!

I N T E L L E C T U A L P R O P E R T Y

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When you make a design, it automatically becomes your intellectual property. There are various guises this can take; you can pay for a patent, for example, or apply for a Trademark, but any (original) design created by anyone is automatically classed as their intellectual property under international law.

You have intellectual property if any of the following is true:
You created the design and it is entirely your work

You have explicitly bought the intellectual property rights for a design from its creator- this is not the same as hiring a designer to make you something

Intellectual property can also do the following:
Have several owners

Be sold or transferred

Be owned by a company as well as an individual

PROTECTING YOUR PROPERTY

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Here are the six types of protection afforded to a designer:

Copyright - this is automatic protection, so every single piece of original design that you create is automatically protected under copyright law. This makes it illegal for anyone else to copy, rip, distribute, or adapt your work, as well as for them to re-post it elsewhere on the internet. We'll discuss copyright in depth below, because it's important

Moral Rights - a subset of copyright, these are automatic protections that guarantee the artist's right to be identified as the owner/producer of the work, and that allow the artist to object to a work's use. For example, if the Apple logo was lifted by someone and used to advertise a strip club, Apple would be entitled to sue the user under illegal use both under copyright and moral rights

Design Right - this is automatic protection, but only applies to the shape/configuration of a design. For example, Apple's distinctive apple logo is protected under this right. It gives similar protection to copyright

Trademark - this is not automatic, and must be applied for

Patent - this is not automatic, must be applied for, and generally only applies to industrial designs (eg if you designed a new type of lock). Not relevant to HF

Registered Design - this is not automatic, and must be applied for. Again, it's not relevant to HF

COPYRIGHT

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Your work is automatically protected under copyright law as long as the following is true:

Your design is original and is not ripped/does not use elements from other designers (in that case, they own the copyright for those elements of the design)

You have not been dead for 70 years

We covered the protection it gives you above, but to re-iterate, it makes it illegal for anyone to copy, rip, distribute, or adapt your work, as well as for them to re-post it elsewhere on the internet.

Copyright can be transferred, but this is not an automatic process. If you are the buyer of a thread design here on HF, for example, you do not own the copyright to that design just because you have bought it. Rather, you have been 'leased' the right to display the work of the artist, in the same way as how you do not own any of the music in your iTunes library; Apple has simply leased it to you to listen to (true fact).

To buy or sell copyright, a written document needs to be produced. On HF, a private message will do. The artist needs to explicitly say that not only did they initially own the full rights to their work, but that they are now transferring copyright ownership to you. Be advised, though; they can share joint ownership with you, so watch out for ambiguous wording. A 'transfer' means that you, the buyer, now own all of the copyright for the work. If they simply sell it to you, that means that the artist can still claim to own its copyright jointly with you. To avoid ambiguity, when buying copyright insist upon an 'exclusive licence', which will give you full rights over the design. Moral rights need to be dealt with separately; when you buy a copyright, the artist can keep their moral rights (outlined above) or surrender them. Usual practice dictates that the artist also waives their moral rights upon sale, but clarify this before a transaction in case you get caught out.

Copyright purchasing usually entails a significant surcharge on top of merely buying a design. This is because most designers are loath to surrender their intellectual property, because they then lose control of it and everything in the design. In cases where you cannot find the original designer to buy copyright from them, post a thread like [this one](#) first to see if anyone can help you. If you still have no luck, then go ahead and use the graphics, but you must display a willingness wherever you do use them to find the copyright holder and negotiate with them.

When you buy copyright and moral rights from a designer, this allows you to remove their credits from a design, to re-post it anywhere you like, to distribute it, share it, alter it and so on. It also gives you the ability to prevent anyone else from doing that to you, since you now own the copyright!

DEFENDING YOUR COPYRIGHT

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Know your rights, as outlined above. In the real world, you can contact your applicable Copyright Tribunal, who are a subsidiary of the government and will investigate your claim, find any breaches of copyright law, and, potentially, initiate legal proceedings against those breaking the law.

If you see someone on HF using one of your designs without your permission, then they are breaking copyright law. First, contact them and (be polite!) make them aware of their transgression, and ask them to remove your design. Nine times out of ten I've had to protect my copyright, this has been as far as it's had to go and the members in question have always apologised and fixed the issue.

If the problem persists, use the [Contact form](#) in the header to get in touch with site administrators. In the 'Subject' drop-down, select 'Copyright Violation'. Explain your rights in the box below, explain the breach that has occurred, prove that you are the owner of the designs (this usually just requires a screenshot of the .psd/.ai/etc file), and ask for the offending design to be removed. The only time I've ever needed to take it this far, the claim was successful and the problem was resolved within hours.

You can also read the HF Help Document about copyright [here](#).

That should clear everything up! If you have any questions or comments, or think I've got something wrong (this is based on the UK's copyright law, which is pretty standard by my understanding), please send me a message!

Effexion - May 29, 2015, 9:11 am

Haha, what can I say? Thanks, Rivalry ?. Great thread!

Rivalry - May 29, 2015, 9:17 am

(May 29, 2015 09:11 AM)Effexion Wrote: [\[CITE\]](#) Haha, what can I say? Thanks, Rivalry ?. Great thread!

Hopefully this helps? It's useful anyway for all the people in the Graphics Market who have no idea what they're buying or selling half the time :P

Meow - May 29, 2015, 11:02 am

Awesome thread,thanks a lot! ?

whyso - May 29, 2015, 12:18 pm

As a designer what can i say, Nice thread rivalry. Thanks a lot. Hope as many as people read this and act on this. :)

and yeah Hope this gets Sticked.

prada ? - May 30, 2015, 8:00 pm

This was very nicely worded. Good job.

VRUMM - May 30, 2015, 8:03 pm

Nice guide rivalry. Good job.

xitoxic - May 31, 2015, 7:41 am

This is a really very informative thread.
Thanks for this.

CyberStudio - June 1, 2015, 6:21 pm

Awesome thread, Rivalry.

More designers need to read this.

Rivalry - June 6, 2015, 3:32 am

Thanks everybody :)

Yeah, hopefully more people do. Very few people are actually aware of any of this stuff :(

Vicious™ - June 9, 2015, 8:35 pm

This is a great thread for designers like myself. I am aware of these laws but I know there are designers out there that aren't aware of them. To add to this, technically we are not obligated as designers to give the PSD as part of a thread or any other design. The finished product is what is paid for and we still own the rights to that as well unless it is sold as part of the agreement.

That said, you can offer the PSD as part of the deal which from personal experience will increase you business/sales and unless you sell exclusive rights and you own 100% of the content you are selling it is still your intellectual property.

A30v - June 9, 2015, 10:01 pm

this is a great thread. you do really good work sir

shoptat - June 10, 2015, 10:13 am

+ rep man this is insane love your work im a designer also starting up on banners though

W?lr?? - June 15, 2015, 9:36 am

This is an awesome thread. :)

Rivalry - July 3, 2015, 2:24 pm

Glad everyone's finding this helpful :)

Aradica - July 7, 2015, 12:55 am

Good little read, thanks man

bubbles1410 - July 9, 2015, 3:24 am

thanks a lot for this tutorial, as an aspiring photographer this is useful

Vaxorr - July 10, 2015, 3:23 pm

Great Thread man, thanks for taking time to write that up.

Rivalry - March 18, 2016, 10:38 am

Going to shove this back up to try and educate creatives.