

Art Prizes No Surprises is about resourcing art competitions and prizes right across the Riverina to run competitions that are good for their organisers and their entrants.

Here are some tips for competition organisers, courtesy of Arts Law.

1 **It's no biggie accepting entries from littlies**

Believe it or not, a minor has exactly the same status in terms of copyright as an adult. You don't need a special set of terms and conditions for young people.

The smartest and best thing to do for under 18's entrants is to get their permission AND the permission of a parent/guardian. Your standard entry form could have space entry form might one entry form to just say something like "If you are under 18, you must get a parent/guardian to sign at section xx, if you are over 18, section xx can be left blank")

2 **Get a warrant**

Your competition entry form should ask your entrants to warrant that they are (a) the copyright holder, and (b) that they have the permission of any other copyright holders, to sign the entry contract.

Why? Because copyright can't be cut in half. If a work was created jointly by two or more people, both are the copyright holders, but both are bound to only act in a way that has the consent of the other copyright holders. One half of the duo can't license the work, or sign a competition entry form, without the consent of the other copyright holders. The last thing you want is to get caught up in a copyright dispute, so the best way to avoid this is to make sure your entrants have provided the necessary permission upfront.

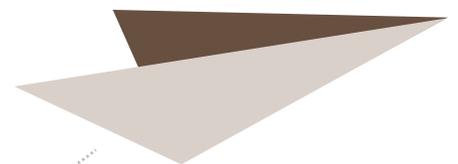
3 **A tick is as good as a squiggle**

It is acceptable to use an online form and get people to tick a box indicating they agree with the T&Cs, in place of a paper signature. If you're going to go online, it's worth setting your form to send them an email confirmation which restates what they've signed on to.

4 **Don't go on a rights grab**

It isn't good or necessary to ask the artist to 'assign' their work to you. Assignment means they've given full copyright to you: so much so that they would technically require your permission if they then wanted to use their own image! This is over the top - it's a "right's grab." Think specifically about what you actually want from the artist's work, then ask for a 'license' on those terms. A licence fundamentally preserves the artist's ownership of their copyright, but guarantees you the ability to use that image.

Make sure that what you are asking for is a fair exchange for what you are 'paying' your entrants. Is it really fair to say in your T&C's that all 400 entrants give you the right to use their images for whatever you want (including business cards, letterhead and on TV commercials), in perpetuity?



A more fair licensing arrangement might be that you want a non-exclusive license to use your finalists and winners' images (and photographs of them), for non-commercial useage for the following reasons: to promote the competition for the following two years and for organisational reports (including the annual report, the website and the organisation's social media feed).

5 **Don't be too exclusive**

An exclusive license means that for the period of the license, only one person can use the image. A non-exclusive license means that the artist can still do other things with their image during the terms of the license.

Arts-Law recommend that art competitions always ask for a non-exclusive license only. You don't want to limit your artist's capacity to make it big!

6 **Ensure that you are insured**

Ask detailed questions of your Insurance provider. Does it cover accidental damage of artworks? Are the artworks covered during transit and storage? Does the exhibition venue comply with the security directives of the policy (ie do the windows get shut every night before staff close up shop?)

Shameless plug! Regional Arts NSW endorses this insurance brokerage <http://www.artsure.com.au>

For more information, check out Arts Law's fact sheet on Competition Conditions. There's also a fabulous fact sheet for your prospective entrants. It's all about what to look out for when you are considering entering a competition.

For a small membership Fee, Arts Law can give your organisation one-on-one advice, and even look over your competition paperwork for you! Have a look at their website to find out more about the excellent service they can offer you. www.artslaw.com.au

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