



WEST VIRGINIA WATERCOLOR SOCIETY

## President's Letter

Winding down another year and winding up for next. . .

It's been a wonderful year for us. I think first of the art auction with the Clarksburg League for



Service which generated approximately \$8,000 in sales for our members as well as help fund a wonderful Clarksburg charity (Amy's Attic). And a big thank you to Jeannine Romano for spearheading this opportunity.

Also, we once again enjoyed a wonderful workshop with Alexis Lavine and two nice exhibits for our mem-

bers.

**Three exhibits are scheduled for next year including an exhibit in Martinsburg for our Signature members.** Thanks to Jane Horst for securing us a site for this. By the time you read this letter, **the prospectus for our juried exhibit in Wheeling will have been posted on the website** ([www.wvwatercolorsociety.org](http://www.wvwatercolorsociety.org)). I hope many of you are planning to participate as Wheeling is an ideal location. And I always look forward to an exhibit at the Parkersburg Art Center where we will be for the All-Member show.

Visibility is one of the things we are providing for our members through our art shows. This exposure is sometimes hard to come by for artists as individuals. The advantage of our membership are the opportunities of showing your work in quality venues. With approximately 155 on our membership roll, I hope to see new artists in our 2014 exhibits.

Congratulations to our new juried and signature members. You can find the **results of the jury committee** on Page 2 of this newsletter. Thank you Rita Montrosse for chairing this committee.

Keep checking the website for upcoming opportunities.

## 2014 Dues Reminder

We are now in our annual membership renewal drive. Dues notices have been mailed out.

Those renewing annually should send their \$30 payable to WVWS to Bruce Brenneman, Rt 2, Box 173A, Lewisburg, WV 24901 before Dec. 31.

Annual renewals are \$40 if paid after Jan 1, 2014.

Be sure include any changes in address, phone numbers or e-mail.

Life members and officers will not receive a dues notice, but should also notify Bruce of any changes in their directory information.

Questions? Contact Jeanne and Bruce Brenneman at [bjbrenneman@gmail.com](mailto:bjbrenneman@gmail.com), or call 304-645-3050.

We are trying to utilize it more and more as a database for downloadable forms and as our news source. Information about the 2014 exhibits, workshop and scholarship can be found there first. **The website is the best way to stay connected to WVWS.** I especially love seeing members' accomplishments posted.

And as an organization, we are an award-winning group. It is great going into a gallery or exhibit anywhere in West Virginia and seeing WVWS members winning awards and showing some of the best pieces in the room. But we are also reporting our successes from beyond our borders. Our members are nationally and yes, internationally known artists!

2014 will be an election year for us. I will be contacting some of you about serving in positions. I hope that you will answer the call. Better yet, if you would like to serve, contact me and I know I can find a role for you. **Serving our organization is a good way to network as an artist, and meet our members.** I certainly have gained some new skills and new friendships. I have surprised myself in what I have been able to do.

May everyone have a blessed holiday season. My winter break always includes some uninterrupted painting time. Keep painting!

*Linda Elmer, president*

# News & Notes

---

## Juried, Signature members named

---

The WVWS Jury Committee met on Nov. 16 in Beckley. The committee reviewed applications for change of membership status and the results are:

Accepted for Juried Status – **Julia P. Jones**

Accepted for Signature Status – **Andrea Burke, Kristen Colebank, Monica Wilkins and Debbie Lester.** Congratulations!

## Welcome new members

---

We are happy to welcome **Sherry Rose** of Beckley, **Darryl Dean** of Dunbar, and **Howard Rogers** of St. Albans to WVWS.

## Next WVWS meeting Dec. 7

---

WVWS will next meet on Saturday, Dec. 7, at the Shoney's in Summersville.

Lunch will be at 11 a.m. followed by the meeting, which will conclude no later than 2 p.m. The meeting will start no later than 12 noon. Come join us!

## Aqueous 2014 in Wheeling

---

The Aqueous 2014 prospectus is already available to download from the WVWS website. The annual juried exhibition will be May 8-29, 2014, at the Wheeling Artisan Center, Wheeling. Juror is watercolorist Sue Pollins, and entries are due by March 7.

## Charity fundraiser a success

---

WVWS Vice President Jeannine Romano, who organized the collaborative charity auction this summer, wanted to share her thanks with the members: "The Clarksburg League for Service certainly did a wonderful job of hosting our organization at the Aug. 3 fundraiser at Pete Dye Golf Club in Bridgeport. The event was a success for all concerned: The League, WVWS, and of course, the artists themselves.

"It was truly a group effort, my part being my friendship with so many talented artists who so generously participated in this worthwhile cause.

"It is not often in life that we are given an opportunity to be part of a unique event that has the potential to help so many people.

"Thank you all so very much!"

Photos of the event are posted on the WVWS website. We also sincerely thank Jeannine for all her hard work!

## W.Va. Juried Exhibition honors

---

Several WVWS members are part of the recently unveiled 2013 West Virginia Juried Exhibition, the biennial show organized by the West Virginia Commission on the Arts and the state Division of Culture and History.

Jurors Julie Peppito and Samantha Wall reviewed more than 500 submissions and selected 53 pieces for the display.

Award winners include Award of Excellence (Purchase Award of \$2,000) winner **Sharon Harms**; and Merit Award (\$500) winners **Karen Ensor Brown, Pat Roberts, and Kristen Colebank.**

Other WVWS members who have pieces in the exhibition include **Sheila M. Chipley, Katy Crim, and Betty Neely.**

More information on the exhibit, on display in the Dunn Building, 400 W. Stephen St., Martinsburg, through Feb. 21, 2014, can be found at [www.wvculture.org](http://www.wvculture.org).

## WVWS at Forest Festival show

---

Several WVWS members were honored at the Forest Festival juried exhibition this fall. Among the winners were **Louise Braddock**, first place; and **Laurie Goldstein-Warren**, third place. Merit ribbon winners included **Deanna Gillum.**

The James A. Hartman Memorial Award winner was **Jeannine Romano**; the West Virginia Watercolor Society Award winner was **Kenneth D. Waddell**; and the West Virginia Landscape Award winner was **Katy Crim.**

The QBH Frame Award winner was **Karen Ensor Brown.** Honorable mentions went to **Linda J.C. Turner, Laurie Goldstein-Warren, Karen Ensor Brown, and Martha Reynolds.**

## Berkeley Arts Council workshop

---

Berkeley Arts Council will host watercolor instructor Lynn Ferris for a three-day workshop, Sept. 15-17, 2014, in Martinsburg. Cost will be \$300 for three days of instruction, which coincides with a planned WVWS Signature Show at the Berkeley Art Works Gallery.

We will share more about the workshop, and the planned WVWS exhibition, in the spring newsletter.

Visit [www.berkeleyartswv.org](http://www.berkeleyartswv.org) to learn more about BAC's activities.

# 2013 WVWS Workshop



**WVWS charter member Joe Sweeney works on a painting.**

## **Judy Mattson Reed – WVWS Workshop Chair:**

We were very grateful to have a talented and giving artist, Alexis Lavine, to be our workshop presenter for the 2013 WVWS Workshop at Canaan Valley.

Alexis presented us with new ideas on how to use our photos creatively. She inspired us with her examples of paintings composed from her photos – but they were not exact copies of the photos. Two of several methods she instructed were to use several photos and make a new composition by using only selected images from each photo. Another concept was to use only a slice of the photo and paint just that part.

Alexis was very helpful, knowledgeable and creative and helped all of us to experience a delightful and fulfilling workshop. Thank you, Alexis!

**Louise Braddock** – I particularly liked the fact that Alexis demonstrated three different methods of using photos creatively. She added to these three paintings each day, explaining what she was doing and why.

The main technique that I found particularly important to me, was the idea of making a small rough draft, and creating a value study before beginning the painting.

Her demos were wonderful, and to me, enriched by her sense of humor! Everyone at the workshop was friendly and supportive, providing encouragement to the other students.

**Karen Ballard** – I had a wonderful time with Alexis. She is very nice, very thorough, and helpful when giving directions. I could not catch on the first day, and I lost sleep thinking about what she was trying to express.

But it went well the next day; therefore I have decided to do several pieces from my pictures that I have taken. Another class I will not forget.



**The group puts their lessons to good use.**



**Alexis Lavine (right) talks to Laurie Goldstein-Warren and Judy Reed.**

**Dorothy Sutton** – I loved the workshop at Canaan Valley. I really liked how Alexis demonstrated how to paint in the mornings and then let us apply ideas in the afternoon. She was a top-notch teacher!! Hope we can have her again sometime.

**Martha Reynolds** – Wow, the workshop was stupendous. Alexis was so clear in her explanations and covered so much ground, always telling why she was using which brush, showing preparation of paper, etc. – so many hints to take home.

And then to top it off, she sent five e-mails AFTER she got home telling us step by step how she finished each of the three paintings she started at the workshop.

She was positive, never negative in her approach to each member of the workshop. It was time well spent!

**More photos of the workshop, including images of Alexis' paintings, can be seen on the WVWS website.**

# All-Member Show 2013

**Judged by Ellen Elmes**

**Cynthia Bickey Gallery, Beckley**

**Sept. 12, 2013 - Oct. 18, 2013**

## Judge's Statement:

I am grateful for the opportunity to judge such a high quality watercolor exhibition. The variation of painted expression – ranging from the indignation of wide-eyed chickens to the whoosh of wind through roadside wild flowers to a syncopation of abstract color rhythms – offers a multiplicity of aesthetic and insightful treats for the viewer.

In applying my experience as a watercolor painter and teacher to the judging of these artworks, I focused on four qualities that I believe are elements of exceptional painting. The first two involve the skills, processes, and principles of painting in the watercolor medium.

First, how skillfully does the painter combine the loose and flowing “gleam” of the transparent watercolor medium with the controlled expression of imagery and depth?

And how effectively does the artist utilize color, contrast, and other elements of line, shape and texture to compose a rich and compelling visual statement?

The other two aspects of excellence in watercolor painting that I looked for in the works being judged involved each artist's ability to conceptualize and render an original, creative expression.

First, how effectively does the painter reveal a personal perspective, experience, or emotion through, for example, the capturing of a moment in time, the illumination of sensory, intangible patterns, or the understanding of an aspect of the human journey?

And, lastly, how original, complex, and well-explored is the artist's conception of his or her idea? In addition, how deeply are we, as viewers, impacted by the fresh insight, yet relative-to-human-experience idea that the artist has shared creatively? Does the spark of intrigue in the artwork leave room for the viewer to attach their own imagination and experience to the idea?

The watercolors that I chose for special recognition all possess the four general qualities described above, and more. There are many other artworks in this exhibition that display the skilled use of watercolor techniques and the depth of personal expression. This made it difficult to whittle my choices down to a selected few.

However, it provides me with the heart-felt pleasure of saying to you, the members of the West Virginia Watercolor Society, “Congratulations on a successful and inspiring exhibition!”

– **Ellen Elmes**



## Best of Show

**Rita Montrosse**

**“Portrait of a Sneeze Weed”**

Rita Montrosse won best of show at the 2013 All-Member Exhibition at the Bickey Gallery in Beckley, which was judged by Ellen Elmes.

The judge's statement can be found at left.

The exhibit was on display from Sept. 12 to Oct. 18.

The complete award list for the show is: **Rita Montrosse**, best of show for “Portrait of a Sneeze Weed;” **Sandra Pealer**, award of excellence for “Interlude;” **April Waltz**, award of merit for “Kyphoplasty;” **Katy Crim**, honorable mention for “Bok! Bok!;” and **Linda J.C. Turner**, honorable mention for “Mountain Water.”

In addition, the judge singled out three additional paintings as works of note: **Jeanne Brenneman**, for “Survival Mode;” **Diane Mitchell**, for “Wild Daisies;” and **Justine Mounts**, for “Cherries and Crystal.”

**More on the show, including painting images, can be found on Page 5.**

# All-Member Show 2013

**RIGHT:** Members and visitors enjoy the All-Member Exhibition's opening reception at the Cynthia Bickey Gallery in Beckley. The show featured 69 paintings created by 34 WVWS members.



**ABOVE LEFT:** Sandra Pealer's painting "Interlude," which won an award of excellence

**ABOVE RIGHT:** April Waltz's painting "Kyphoplasty," which won an award of excellence.

**FAR LEFT:** Katy Crim's painting "Bok! Bok!" which won honorable mention.

**LEFT:** Linda J.C. Turner's painting, "Mountain Water," which won honorable mention.

**See more show images  
online at the  
WVWS website  
[www.wvwatercolorsociety.org](http://www.wvwatercolorsociety.org)**

# WVWS Member News

## Region I - Lou Riffe Gates

**Rita Montrosse** of Princeton sent us a list of her recent exhibitions, including the Best of West Virginia Juried Exhibition at Tamarack in Beckley; Artist Invitational at Jacksonville Center for the Arts, Floyd, Va.; Virginia Highlands Festival Juried Exhibition, Abingdon, Va.; Opposites Abstract Exhibition at Tamarack; winning Best of Show at the WVWS All-Member Exhibition (see more on Page 4); and It Is the Season Exhibition, Abingdon, Va.

Rita continues: "In September I traveled to Germany and Switzerland for two weeks. When I returned home I completed a 5' x7' mural in Artist Alley and a second mural with two other artists that is at the back entrance to Artist Alley. Also, I continue to teach Watercolor and Jewelry/ Metals at Concord University."

## Region III - Joy Cooper

**Laurie Goldstein-Warren** of Buckhannon reports that her recent workshop in Morgantown, hosted by the Morgantown Art Association, "...was great. I met a terrific group of artists, some from the Morgantown Art Association and some that were not members. I hopefully will be returning there soon to do an acrylic watercolor pouring workshop for florals."

Laurie continues, "Also I have been asked to write and have completed the Creativity Workshop article that will appear in the February issue of Watercolor Artist magazine."

"I am now represented by a London gallery called Art Dog Gallery. The owner had chosen some of my NYC pieces."

Also, my painting "Standing Room Only" received an award at the Pennsylvania Watercolor Society International. I also have work in the following exhibitions, North East Watercolor Society International and Watercolor West International. The entry into Watercolor West earned my signature status.

"Next year I will be travelling to Cloudcroft, NM, to teach a workshop in August and in May next year I will be teaching a workshop at The Box Factory in Michigan."

"I have also been invited to teach in May 2015 at Cheap Joe's in Boone, NC."

"My website ([www.warrenwatercolors.com](http://www.warrenwatercolors.com)) has also been updated with new paintings and workshop information and I will be blogging about art stuff, new painting experiments and general news."

**Martinsburg artist Mary Alice Bowers** recently participated in the Potomac River Artist's Guild exhibit at the Shepherdstown Community Center, on Main Street in Shepherdstown. PRAG will also be exhibiting at The Olde Opera House in Charles Town for the month of December.

Mary Alice also shares, "I was honored to be asked to conduct a watercolor workshop for the Berkeley Arts Council in Martinsburg. It was my first experience with group teaching and I enjoyed the day with new and exciting artists."

## Region IV - Katy Crim

**Betty Neely** of Fairmont reports that her painting "Shepherds" was accepted in the 14th annual Will's Creek Survey.

Will's Creek Survey is a national juried exhibition of contemporary artwork hosted by the Allegany Arts Council's Saville Gallery, located in Cumberland, Md. This year's juror and awards judge was Lauren Schell Dickens. Dickens is assistant curator of contemporary art at the Corcoran Gallery of Art in Washington, D.C.

Betty also was selected as the West Virginia Artist of the Year by Twin Cities TOSCA, a magazine covering events in the region around St. Paul and Minneapolis, which also features work from artists around the United States. Visit their website at <http://www.tctosca.com/magazine.html>



**ABOVE: Betty's feature from the Fall 2013 TOSCA magazine, with the cover of the magazine shown at left.**



## Region V - Janet Hart

From **Laura Andreini** of Wheeling: "I am excited to share with the WVWS that in April 2013, I was juried in as a member to the Pittsburgh Watercolor Society."

"In September 2013, I was juried in as a member of Artworks Around Town in Wheeling."

"In addition to my permanent display panel at 

Artworks, I will be exhibiting my paintings in the Main Gallery in December for the New Members Show.

“In 2014, I will be exhibiting my work, along with Bill Rettig and Jenny Seibert, at Stifel Fine Arts Center Gallery, Wheeling, from Feb. 27, 2014, through April 25, 2014, in a show called “Watercolour Artistry.”

WVWS members can keep up with Laura’s creations through her website, [www.ipaintwatercolors.com](http://www.ipaintwatercolors.com).



**Christine Rhodes** of Parkersburg has 18 works on exhibit at Artworks Around Town Gallery in Wheeling for the month of November. These pieces represent her recent series based on rocks, water, and words. The two-artist exhibit also features the work of Cheryl Harshman of Wheeling.

In October, she attended Laurie Goldstein-Warren’s limited palette watercolor portrait workshop in Morgantown.

Christine tells us, “Although I don’t specialize in portraits, this workshop was a great learning experience. Laurie is a gifted teacher!”

“In September, I traveled to Lac du Flambeau, Wis., for a week-long mixed media abstract workshop taught by Carol Nelson. What a treat to spend the whole week focused on making art!”

## Region-at-Large – Robert W. Smith



**Andrea Schmidt** of West End, N.C., was invited to do a one-person show from Oct. 16 thru Dec. 31, 2013, at the Seven Lakes, N.C., Art Gallery.

She is exhibiting 35 paintings of multiple media,



**Andrea Schmidt sent us some images taken at the opening of her solo exhibition, on display now through Dec. 31, at the Seven Lakes, N.C., Art Gallery.** (To see more of Andrea’s images, visit the NEWS page on the WVWS website.) **The opening and exhibit have been a great success, she said, with many visitors and sales.**

including watercolor, acrylic/oil, pastel chalk, and mixed media. The subjects range from landscapes, West Virginia scenes, Key West buildings, still life, flowers, whimsical people, cat and dog animals, and birds.

The opening was a great success with more than 100 in attendance and many others are viewing the show weekly. The atmosphere was filled with excitement, resulting in over half of her works being sold.

Andrea continues to teach group and private lessons in all media and conveys fond memories of West Virginia scenes in her lessons. She misses all her WVWS friends.

# Know your pigments

Member Brenda Beatty, following up on her presentation last year about watercolor pigment characteristics, showed me her latest tool for tracking and rating her watercolor paints – a thick binder filled with plastic sheets usually used to hold baseball cards.

In each space, she has placed a piece of watercolor paper, cut to the size of a baseball card, on which she has painted a full-strength sample of each paint, that then is graded out to a lighter tint.

Each card is labeled with the manufacturer’s name, the pigment name, whether it’s transparent, opaque, etc., and includes Brenda’s ratings of “Best,” “Fair,” etc.

The cards are grouped by color so she can quickly compare warm blues, for example, to see which paint she wants to use for a given project.

At right are images of two pages in her binder, plus a close-up of one of the sample cards. Great idea, Brenda!



**This card, for Daniel Smith Quin Burnt Scarlet, shows the paint at full strength and as a tint, with the PR206 pigment name, the open square indicating its transparency, and Brenda’s rating of “Best.”**



EDITOR'S NOTE: If you missed reading this explanation from the last newsletter, I read a lot of online art blogs, and one of my favorites is written by Carrie Waller, an award-winning watercolorist (<http://carriewaller.blogspot.com>) whose work can also be seen at her website: <http://carriewallerfineart.com>.

Back in June, Carrie wrote about her experience of having a painting rejected from a show because the show organizers were concerned that her painting, which utilized Ball canning jars, infringed on a manufacturer's trademark.

Another artist, Kim Minichiello (<http://www.kimminichiello.com>), who also blogs at <http://blog.kimminichiello.com>, replied to Carrie's post, and the two decided to collaborate on some educational articles posted to Carrie's blog relating to trademarks and copyrights.

I loved the information in the articles, and contacted the pair to ask if I could reprint the articles in the WVWS newsletter because I thought they contained so much valuable information.

Carrie and Kim agreed, so here's the second of the two articles – this one talking about copyright issues.



## Legal lessons: Copyright

By Kim Minichiello

*Reprinted with permission from <http://carriewaller.blogspot.com/2013/06/copyrights-everything-artist-needs-to.html>*

### What is a copyright?

A copyright is a form of protection to authors of "original works or authorship," including artistic, dramatic, musical, literary, architectural and certain other types of intellectual works. Any of the above types of original works would be the "intellectual property" of the artist, author, etc.

The work must be original and be fixed in a tangible form of expression. Among those things which are copyrightable are: pictorial, graphic and sculptural works,

dramatic works, pantomime and choreographed works, motion pictures and audiovisual works, sound recordings, computer programs, and architectural works.

Items that are generally not copyrightable include works that have not been fixed in a tangible form of expression – for example: names, short phrases and slogans, variations of typographic ornamentation, lettering, coloring, or lists of ingredients. Some of these, as discussed in my previous article, can be protected by trademark.

### How is copyright protection obtained?

A tangible original work is copyrighted the moment it is created. In other words, it is protected the moment it is expressed in a fixed format. The fixation doesn't have to be directly perceptible as long as it may be communicated with the aid of a machine or device, for example music or movies. Publication is no longer required for statutory copyright protection; however in order to enforce a copyright, the work must be registered in the U.S. Copyright Office. What this means is, if you wanted to file a copyright infringement suit against someone who violated your copyright, you would have to have registered it with the U.S. Copyright Office. Essentially, you are always protected; however you must register to pursue any legal course of action if your copyright was violated.

This can get quite expensive to register your work. Here is the link that breaks down the fees for registration: <http://www.copyright.gov/docs/fees.html>. (Some fees are lower if you do it online.) However, I have heard of some artists grouping their works into collections and protecting many images for the same fee. For example, if you had created a book in Blurb of your work, you could register the book and I believe all the images in the book would be protected. This way you are only paying one fee for several images.

**Is my work still copyrighted if I don't indicate it is with the word "copyright" before my name or use the symbol – ©?**

Yes, there was a law passed in the United States that no longer requires you to add a copyright notice



for works first published on or after March 1, 1989. Your work is still copyrighted; however, it is highly advisable to indicate a notice on your work, especially in this digital age. Works published before March of 1989 still require a notice to be protected.

### **What is a copyright notice?**

A copyright notice generally consists of three elements, all of the elements must appear together:

1. The symbol, © (the letter “C” in a circle), and/or the word “Copyright,” or the abbreviation, “Copr.”
2. The date of first publication
3. The name of the owner of the copyright in the work.

The year may be omitted from certain works. I feel many artists don’t like to include the year in their notice – one reason being, if you have a body of work for sale, it easily identifies which pieces are older and may not be as appealing to buyers. Therefore, you could probably omit the year in your notice. If you were to register the work, the year would be in the registration.

### **Where should I put my notice on my work?**

This is personal preference. Some put it directly as part of their signature on the front of the work. If you don’t do this then you must put it on the reverse side for 2D work or on the bottom for 3D work. I have also read or heard a lot of back and forth discussions on whether you should include what is called a watermark copyright notice on any images you would post online and put on your website, blog, Facebook, Pinterest, etc., again, this is personal preference. Some artists feel it detracts from the work and don’t use it. Some want it to be very obvious by placing it in the middle of the image, or across the whole image, and some use a discreet mark in a corner or bottom of the image.

### **Who owns the copyright if I sell the work?**

The copyright of a work immediately becomes the property of the artist who created it. You may allow others to use your work with your permission in writing, or through a licensing agreement, or if you choose to, you can transfer your copyright, but this must be done in writing. If you do commissions, technically this could be considered a “work for hire,” which means the person is hiring you to do the work, and it is considered that the employer, not the employee, would then own the copyright. Therefore, it would be a good idea to stipulate in your written agreement that you still own the copyright to a commissioned work. You may be okay, however, with giving the copyright to the person who commissioned you to do a painting. Or maybe adding an extra amount to the price of the work to cover what you feel your copyright is worth could be a solution, if the per-



**“Hopper” by Carrie Waller.** Image used with the artist’s permission. Carrie Waller’s collaboration with Kim Minichiello, published on Carrie’s blog at <http://carriewaller.blogspot.com/> is the source for this article. In this particular painting, Carrie utilized parts of two well-known paintings by Edward Hopper, and she was concerned whether she had violated any copyrights by using the images within her composition.

son commissioning the painting would like to own the copyright.

It also may not be clear to collectors who purchase your work that they own the original artwork, but you still own the image and have the right to use that image if you want to sell prints of it or use it for licensing.

Many people don’t understand this and feel that once they own your artwork they can use it for other purposes other than it hanging on their wall – but this is not the case. For example, say someone buys a floral painting from you and they think it would be a perfect image to use on their daughter’s wedding invitations and thank-you cards. They do not have the right to do this without your permission, and if they did it would be an infringement of your copyright. However, you could work out an agreement where they could pay you a fee to use your image for that purpose. This is essentially what licensing is all about, but that is a whole other topic!

### **How long does a copyright on a work last?**

For works by individual authors or artists, the term of copyright is the life of the creator, plus 50 years after his or her death. The term for copyright for works for hire is 75 years from the first publication, or 100 years from

creation whichever is longer.

**So you may be wondering, if I can't bring legal action against anyone unless I register the mark, why go to all the trouble to indicate the notice on my work or register it with the U.S. Copyright Office?**

By putting the mark on your work you are making it clear to anyone that sees it that you are aware of and own the copyright to your work. If there was ever a question that someone violated your copyright, they couldn't pose a defense of innocent infringement. Your mark is clearly there. It is sad, but registration is not a condition of copyright protection – but it does have some benefits and one can register anytime within the life of the copyright. The benefits are:

- Establishes a public record of your copyright claim.
- It is necessary for any infringement suits.
- If made before or within 5 years of publication it establishes a presumption in court as to the validity of the copyright.
- If made within 3 months after publication and prior to infringement, statutory damages and attorney fees are available to the copyright owner in court actions. Otherwise the copyright owner may try for only actual damages and profits.

**What about if you use another person's art as part of your composition, for example, a still life with a postcard of another artist's work or a book that has illustrations incorporated into the piece. (This is Carrie Waller's question as it relates to her painting, "Hopper" and other paintings that she has created using book covers, etc.)**

This question touches on the subject of fair use. Fair use is a limitation in copyright law that allows someone to use a copyrighted work for certain purposes, such as criticism or parody, comment, news reporting, teaching, scholarship and research. There are also four factors considered to determine if a particular use is fair. They are:

1. The purpose for the use – is it intended for commercial or educational purposes.
2. The nature of the copyrighted work.
3. The amount of the copyrighted work used for your purpose related to the original copyrighted work as a whole.
4. The effect of its use upon the potential market for or value of the copyrighted work.

There is a lot to think about and consider here. The distinction between fair use and infringement is not clearly defined and is more than likely determined on a case-by-case basis.

Carrie could use another person's art, as part of her composition, be it a postcard or a book that has an illus-

tration as part of her piece and claim fair use, but there are things to consider relating to the four points above.

1. If Carrie would be creating her work to sell then yes, it would be for commercial purposes. In the case of the book, the purpose of her using the book in her work is different than the purpose of the book itself, same with the postcard.

2. The nature of the postcard or book is important: the year it was created is a factor, is it still a viable image in the current marketplace, and is the original copyright owner still making money from it? If so, then they wouldn't want someone else using it and making a profit from it. Is the copyright of the image still current or has it been renewed if necessary to still be protected? If not, then it would be safer to use it. Better yet, it may even be in the public domain.

3. How much of the original postcard or book/illustration would appear in Carrie's piece? The less that is used in relation to the whole, then it's a better argument for fair use.

4. For a book, the copyright would be for the book. Carrie isn't making money off the author's story, she is just painting a picture of the book itself. For the postcard, she isn't reproducing the card, and selling it as a card, she is painting a picture of the card in her painting. Therefore, in my opinion, she wouldn't be harming the copyright owner's market.

++++

There really isn't a cut and dry answer to Carrie's question. But, if Carrie considers the factors for fair use and does some research regarding current status of ownership of the copyright and proves "due diligence" in seeking information about the original copyright owner then she would be safer. Or she could even ask for permission from the original owner to use these items in her work.

A recent case involving fair use is the case between artist Shepard Fairey and The Associated Press and his use of their photograph of President Obama for the HOPE poster he created. I'm not going into the specifics in this article but if you are interested, you can research this topic on the Internet. It is interesting!

Another thing to keep in mind is that other countries don't have the same copyright laws that we do in the United States. I am basing information in this article on U.S. copyright information.

++++

In summary, copyrights protect the work of artists, authors, and designers. Most artists do not have the resources nor would want to spend the time to register all of their work; however your work is still protected. Taking someone to court for infringement of copyright can be a very expensive endeavor and may not be within your financial means. However, you still have protec-

tion. If you find that someone is violating your copyright you can ask that they cease and desist using your image for their purpose and inform them that you are the copyright owner. The bottom line is, it isn't fair for someone other than the original author or artist to make any monetary gain or claim authorship on work that isn't theirs. If you would like to use the works of others in your own work, claiming fair use, either ask permission if it's relevant, or show due diligence in searching and coming to the conclusion that it's okay.

I want to thank Carrie Waller for giving me the opportunity to post these articles and I hope that I have helped clear up any questions that fellow artists may have had

regarding copyrights and trademarks. If anyone has anything to add or would like to start a discussion, feel free to contact me or make a comment on my blog (<http://blog.kimminichiello.com>) or Carrie's (<http://carriewaller.blogspot.com>). Happy painting!

**As editor of the WVWS newsletter, I want to again thank Kim Minichiello and Carrie Waller for allowing us to reprint this information. I think it's a very important topic and we should educate ourselves about trademarks and copyrights as much as we can. The article on trademarks was included in the Summer 2013 edition of the WVWS newsletter.**

## Painters' Perspective

### Question: How do you create texture in your paintings?

Last time I asked if anyone had any tips or suggestions on creating texture in their paintings. Monica Wilkins responded with an example of her work to illustrate her methods.

**Monica Wilkins:** My favorite item for texture making is plastic wrap...It really came in handy when I had this commission job to do (image at right). It was of a field of Colorado Wildflowers.

I was able to get all the green leaves in the field by crumbling the plastic and after putting down color putting the wrap over the paint and letting it dry.

I had masked out the areas for the bright flowers. After removing the wrap I had my field of greens.



*"Colorado Wildflowers" by Monica Wilkins*

## WVWS and Tamarack tribute project

The Tamarack Foundation is leading an effort to develop a public art project at Tamarack that pays tribute to artists, arts organizations, arts supporters, etc.

Engraved Blenko Glass bricks will be housed in a series of sculptural trees that line a garden, along with contemplative benches nestled along an art wall. The mosaic pathway will be made by children using sustainable and recycled materials including Blenko and Fiestaware remnants.

This project began with Phase I in summer 2012 and will be complete and unveiled by Tamarack's 20th year

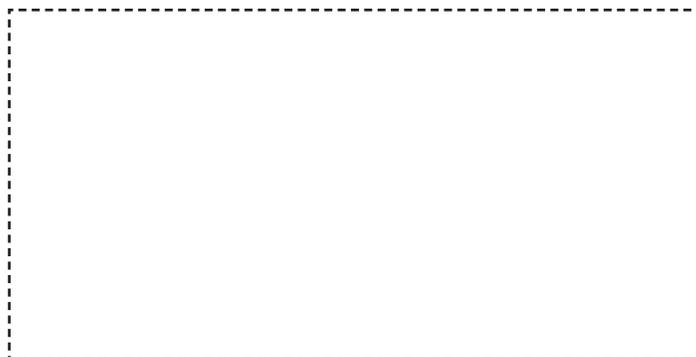
celebration in June 2016. The first tree sculpture has been planted, with more to come.

WVWS is aiding the effort with the purchase of one of the bricks that will be on display in the sculpture design. Individual members can also purchase bricks, or offer support to the project.

To read more about the effort, and for information, including forms and brochures on how our members can participate, visit the Opportunities page on the WVWS website, or contact WVWS member Diane Mitchell, who serves on the Tamarack Artists Advisory Board.



West Virginia Watercolor Society  
P.O. Box 66  
Wardensville, WV 26851



*Calendar Reminder!* Prospectus is available online now.

**Aqueous 2014: Wheeling Artisan Center in Wheeling from May 8-29**

Shipping dates – To arrive by April 29. • Hand delivery – Tuesday, April 29, from 1 to 5 p.m.

Reception – May 8 from 7-9 p.m.

Images on CD to Linda Elmer – postmarked by March 7

Notification of jury – by April 1

## West Virginia Watercolor Society

### WVWS Officers

- **Linda Elmer**, president
- **Jeannine Romano**, vice president
- **Bruce Brenneman**, treasurer
- **Katherine Crim**, recording secretary
- **Amy C. Post**, corresponding secretary

### WVWS Directors (Trustees)

- **Lou Gates**, Region I
- **Patricia Roberts**, Region II
- **Joy Cooper**, Region III
- **Katherine Crim**, Region IV
- **Janet Hart**, Region V
- **Robert W. Smith**, Region-at-Large

### WVWS Committees

- **Jeanne Brenneman**, membership
- **Doncia Franklin**, archives and video library
- **Judy Mattson Reed**, workshops
- **Linda Elmer**, videographer
- **Linda J.C. Turner**, publicity

The West Virginia Watercolor Society actively seeks new associate members. Applicants must be a West Virginia resident at the time of application. Dues are \$30 per year (January to December). Membership applications can be downloaded from the WVWS website, [www.wvwatercolorsociety.org](http://www.wvwatercolorsociety.org), or contact Membership Chair Jeanne Brenneman at [bjbrenneman@gmail.com](mailto:bjbrenneman@gmail.com).

**Please send newsletter items to:**  
**Kristen Colebank, WVWS newsletter editor**  
**P.O. Box 66, Wardensville, WV 26851**  
**[wvwatercolor@gmail.com](mailto:wvwatercolor@gmail.com)**

**Visit the WVWS website**  
**[www.wvwatercolorsociety.org](http://www.wvwatercolorsociety.org)**