



Legal Guide for the Visual Artist

By Tad Crawford

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This classic guide for artists is completely revised and updated to provide an in-depth view of the legal issues facing the visual artist today and provides practical legal guidance for any visual artist involved with creative work. Among the many new topics covered in this comprehensive guide are: detailed coverage of the myriad developments in copyright (including online copyright registration procedures and use of art on the Internet); changes in laws protecting artists in artist-gallery relationships are explained in depth; scope of First Amendment protections for graffiti art and the sale of art in public spaces; detailed as well as new cases dealing with art and privacy; and a model contract for Web site design and much more. The book also covers copyrights, moral rights, contracts, licensing, sales, special risks and protections for art and artists, book publishing, video and multimedia works, leases, taxation, estate planning, museums, collecting, grants, and how to find the best professional advisers and attorneys. In addition, the book suggests basic strategies for negotiation, gives information to help with further action, contains many sample legal forms and contracts, and shows how to locate artists' groups and Volunteer Lawyers for the Arts organizations.

Allworth Press, an imprint of Skyhorse Publishing, publishes a broad range of books on the visual and performing arts, with emphasis on the business of art. Our titles cover subjects such as graphic design, theater, branding, fine art, photography, interior design, writing, acting, film, how to start careers, business and legal forms, business practices, and more. While we don't aspire to publish a *New York Times* bestseller or a national bestseller, we are deeply committed to quality books that help creative professionals succeed and thrive. We often publish in areas overlooked by other publishers and welcome the author whose expertise can help our audience of readers.

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Legal Guide for the Visual Artist By Tad Crawford Bibliography

- Rank: #51291 in Books
- Published on: 2010-09-14
- Original language: English
- Number of items: 1
- Dimensions: 11.00" h x 8.60" w x 8.50" l, 1.47 pounds
- Binding: Paperback
- 304 pages

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Editorial Review

Review

"This is an indispensable handbook for the visual art community."--(Starred review) *Library Journal*

"Legal Guide for the Visual Artist by Tad Crawford arms artists with a broad general knowledge of most legal issues they're likely to face, and includes raft of legal forms that should address many foreseeable legal needs. Starting with chapters on traditional intellectual property—copyright, trademarks, trade dress, and some patents—Crawford delves into more esoteric aspect of intellectual property such as moral rights and the relatively recent Visual Artists Rights Act ("VARA"). The author balances these more personal and insightful historical portions with current issues facing the modern artist, such as the increasing likelihood of an artist being both artist and producer and the pitfalls that come with this dual role. Multimedia and the breadth of what that term means is also touched upon in the book. *Legal Guide for the Visual Artist* deserves a place in your library if you do any type of artistic work at all."—**Logan Lo, Esq., The New York Journal of Books**

About the Author

Tad Crawford grew up in the artists' colony of Woodstock, New York. He is the author of many nonfiction books and his writing has appeared in venues such as *Art in America*, the *Café Irreal*, *Confrontation*, *Communication Arts*, *Family Circle*, *Glamour*, *Guernica*, the *Nation*, and *Writer's Digest*. The founder and publisher of Allworth Press, he lives in New York City.

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This is the fifth edition of *Legal Guide for the Visual Artist*. The book has a broad scope and uses "visual artist" to include cartoonists, craftspeople, graphic designers, illustrators, painters, photographers, printmakers, sculptors, and textile designers. All of the people in these categories are artists, and all need and will benefit from the information offered in this book.

What I find remarkable in looking back to 1977 when I wrote the first edition of *Legal Guide* is how legal protections have expanded for artists and how technology has changed the way in which information, including the information contained in art, can be processed and disseminated to the public. The text will elaborate these themes, but certainly the passage of the Visual Artists Rights Act and the rapid evolution of digital technologies are dramatic examples of the legal and technological changes affecting artists.

Art law, although drawn from many areas of the law, has developed more and more into a distinct entity over the last fifty years. *Legal Guide for the Visual Artist* seeks to introduce artists to the legal issues of both art in commerce and artists' rights. It deals with each of the sequence of issues that begin as soon as the artist contemplates creating a work of art, including copyright, contracts of all types, taxes, estate planning, and public support for artists.

Action in the legal sphere may appear to be an anomaly for the artist involved with creative work. Perhaps, as Carl Andre suggests, the artist should seek to withdraw from the art world and the dangers of success. Yet the artist seeking to earn his or her living from an art career must focus on art as commerce, what Andy Warhol calls being "a business artist."

All artists, whether they agree with Carl Andre or Andy Warhol, must be capable of resolving business and

legal issues. In this respect, a greater familiarity with art law and other sources of support will help the artist. Artists should never feel intimidated, helpless, or victimized. Legal and business considerations exist from the moment an artist conceives a work or receives an assignment. While no handbook can solve the unique problems of each artist, the artist's increased awareness of the general legal issues pertaining to art will aid in avoiding risks and gaining benefits that might otherwise pass unnoticed.

Artists' Groups

Artists' groups provide a valuable support network. There are too many of these groups across the country to mention each by name, but those with a special interest in artists' rights, including legal and business issues, are listed in the Appendix on pages 251-257.

Many of the groups offer newsletters and other information services of value to their members. A few provide legal services, while others lobby for legislation favorable to artists. Health, life, and even automobile insurance are frequently offered at group rates. Some of the groups promote art by sponsoring shows, publishing books, or maintaining slide registries of art.

Within the boundaries of the antitrust laws, certain groups publish surveys to help members determine fair pricing practices. A number of the groups have codes of ethics, which dictate standards for both business and art practices in the profession.

Joining an artists' group can be an important step for an artist in terms of protecting rights and advancing his or her professional prestige.

Lawyers for the Arts

The search for a lawyer is often time-consuming and disheartening. Not only are fees high, but many lawyers are not knowledgeable about the issues encountered by artists. Standard techniques for finding a lawyer include asking a friend who consulted a lawyer for a similar problem, calling a local bar association's referral service, or going to a legal clinic. All of these approaches have merits, but today the artist may be able to locate a knowledgeable lawyer with far greater precision.

The very definition of an area of the law as "art law" is an encouraging sign for the expertise lawyers will bring to the artist's problems. The literature and educational programs for lawyers have vastly increased. Many law schools now offer art-law courses and bar associations are paying greater attention to art and the artist. The Selected Bibliography shows how many art-law books are now available for lawyers.

Equally encouraging are the lawyers across the country volunteering to help needy artists. Both volunteer lawyers' groups and artists' groups, several of which maintain rosters of attorneys who will help members at a reduced fee, are good resources to use when seeking a lawyer with art-law expertise. Such referrals may result in finding lawyers who either do not charge or work at more affordable rates. Up-to-date information on the volunteer lawyers closest to a specific location can be obtained from one of the following established groups:

CALIFORNIA

California Lawyers for the Arts
(www.calawyersforthearts.org)

Fort Mason Center

Building C, Room 255

San Francisco, CA 94123

(415) 775-7200

cla@calawyersforthearts.org
or
1641 18th Street
Santa Monica, CA 90404
(310) 998-5590
UserCLA@aol.com

ILLINOIS

Lawyers for the Creative Arts
(www.law-arts.org/)
213 West Institute Place, Suite 411
Chicago, IL 60610
(312) 649-4111

NEW YORK

Volunteer Lawyers for the Arts
(www.vlany.org/)
1 East 53rd Street
New York, NY 10022
(212) 319-2787

The Visual Artists Information Hotline

The New York Foundation for the Arts operates a toll-free information hotline to help individual fine artists in almost any discipline. The hotline number is (800)232-2789. The hotline operates Monday through Friday, from 3:00 to 5:00 P.M. eastern standard time. Artists may also e-mail their questions to source@nyfa.org.

The hotline is primarily a referral service. The staff provides the details of a wide variety of programs and services that are available to artists. The hotline does not assist nonprofit groups.

Among the topics on which the hotline offers referral information are grants, fellowships, scholarships, workshops, slide registries, emergency funds, health and safety, insurance, artist communities, international opportunities, public art, studio space (for artists in Manhattan), legal information, job information, publications, exhibitions, competitions, how to apply for grants, and how to market art.

Value of the Legal Guide

Legal Guide for the Visual Artist trains the artist to think in a new way. It alerts the artist to issues that are likely to trap the unwary. It opens doors to those who seek to better their business practices, increase their incomes, and protect their art. Knowing when it is advisable to consult with a lawyer can itself be a great asset.

The artist who conducts his or her business affairs with clarity and confidence gains not only a better livelihood but also peace of mind. It is for those artists who seek self-reliance, confidence, and success that Legal Guide for the Visual Artist will be most valuable.

Users Review

From reader reviews:

Christina Rogers:

This Legal Guide for the Visual Artist book is absolutely not ordinary book, you have after that it the world is in your hands. The benefit you obtain by reading this book is actually information inside this book incredible fresh, you will get data which is getting deeper an individual read a lot of information you will get. This kind of Legal Guide for the Visual Artist without we realize teach the one who reading it become critical in imagining and analyzing. Don't end up being worry Legal Guide for the Visual Artist can bring if you are and not make your tote space or bookshelves' turn out to be full because you can have it within your lovely laptop even cellphone. This Legal Guide for the Visual Artist having good arrangement in word and also layout, so you will not feel uninterested in reading.

Lawrence Gregory:

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Jack Murray:

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