

What Quilting's Legal Battles Can Teach Us About Copyright

from the *paradise-lost* dept

Last year Techdirt [wrote](#) about Leah Day, who was trying to introduce a free model to quilting -- apparently a bold thing to do. Sadly, it seems that the ownership mentality is nonetheless spreading in her field, as she reports in this really [excellent new blog post entitled "Copyright Terrorism"](#):

Copyright issues seem to be cropping up with increasing frequency in the quilting world and I for one would like to try to stem this flow, or at least open your eyes, to the very real threat looming for our craft.

What is this threat? Where is it coming from?

It is coming from within our own ranks. Quilters with a certain penchant for copyright and legal wrangling are turning our open, creative craft into a mine field of rules, regulations, licensing, attribution, and copyright lockdown that it's enough to make anyone set down their rotary cutter and sell their sewing machine.

She then goes on to describe a recent case that perfectly summarizes the growing insanity beginning to infect the world of quilting:

The basic story goes like this: Emily Cier wrote a book called Scrap Republic for C&T Publishing. Moda, a fabric manufacturer sent her lots of fabric for free to create the quilts in this book.

So far, so good. But things got more complicated when somebody tried to build on that work -- which is precisely how art has always proceeded:

C&T Publishing randomly flipped through the book and picked a photo of one of the quilts, enlarged the image and printed it on the front of an eco tote bag.

Keep in mind, the fabric used in the quilts were obvious. The pieces they were cut into were large, making it very clear which line of fabric each quilt is created from.

The quilt used for the eco tote just happened to have been created using Kate Spain's Fandango fabric. Kate saw the bags and decided they violated her copyright of her fabric line.

Kate Spain then initiated a lawsuit against C&T Publishing and Emily Cier and demanded both the eco totes AND the books be destroyed.

Now things get murky because on her blog, Kate Spain denies starting a lawsuit, but it's obvious on both C&T's and Emily Cier's blog that a real, big, scary lawsuit was initiated. C&T Publishing ended up taking the blame and came to some accord with Kate Spain.

Day then points out just what a mess this is if people try to think in terms of ownership:

Let's work backwards: the tote bag was printed with a PHOTOGRAPH which was taken by a photographer for the book. Whoever that person was, they aren't credited in the book.

The QUILT was designed and created by Emily Cier.

The FABRIC used in the quilt was designed by Kate Spain.

Who really own the copyright?

She contrasts this mentality with the fashion industry, where there is no copyright (despite the continuing [attempts](#) to bring it in.) There, creativity is not only blossoming in a way that is hard to match elsewhere, it has created a huge, profitable industry many times larger than all the copyright companies put together, as the well-known [TED talk](#) on the subject emphasized.

She points out where the current obsession with ownership is taking her field:

If we lock up this industry, we will lose something powerful, something essential, something that brought me to quilting in the first place: freedom.

*Freedom to play with fabric. Freedom to experiment with different shapes and layouts. Freedom to play with new techniques and materials. **We can lose the freedom to create.***

Because if you have to check with 5 different fabric designers and the quilt pattern designer AND the free motion quilting designer in order to make your quilt, how likely are you to do it? Even the idea of asking, even words like "licensing," are enough to send many people packing. Off to find another hobby the lawyers haven't ruined yet.

Finally, she offers her own vision of how things could be:

If you post something: an idea, a technique, a pretty picture, whatever, man up and give it away for free.

REALLY free. As in copyright free - as in anyone can use whatever you post for ANY reason.

What's the worst that can happen? Someone might teach your technique or idea. More people will learn it and enjoy it than you could ever reach alone. Is that such a terrible thing?

Several times in her commentary, Day raises another key issue: that of attribution. As she points out, artists need their work to be attributed, so that people can give them credit, and maybe contact them to buy or commission more work. It's the absence of attribution, not the absence of copyright, that can be problematic -- and not just for quilters, but also for the photographers that take pictures of their work, and the designers of fabrics that might be used as raw materials.

It's really a wonderfully rich post, which touches on many aspects of copyright and creativity, and I urge you to read it -- along with the forthright comments (already there are 142 of them.) It provides another example, alongside the fashion industry, of a field that is currently flourishing without copyright, but that is under threat from those who have bought into the story that assigning ownership to something as insubstantial as ideas somehow promotes creativity, when in fact all it does is to shut it down through a creeping, paralyzing fear of infringement, as Day so vividly describes.

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