

The origins of that hummingbird

 By [Shan Raddiffe](#)

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Republic Umbrella, the Durban-based design company responsible for the Woolworths hummingbird cushion design, has spoken out in defence of the retailer and its artwork.



The original watercolour from Republic Umbrella that was used as the mock-up for the Woolworths scatter cushion.

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Last Friday, 18 October 2013, Cape Town designer Euodia Roets posted a [blog entry](#) where she accused Woolworths of plagiarising a design she had submitted to them.

Roets explained how, in the beginning of 2013, the company had shown interest in a painting she had done of a hummingbird and had asked her to send them fabric-based samples of the work. After a lengthy process, Roets said that Woolworths eventually returned some of her samples, saying it was "very unlikely we will be going ahead with any new designs."

In her post, Roets said that just over a week later, she came across a cushion in a Woolworths store that displayed a similar hummingbird design on it. While she admits that the design has been "changed" and that "pictures of hummingbirds tend to largely look alike", it was her belief that "my designs were sent to another manufacturer and adapted."

Her post quickly spread through social media networks, including Facebook and Twitter.

In a statement, Woolworths CEO Brett Kaplan said, "We commissioned a Durban artist to interpret this trend in August 2012 and signed off the design in November 2012 for our cushions, which we developed as part of our summer range this year. We develop new cushions every summer."

Support

Neil Rodseth, joint MD of manufacturer and supply company, Republic Umbrella, supported this: "Woolworths approached us some time back with a view to developing local suppliers and artists. Senior management have made many visits to our factory to assist us in developing a range of softs for Woolworths.

Rodseth said that up until this last week, they had "never seen the design of the hummingbird artwork that has caused this controversy. The hummingbird design used in the scatter cushion in question was painted by our art department. The design was approved in November 2012."

When asked by Bizcommunity, Rodseth politely declined to disclose the name of their artist responsible for the work, saying he did not want to cause any more undue stress on the designer.

Said Rodseth, "This hummingbird incident, is in our opinion, most unfortunate and unfair on Woolworths.

"...We have had nothing but support from Woolworths and their senior management in the past 18 months.

"They have supported us in creating a range of products which have been developed and manufactured locally employing local people, which has worked amazingly well and done a lot to improve our manufacturing capabilities.

"Woolworths have also created employment opportunities at our factory. They have treated us in a very fair and totally transparent manner at all times during this process."

The original photo

Greg Scott, the copyright holder for the original photo (taken by his father, Ralph W. Scott) that Roets based her painting on, has also spoken out in defence of Woolworths.

Said Scott: "I've routinely given artists who asked permission to use the photo, usually with the stipulation that they make their own creative interpretation, so that it's not merely a copy. I haven't kept good records with regard to this process, so as long as it's a painting, not a mere copy of the photographic image, I always assume that they obtained permission for my free 'artistic license' to use the image in their own interpretation.

"If you look at the two images on the blogger's website, it's clear that both images are derivative. But if they're both derived from the image to which I hold the copyright, nobody's rights have been violated, presumably, assuming that they both got permission from me. Obviously, both being derived from the same source image, they will bear a strong resemblance to each other.

"People on the blog are hating Woolworths and the other artist, but to me it is clear that nobody is at fault here, except those who are leaping to conclusion, and making harsh judgments based on prejudices against capitalism and big business. I am assuming both artists are legitimate and creative, and that their use of the image was done with permission. If anything, the artist that Woolworth selected has done less 'copying' and more 'interpretation' in my opinion. So I'm in full support of Woolworth in their selection and use of this image."

Scott concludes, "I've never granted anyone exclusive rights to any of my images. Therefore, I personally don't believe that the complaint against Woolworths has any merit at all."

ABOUT SHAN RADCLIFFE

Shan Radcliffe is the editor of Bizcommunity HR, Education and Legal.
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