

# Visual Arts Copyright Licensing Division offers SA artists international opportunities

The estates of two celebrated South African artists have entrusted the reproduction rights in the artists' works to collective administration by the Dramatic, Artistic and Literary Rights Organisation (DALRO).



This is a major boost for the organisation's bid to establish a Visual Arts Copyright Licensing Division within its corporate structure.

The mandates are from the estates of Cecil Edwin Frans Skotnes (1926-2009) and Maria Magdalena (Maggie) Laubser (1886-1973), which supplement the mandate it already holds from the Irma Stern Trust for the administration of the rights in the artistic works of Irma Stern (1894-1966).

"This is a significant breakthrough," says the organisation's MD, Nothando Migogo. "The rights of authors, playwrights, publishers, composers and performers are all collectively managed in South Africa. The only creators who have up to now had no access to a collective management mechanism and effectively had to fend for themselves are visual artists."

## Berne convention upheld

Collective management organisations (CMOs) for visual arts exist in many countries of the world and they routinely deal with the copyright clearances on behalf of artists. The collective administration of artists' copyright is therefore not something extraordinary; it is common practice in most countries, which are signatories to the Berne Convention and where Berne principles of minimum protection of artistic works have found resonance in domestic copyright laws.

Over time, DALRO has entered into agreements with several foreign visual arts licensing organisations, but has never been able to contribute much by way of local repertoire to these reciprocal arrangements.

"The irony is that the organisation is duly mandated by foreign societies to grant licences for the reproduction of the works of famous artists such as Pablo Picasso, Marc Chagall, Joan Miró, Salvador Dalí and Francis Bacon, yet is unable to license the reproduction of the works of the vast majority of South African artists," says chairman, Gérard Robinson. "This will hopefully change as South African artists are informed about their rights and the possibilities around the administration thereof."

"The Copyright Act grants to the artist a monopoly to perform, or to authorise the performance of, certain 'restricted acts' in respect of his artistic works. The first of these is to 'reproduce the work in any manner or form'. The default position is that copyright-protected artistic works may not be reproduced in catalogues, brochures, leaflets, advertisements or on website without the permission of the artist (or his/her heir(s) or successor(s)-in-title)."

## Bilateral agreements

Users who wish to comply with their obligations under the Copyright Act will also welcome the establishment of what would hopefully, over time, evolve into a one-stop shop for the clearance of artists' rights. Moreover, by submitting their works to the organisation's collective administration, artists are also assured that their rights will be protected and enforced in all the countries which have national visual arts societies and which are locked into bilateral agreements with the organisation.

## VANSA collaboration

DALRO will be collaborating with the Visual Arts Network of South Africa (VANSA) on a series of workshops in all the main centres to raise artists' awareness about copyright and the licensing thereof. Information on the places and dates the workshops will be held are available on the VANSA website - [www.vansa.co.za](http://www.vansa.co.za).

Practicing visual artists, or the copyright holders of deceased artists, are welcome to email the org on [visualarts@dalro.co](mailto:visualarts@dalro.co) or telephone +27 (0) 11 712-8330.

For more, visit: <https://www.bizcommunity.com>