



Works of Artistic Craftsmanship: Furniture, Book Bindings etc

Works of artistic craftsmanship have been protected since the 1911 Copyright Act, and the meaning of the term “artistic craftsmanship” left deliberately open to allow for all manner of artistic expression beyond the conventions of paintings, drawings, sculptures, etc.

However, that being said, there have been cases that have set a precedent and which have established to a certain degree, criteria that must be satisfied for an item to merit the description as a work of “artistic craftsmanship”. Essentially, those criteria are “artistry” and “craftsmanship” and both must apply and exist simultaneously.

Craftsmanship is a quality that can be shown fairly easily. Artistry however, is considerably more subjective, and it is stressed that the fact that an item is created by an artist does not, in itself, confer the quality of “artistry” on that item. “Artistry” should be seen as the utilisation of skill, taste and original thought on the part of the creator in producing an item which will appeal to the viewers’ artistic sensibilities as well as at an aesthetic level.

It should also be noted that mere aesthetic appeal does not infer artistry and case law has held for instance, that items of furniture such as sofas and chairs, which are obviously intended to appeal to the purchasing public but are devoid of extraordinary features are not “artistic” though there is no doubt that they display “craftsmanship”.

It is reasonable when endeavouring to assess the status of an item to consider how utilitarian it is. Obviously, sofas and chairs, lamps, book covers, tables, etc, are common place and utilitarian, and it is such items that must show a considerable and more obvious degree of artistry than works in more traditional ‘artistic’ media. For bookbindings, it is a craft to bind a book, but there must be an artistic character that distinguishes it to benefit from protection.

Additionally, there may be a situation where comparatively ordinary items are hand decorated and in this instance a copyright may well exist in the decoration but not in the item bearing the decoration. For instance, were Picasso to have painted a design onto an ordinary chair, that painting would be protected as any other Picasso work.

It is clear then that what constitutes a work of artistic craftsmanship is a subjective judgement considering artistry, craftsmanship and purpose. Examples may be such things as hand painted tiles, stained glass, wrought iron gates, cutlery or needlework. Finally, a question may also arise as to copyright ownership, since an artist may design a particular object, or the design that appears on it, and then a craftsman will actually execute the creation. In this case, since ‘artistry’ and ‘craftsmanship’ must exist simultaneously, it is may be reasonable to regard the artist and craftsman as joint creators of the work and hence joint copyright owners. The interplay between copyright protection of works of artistic craftsmanship, registered and design right protection is complex and in some cases copyright protection may in any event be curtailed.

The content of this fact sheet is of benefit interest only and is not an exhaustive explanation of copyright protection and remedies for infringement. This fact sheet is not intended to apply to specific circumstances. The contents of this fact sheet should not therefore be regarded as constituting legal or other advice and should not be relied upon as such. In relation to any particular problem that you may have, you are advised to seek specific and specialist advice.