

Craft Lab Workshop Series: Contracts, Agreements, and Licensing for Artists

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Discussion topics

- Contract fundamentals
- Essential artist agreements
- Intellectual property basics
- Licensing strategies
- Real-world examples

Your Takeaways

- Confidence in contract negotiations
- Templates and checklists
- IP protection strategies
- Revenue diversification ideas
- Action plan for your business

Contracts 101: The Foundation

- A contract is simply a legally enforceable promise
 - Offer: One party proposes terms
 - Acceptance: Other party agrees
 - Consideration: Exchange of value
 - Capacity: Legal ability to contract

Why Artists Need Them

- Clarify expectations
- Protect your rights
- Ensure payment
- Define scope of work

Every Contract Should Include

- Basic Information
 - Full legal names & addresses
 - Date of agreement
 - Clear project description
 - Detailed scope of work

Key Terms to Look For

- Scope and deliverables
- Payment terms and royalties
- Duration and termination
- IP ownership and usage rights

Every Contract Should Include

- Financial Terms
 - Total compensation
 - Payment schedule
 - Late fees (if applicable)
 - Expense reimbursement

Pro Tip: Never start work without a signed agreement, even for "small" projects!

Timeline & Delivery Essentials

- Project start date
- Key milestones
- Final delivery date
- Approval timelines

Delivery Requirements

- Format specifications
- Quality standards
- Delivery method
- Installation requirements

Red Flags and Tips

- Vague or missing terms
- Excessive rights grabs
- No exit or dispute clause
- Ask questions, don't rush to sign

Overview of Agreement Types

- Licensing Agreements
- Commission Agreements
- Sale Agreements
- Collaboration Agreements
- Consignment Agreements

Licensing Agreements

- Grants permission to use work without transfer of ownership
- Key terms: rights granted, duration, territory, royalties

Key Licensing Terms

- Exclusive vs. non-exclusive
- Duration and territory
- Scope of rights (media, products, etc.)
- Royalties or flat fee

Commission Agreement

- Scope and description of custom work
- Ownership, payment structure, deadlines

Commission Agreements Deep Dive

When someone hires you to create original artwork

- Detailed artwork description
- Dimensions and materials
- Number of concepts/revisions
- Copyright ownership
- Installation requirements

Commission Agreement Example

"Artist agrees to create one (1) original ceramic sculpture, approximately 24" x 18" x 12", featuring organic flowing forms in earth-tone glazes. Artist will provide up to two (2) preliminary sketches for Client approval. Additional revisions beyond two will be charged at \$150 per revision."

Key Lesson: Be specific! Vague descriptions lead to disagreements.

Consignment Agreements

- Work held and sold by gallery/shop
- Sales percentage, display duration, return policy

Consignment Agreements

Key Terms to Negotiate

- Commission percentage
- Pricing authority
- Exclusive vs. non-exclusive
- Geographic limitations
- Minimum sales targets

Negotiation Tips for Agreements

- Clarify scope and usage rights
- Negotiate payment terms upfront
- Don't be afraid to ask for revisions
- Put everything in writing

Intellectual property

- Patent
 - Protects an invention.
- Trademark
 - Protects a source identifier
- Copyright
 - Protects an original artistic or literary creation.
- Trade secret
 - Protects information that has value because it is not generally known.

Copyright: Your Creative Shield

What Copyright Protects

- Original artwork
- Photographs of your work
- Written descriptions
- Unique designs
- Creative processes (when documented)

Trademarks: Protecting Your Brand

What Can Be Trademarked

- Business name
- Logo design
- Taglines/slogans
- Product names
- Distinctive packaging

Hypothetical Scenarios for Discussion

- A museum wants to use your image in a catalog
- A company offers to license your design for a product line
- A gallery loses your artwork — who's responsible?

