

Q: As Oklahoma City and Tulsa grow into world-class cities, more and more high quality, unique and beautiful art work is sure to begin to appear in hotel and office lobbies, convention center halls, and other public areas - thus making relevant the Visual Artists Rights Act of 1990 (“VARA”). *What is it?*

A: Except for instances, among others, in which: **i)** the artist(s) of the work are employees of the person or entity commissioning the work; thus making it a “work for hire” under VARA, **ii)** the art work is an advertisement or promotional material, or **iii)** the art work is a work of nature (like a flower bed exhibit, which has no copyright protection, thus no VARA protection), VARA “...protects both the reputations of certain visual artists and the works of art they created. It provides these artists with the rights of ‘attribution’ and ‘integrity’...,” which are the artists “moral rights.” *Carter v. Helmsley-Spear, Inc.*, 71 F.3d 77 (2d Cir. 1995).

Q: What type of art work does VARA protect?

A: Works of **visual art** like drawings, paintings, sculptures or photographs produced for exhibitions which are open to the public.

Q: What sort of quantities of art are protected under VARA?

A: Those existing in either one, unique, single copy or a limited edition of 200 prints or less.

Q: What “rights” of the artist does VARA protect?

A: 3 of them: 1) the right of attribution to the artist (as being the work of such artist and the right of the artist to be recognized for creating it), 2) the right of integrity (which the artist has created in and through the ‘arduous’ process of creating such work), and, in the case of works of visual art of “recognized stature,” the right “to prevent destruction” of the art work.

Q: Does the art work need to be registered under copyright law to have VARA protection?

A: No, and the artist can still obtain basically the same copyright law protections as under VARA - without such copyright registration.

Q: How does a building owner, property manager and/or a city council protect itself from artists later making claims against them (due to the eventual removal and possible destruction of the artwork), and how long does such protection for the artist last?

A: For works created on or following June 1, 1991, they all should, for as long as the artist remains alive (or until the last of all contributing artists die), get a written, signed waiver of the artist’s (or artists’) rights under VARA.