

Video of Sculpture taken in situ by the artist at a group exhibition

Scenario: Academic B has a video of her own sculpture that was created in-situ and shown as part of a group exhibition. The video piece, which was shot by the artist herself during the exhibition, was intended to capture only her own work and does so in the main. However in

the process of capturing panoramic views of the sculpture, shots of other artists' work also appear, as do the bodies of a few exhibition visitors who happened to be there at the time.

Rights Issues: Academic B has copyright in her own work and can exploit the work however she sees fit. The work captured in the background that is not her own will have copyright belonging to various other people. The visitors to the exhibition who appear in the video incidentally will also have a right not to be shown in the video if they can be identified, unless they have given explicit consent in writing.

Resolution: Much will depend here on the extent to which other people's work is shown. If the work is in the background, is unidentifiable and shown for a small duration of time, Academic B is unlikely to be infringing the rights of others. If not, she will need written consent from the copyright holders to deposit the video. If this proves difficult some careful editing may be required in order to cut out any infringing material. If the exhibition visitors can be identified, their consent will be required. In general it would have been better for Academic B to have shot the piece when the exhibition was closed to the public.