

Definition of the Phrase “Someone Else’s Work”.

The following is a definition/guideline for “someone else’s work” in relation to photography and to assist our BCC Members in their selection of what they take pictures of, and our Judges when judging our work.

Definition For the Phrase “Someone Else’s Work”:

In brief (for both Members and Judges):

✓ Acceptable:

- * architecture;
- * decorations;
- * background art when incidental;
- * people interacting in a space.

✗ Not acceptable:

- * photographs where the sole or main subject is another person’s artwork.

Basically, if the creative work is the main subject, it is considered ‘someone else’s work.’ If the creative work is incidental to the image, then it may be acceptable.

Detailed explanation:

This concept has been refined using the definitions as established in sites such as Dictionary.com, as well as from discussions with other individuals (including BCC Members, Judges, ChatGBT, etc.). It also includes some of the information on the document labelled “Street Art - Legally Speaking” as found in the Documents section on the Bellarine Camera Club website.

“Someone Else’s Work” would include artwork created by others to portray accepted aesthetic principles of beauty, show imagination and skill, and have more than ordinary meaning and importance. This would include: paintings, graffiti, sculptures, or drawings; or any craft or field of creative activity applying aesthetic principles, skill, and technique. This would typically NOT include architecture, roadworks, bridges, and other similar structural works.



Items such as lights on trees (as on Melbourne's Southbank Precinct), lighting on various structures (such as on the trees and metal arches on Melbourne's Southbank Precinct), and similar, are counted as decorations, and thus are not included in the above definition. Expressions of work and similar activities, such as Living Statues, are also NOT counted within this definition.

What is also important is the intended subject of the photograph, and whether it is classified as "someone else's work". For example, Hosier Lane in Melbourne's CBD - if the subject of the photograph was of the graffiti on the walls, then it is "someone else's work". However, if the subject is an artist painting on the walls, or a model, friend, or pedestrian, posing in the laneway with the graffiti in the background, then it is NOT considered as "someone else's work" as the subject is the person(s) and not the graffiti behind them. The background would be incidental/irrelevant for this definition.

Borderline cases.

Some installations or public art are designed to be interactive or photographed (e.g., immersive light festivals, sculptures with space for people to pose). These would be perhaps acceptable if the photographer adds creative interpretation, not just a record shot.

Original contribution.

Photographers need to ask themselves: "What have I added?" If the image is purely a copy of another's work, there's little photographic authorship. If they add context, perspective, timing, emotion, interaction, or juxtaposition, then it becomes their own creative work.

Legal/Copyright Note:

As a cautionary note: if you are exhibiting in a public place, or selling, your photographs which feature any form of street art, etc., it is advisable to include the artist's name, and to get their permission before exhibiting/selling said photographs if you wish to avoid possible copyright infringements or moral rights issues.



Some Dictionary definitions that may be applicable and have been used in the above:

Art: (noun)

1. the quality, production, expression, or realm of things that conform to accepted aesthetic principles of beauty, show imagination and skill, and have more than ordinary meaning and importance.
2. the class of objects that meet or are subject to aesthetic criteria; objects considered beautiful, imaginative, skillful, and meaningful collectively, such as paintings, sculptures, or drawings.
3. the visual or fine arts collectively, often excluding architecture.
4. **the arts**, the fine arts together with literature and the performing arts.
5. a field, genre, or category of creative, imaginative, skilled activity that meets or is subject to aesthetic criteria.
6. any craft or field of creative activity applying aesthetic principles, skill, and technique.

(from Dictionary.com)

Decorations: (noun)

1. something used for decorating; adornment; embellishment.
2. the act of decorating.
3. interior decoration.
4. a badge, medal, etc., conferred and worn as a mark of honour.

(from Dictionary.com)