

COPYRIGHT, THE INTERNET AND THE FAN

A white paper on de Dienes art and intellectual property

OneWest Publishing is striving to meet the demands of today's highly competitive fine art market and is a sought-after player in fine art photography world. In today's market, where copyright infringement of music and film is making news everyday, OneWest Publishing is striving to educate the Internet community, including old and new fans of photography, on how to best (and legally) experience the inspirations presented through photography which OneWest Publishing features.

OneWest Publishing proudly exhibits works by master photographer Andre de Dienes. We also will feature many more up-and-coming photographers, whose works include many highly sought after celebrity figures. Fans making websites on the Internet often zealously copy and post images on their home pages to showcase their support of their favorite celebrity. Yet, it is often those fans do not obtain proper permission to use such artwork, or use images in connection with statements or content that is defaming, libelous or of a pornographic nature. OneWest Publishing is a strong supporter of the fans right to proudly display their favorite celebrity; yet OneWest Publishing is also a strong supporter of intellectual property rights and respects the law of the copyright holder.

OneWest Publishing is striving to remind fans and image-seekers alike to follow the rules: 1) Seek permission in writing from the copyright holder or rights administrator (like OneWest Publishing) to use the photo on your page, or; 2) If you wish to simply link an image, remember to give a proper credit to the rights holder (like OneWest Publishing). Also, remember that if a rights holder requests that you remove an image, you must comply without delay, as the legal rights are still owned by the rights holder and the rights holder lends or licenses the permission to use the picture(s). OneWest Publishing is eager to build a strong fan base and a fair exchange of images and ideas around the world. With links already established with many bloggers and fan sites of both Andre's nude works as well as his Marilyn works around the world, OneWest Publishing has proven that its fans can work with the rules and continue to illustrate their pride in Andre de Dienes' works.

OneWest Publishing, as a member of the intellectual property community, will continue to enforce its intellectual property rights around the world, including through such areas as eBay, Sotheby's and personal fan sites where OneWest Publishing has been recently successful in eliminating infringement; and eliminating individual websites whose

content is based on infringing materials and/or dangerous, libelous content, whose site administrators refuse to adhere to the law. Under U.S. Copyright law, Section 107, it is legal for a particular fan site or website to promote images, however only under the conditions set forth under Section 107, in connection with the nature of the use, the work, the amount and substantiality of the portion used in relation to the rest of the work, and affect of the use on the market as a whole. This, of course, is notwithstanding sections 106 and 106A and the consent and license of the rights holder. The rights holder has the right to terminate the license at any point, unless a contract (or oral agreement) was struck outlining a term.

In the coming weeks, OneWest Publishing will unveil a new “Fansite Express” page, where both Andre fans and Marilyn fans can download and post to their fan site, specially selected images from the Andre de Dienes Archives, as well as receive special offers of promotion for their fan site. These images will be sanctioned by the archives, giving the fans the authenticity they deserve, while promoting traffic to their site

OneWest Publishing and the Andre de Dienes Archives have consistently worked with both individual fans and non-profit organizations benefiting AIDS, cancer awareness, Carousel of Hope Foundation, Pink Pony Fund, and more. We will continue to make successful, long-standing strides, which will benefit both the fans and the intellectual property owners of the world. OneWest Publishing thanks sincerely all of the fans of Andre de Dienes’ works and will showcase new talent and forge new beneficial roads in the future.

For more information:

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U.S. Copyright Law, Section 107
<http://supct.law.cornell.edu/supct-cgi/get-usc-cite/17/107.shtml>

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