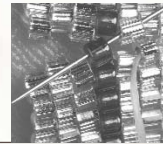


Who owns the stitches?

Here's a hypothetical situation. I just learned a brand-new stitch called the "Albuquerque Shuffle Triple Bypass Twisted Rope" in a beadwork class, and now my friend is asking me to *teach her the technique*. Is it legal for me to do so? Absolutely. Is it ethical?

Well, that depends.

Ethics in Beadland



Mary J. Tafoya

Many beadworkers would say I'd be taking money out of the original teacher's pocket. But what if the teacher is no longer teaching? What if she doesn't fly and my friend and I live on a remote island accessible only by airplane? What if my friend speaks a unique island dialect and I'm the only one who can communicate with her?

Here's another and related hypothetical. At a recent craft show, I used the Albuquerque Shuffle Triple Bypass in several pairs of earrings I made for sale. It's a stitch, after all, and not subject to copyright or patent laws, so I'm in the clear, right? Not according to several beadworkers who took a recent survey on ethics. Based on their feedback, I should slap the teacher's name on every tag and sing her praises to all potential customers or risk an irreparably tarnished reputation throughout all of "beadland."

But what if my customers are put off by my long-winded speech about where the stitch came from? What if they're running down the aisle away from me, while I shout that last part about how I am using the stitch with the teacher's blessing and I did, after all, pick my own colors and add flower beads to the bottom row? What if all this acknowledging is just plain confusing to the average shopper?

Here are some nonhypothetical notions about practices most of us can agree are good. Acknowledging our sources is good. Honoring our teachers and contributing to the written record of our craft is also good. Maintaining a compassionate perspective and thinking about how our decisions to teach, sell, write, and share can impact other people are good. And working in ways that cultivate the most benefit for the most people is better than good—it's mature, ethical, and just darned nice. But when it comes to stitches and other noncopyrightable techniques, acknowledging our sources isn't a legal requirement.

stitches and the law

In some cases, U.S. patent laws can protect the visual appearance of beadwork designs. Original patterns, tutorials, diagrams, and writing are covered under copyright law, which gives beadworkers the right to control the selling, displaying, distributing, and even derivatives of their original work. However, the *knowledge* contained in those works isn't covered.

Specifically, copyright laws do not apply to procedures and methods, such as stitches or the step-by-step construction of beaded items.

Patent law is sometimes used to protect distinctive jewelry designs, new tools, or the invention of new beadmaking materials, but it doesn't cover beadwork stitches. Instead, patents are reserved for unique inventions or designs that weren't previously known in the United States or previously published elsewhere in the world.

Considering beadwork's long and global history and the likelihood that more than one person will discover new techniques simultaneously, it's safe to say that, under current law, stitches belong to everyone, but to no single person.

ethics to bead by

Ethics are formal or informal principles about moral conduct that tend to develop within groups and communities, including bead societies, online forums, and even publishing houses. Traditional cultures have also evolved particular expectations about the transfer of knowledge, skills, and ownership. Many professional organizations have created their own guidelines regarding appropriate behavior within their own networks. But there is currently no official policy in beadland.

As increased Internet access shrinks the distances between diverse communities, and as more and more books and magazines about beading techniques are published, we find that ethical expectations are emerging, presumably to help guide people in dealing with situations that aren't covered by intellectual property laws.

The good thing about community ethics is that they help people treat each other with respect. We learn to avoid stepping on each other's toes as we acquire new techniques, perfect our skills, and perhaps emerge as professionals by selling our work, learning to teach and write tutorials, publishing our first articles, even opening shops. We're encouraged to acknowledge our teachers and to share the story of our craft along the way. One of the positive by-products of graciously acknowledging our sources is that we help to create a written record of our craft. We boost each other up and we set a good example for newbies. Right?

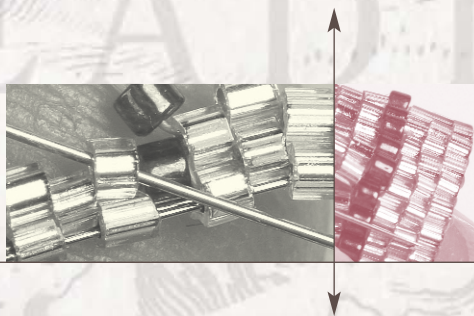
But anyone who's been a member of a beading community knows there can be a downside to group expectations. What happens when groups try to impose restrictions that hinder artistic creativity and economic opportunities? What happens when members are misinformed, egotistical, or easily led to judge others without considering both sides of a conflict? Can "group think" go too far? These are some of the questions I asked myself as I prepared this article, and the answers didn't come easily for me.

One confusing aspect of ethics is that expectations vary from group to group. What works well in one community might be frowned upon in another. When two different sets of ethics are in play, conflicts often arise. And because ethics are often situational—that is, what is appropriate in one case might be awkward, unbusinesslike, or even damaging in others—they really boil down to individual choices and individual responsibility. Ultimately, each beader makes her own decisions about what is right, for her and for others, in any given situation.

In order to gain some insights into current ethical expectations in beadland, I surveyed about fifty beaders who belong to bead societies, online forums, and informal community groups. I asked them a series of questions about situational ethics. Participants ranged in experience from beginners to seasoned veterans. Most come from the United States, but a few live in Great Britain, Australia, and Canada. Several cited informal groups, such as beading meet-ups or close friendships, as their primary beading communities. Many others belong to bead societies. About half the respondents, however, cited online communities as their primary beading "circle," so the results of the survey are probably biased toward that demographic.

Five respondents said their community had developed written policies on ethics. Seven stated that their community had suffered through considerable conflict regarding their members' ethical practices, but a very large number—80 percent—reported that their community has members willing to mentor others about how their group can respect each other's intellectual property. Another 14 percent reported that

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though there had been occasional conflicts, most have been resolved by the parties involved. This is good news. Clearly, a majority of beaders practice their craft in communities that seek to respect each other.

ask and acknowledge

Most respondents said that beaders should acknowledge the originator or teacher of a technique to their students and customers. That would be a gracious thing to do, especially when using other people's copyrightable materials. But what about when you're trying to make a sale? And when beaders travel the country teaching, speaking, and publishing their techniques, what do they think will happen? Can they realistically expect to receive credit for every usage related to their work?

Sometimes it's unwise to be overly solicitous in acknowledging your predecessors. Last year, I was invited to judge a large beadwork competition in which two excellent pieces were in the running for Best of Show. After a long discussion, we consulted the organizer, who had spoken to the artists as she received the entries. One of the beaders had gone out of her way to mention how others had influenced her project. Although she didn't use any copyrighted materials and constructed her piece in a highly innovative way, her project was deemed less original because of her disclosure. Best of Show was awarded instead to the beader who had kept her mouth shut at entry time.

By far, the most common survey advice about handling ethical situations, such as teaching a stitch popularized by another beader or publishing an article based partly on someone else's work, was to get

permission from the original designer. Clearly, good communication helps to aid understanding, forge friendships, and establish good economic boundaries. Only a few of the respondents pointed out that asking permission isn't always required and is mostly a personal choice.

Actually, it would be legal to use another beader's project for just about anything, as long as no copyright violations occurred. Forty of the respondents said they would advise their friends to get permission first, and another four said they'd advise the friend not to do it at all. But what if the designer denies permission? What if she asks for compensation? And what if the designer is confused or has misunderstandings about what intellectual property laws actually cover? Some survey respondents were certainly confused, stating, for example, that if permission were denied, the requester would be "stealing" if she continued to share the technique in question.

Good ethical choices are surely influenced and shaped by one's community, but they are made by the individual. In my view, these choices should be made anew for every situation, not parroted out of fear or half-informed obedience. By exploring some of the challenges of being an ethical beadworker, I hope to tease out a few of the ethical expectations in today's beading communities in a way that will inspire both groups and individuals to rethink ethics in fresh, new ways. And remember, we're all in beadland together! ♦

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To learn more about copyright law and how it applies to your beadwork designs, go to interweave.com/bead/beading_resources.asp to read "Do the Right Thing: Copyright, Ethics, and You" (Beadwork magazine, June/July 2006).

