

What is original work?

We cannot speak about original work without first speaking about third party material. Third party material is any material that is not originally created by you and is borrowed from another source of origin. This can include but is not limited to, fonts, vectors, photos, or creative common material.

Third party material 101

An **original** work is one not received from others nor one copied from or based upon the work of others. It is a work created with a unique style and substance. The term "originality" is often applied as a compliment to the [creativity](#) of artists, [writers](#), and [thinkers](#). (Wiki)

Third party material is a delicate subject on Jovoto and we handle it with care.

We made this document for you to help you understand your responsibility as a designer when creating and submitting ideas on Jovoto.

So here's what you need to know:

Third party material is anything that was NOT created or designed by you - even if you use it in your design, and is borrowed from another source of origin. This means fonts, vectors, photos, creative common material or any other material that you have not originally created.

Third party material, for example, photos, means any material or any photos that have been taken by anyone else. The copyright belongs to the people who created this material.

If you want to use that material in commercial or editorial ways, you need the permission, meaning licensing, to be granted by the photographer. Purchasing the third party material is granting you the specific rights required in order to use it.

In any case, it is necessary to read the license carefully!

Stock Material is also Third Party Material. However, the provider of the stock database does not take pictures himself but has been granted the license to "sell" pictures by the photographers. This means the stock provider grants you a fee-based sub-license to use such photos.

Creative Commons Material (CC) is also licensed to the people who want to use it, but without any fee. Providing CC-materials is frequently connected to terms of use where the user has to confirm that he will not use the material for commercial purposes, such as selling the pictures to others.

Inspiration Material is legitimate as long as you don't use it as a 1:1 copy in your design or if after your work, it still looks similar to the inspiration material. This includes creating your own vector over someone else's existing work or stock material. Your design can not be similar to your inspiration source! If it's only slightly different it means copying!

Can I use third party material in my design?

Before utilising any third-party material, check beneath the brief to determine if it is permitted in the particular project. When you submit your idea, you give clients the option to license your work. Therefore it is important that your work does not utilise any material that is copyrighted by a third-party. You may use third party material to present your idea, but you **MUST** clearly cite your source(s).

What is copyright?

Copyright is a designer's right to their work as the original creator, and when the owner feels it is infringed upon it can result in a long court process, where many different factors are considered like if there are added unique differences to original work.

- Would you like to see your design posted by someone else after spending your precious time to create *your own* original work? The answer is NO and here is what you should ask yourself:
 1. Could the entry have been created without knowing the source?
 2. If the originator of the source saw it - would he or she immediately recognize their work, and would he or she be able to take legal steps?

What does it mean to own the copyrights?

Before you participate in a project, please check the "Guidelines, regulations, comments" section of the brief. If you are permitted to use third party material, there you will find whether you must **OWN** all copyrights.

If you design all elements of your entire submission, you automatically own all copyrights. In case you are not the creator of the whole submission you need to own the third party material, meaning, buying the license from the stock provider.

If you have a project where only original work is requested, what's the problem with using third party material when you OWN the license for it, or when a license isn't necessary like when using creative commons or other free material?

- Although legally you may be legally allowed to use third party material based on the type of license - the third party material is probably *non-exclusive*. You can not prove that the design doesn't already exist on the market, and often a client will only want to use it if you can *ensure exclusivity*.
- Another reason could also be fear of a creative commons author changing the license, which in the future could turn into a legal issue for the brand.



1. Mona Lisa is Public Domain
2. Using a Public Domain design on a Victorinox Swiss Army Knife is not permitted because only original work was requested

The difference between not labeling third party material and copyright infringement.

Whether original material is requested in a project or creatives are allowed to use third party material to visual their concepts, copyright infringement is NOT permitted!

Here are examples to avoid:

- **“Inspired by” is too close to original work.**

Inspiration is a key word here. Consider just because an idea is not copied 1:1 does not mean that it is not too similar.



1. Original work made by Banksy (off jovoto)
2. This is a violation of the artist work and rights on a Victorinox knife

- **Retracing stock material with your own vectors does not mean that it is your original work.**



1. Stock material on shutterstock.com
2. Retracing stock material on a Victorinox knife is not permitted because only original work was requested

Please remember that unless third-party material is specifically cited, jovoto as well as the client will expect your work to be your original creations. You will be legally responsible for any material not previously identified as third-party. If third-party material is not cited, your chances of winning awards and getting licensed might be at risk.

What should I do if I believe third party material has been used in a project submission? read [here](#) how to proceed or privately contact the Creative Guide in your project.

Learn more about "[Talking third party material & Design](#)" with creative Gila for insights on using third party material in your design and read on your rights as a designer and the use of stock material from an intellectual property lawyer [here](#).