



Forum: Challenges & Duels

Topic: Cover Flip

Subject: Re: Cover Flip

Posted by: chillyplasma

Posted on: 2012/8/27 1:00:19

OK, as it was me who made the comment I am going to clear this thing up. Everyone else is muddling the argument.

First off ? the law.

Yes Heromorph is full of Trademark infringement. Batman is a Trademark, if you draw a picture of Batman and post it to the internet you are violating Trademark law. It does not matter if it is ?not for profit? or you sell it, it is still a violation. These cover-flips are a copyright violation, copyright means the specific work (in this case a comic cover). Reposting and changing the cover without permission is a violation, again doesn?t matter if money is involved.

Fair use is like when you buy a CD and copy it to tape for your own use in your car. Fair dealing is when you buy something, e.g. a comic for personal use, and are allowed to sell it.

So how does anyone get away with it? The internet is too big and it is too much trouble to track down people and take them to court, though it has been done.

?I do believe that if it's on the internet and it doesn't say you can't use it... then you can use it. Am I wrong??

You are wrong. That?s like saying if your neighbour leaves his car running and doesn?t say you can?t take it, that you can take it. Or that you can legally download a pirated movie ? you can?t (not legally).

?It's called "Common License" and as long as I'm not using the image to turn profit, I'm free to use it. Correct??

Wrong again. Something has a Creative Commons License only if the creator has chosen to apply it. In this case the Ms Marvel could not have such a license as you need to own any relevant Trademarks first.

That is how it works, in simple terms. And I in no way deny that people on this website have breached these laws. THAT IS COMPLETELY BESIDE THE POINT.

The Heromorph Rules.

A line was drawn saying you can?t use another artist?s work without permission. If you can?t get permission, you don?t use it. Simple, that?s the rule, it?s reminded every time you upload an image.

The Heromorph rule has nothing to do with the law.

It means I can?t take one of B?s images and one of Darquelmages? images and turn it into a crappy cut and paste MS paint suck-fest. If I want to do that image I would have to make it myself. Same as you could have made your own Ms Marvel (the point was to get people to create for themselves).

B does have a important point to make ?IF the final product is substantially your own work.? It?s not. You added some text. Take away Ms Marvel and there is nothing of interest there.

?I know the approach that this person took was civil but there is another way to approach that.? So

maybe you would like a rule at Heromorph for how people should make complaints? Except you don't follow the rules at Heromorph. You can't have it both ways.

Regardless I don't intend to visit this website ever again. Recently something happened here that I found to be deeply offensive, I won't go into details. Add to that the above argument that it's OK to rip off other artists and Heromorph is no longer a special place.