Children’s art and copyright: ethical questions between material names and immaterial rights

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Materiality in work of art can mean any information related to the work’s physical existence, for example a person who has made the artwork: the author. The author’s name is essential when it comes to copyright, but in children’s art copyright is sometimes ignored. In this paper, I will ask what kind of practices there are when mentioning the author in the context of children’s art, on what basis these practices may have formed and how they fit to copyright legislation. My assumption is that the practices vary widely because they involve many complex ethical issues.

This paper will focus on visual arts, performing arts and literature made by children (person under 18 years old) and published or performed in Finland during the past five years. I will explore how the names of the authors have been mentioned in artworks and also discuss the decision-making process: what kind of ethical and practical issues we have to deal with when publishing children’s art? I will reflect the results to the Finnish copyright legislation, which is based on international treaties and EU directives. Copyright includes, for instance, the right to be recognised as the author of a work. "The name of the author shall be mentioned in a manner consistent with the good practice when the work is used publicly" (Moral copyright: Finnish Ministry of Education and Culture, http://minedu.fi/en/moral-copyright). The "good practice" has not been defined, so the author can be mentioned in many different ways, especially in the case of children’s art. I will examine the possible contradictions between these practices and copyright. In theory, there should not be any, because copyright applies to all ages. Why would children be excluded from it or have only limited rights?

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