

## Information regarding Fan Art

### What is fan art?

Fan art refers to drawn works created by fans of an artist, a film, a series, a game or similar and is based on existing artwork. The figures, characters and main characters are often chosen as the motif and/or inspiration for the art.

### Is fan art allowed in the Artist Alley?

FANTASY BASEL – The Swiss Comic Con welcomes and promotes a lively artist scene. Fan art is a good reason for many aspiring artists to start drawing or painting. Creative fan art works are often created that are absolutely inspiring. However, the legal situation is clear: fan art is only permitted for private use; publishing these works is prohibited. Anyone who wants to show fan art in public or even sell it requires the authorisation of the respective rights holder. We must therefore point out that artists who sell or show fan art must also expect to be contacted by a publisher/rights holder afterwards, which may result in legal action and/or financial claims. Publishing fan art on the internet without holding the necessary rights can also have similar consequences.

The contracts, exhibitor conditions and the GTC of FANTASY BASEL – The Swiss Comic Con clearly state that exhibitors may only display and sell products if they are in possession of the necessary rights to do so. This applies specifically to dealers. However, FANTASY BASEL – The Swiss Comic Con must also reject any liability if artists are prosecuted in the context of fan art. The organisers ask the artists to mainly exhibit their own creations in the Artist Alley or to obtain the corresponding rights in advance.

### Copyright protection

Fan art often triggers a dilemma: Fans enjoy art based on their favourite films, series and games and want to share the joy of their fan art works with others. However, artists who have created well-known characters and stories also want to (and should) be able to make a living from them and must protect their copyright. If artists are successful with a character or story after a long apprenticeship and many years of work, it is their right to ensure that no unauthorised person makes money from it. Especially in the case of internationally

successful artists, these rights are represented by publishers, who in turn are forced by contract to generally react to unauthorised use. As a rule, the focus in this regard is probably primarily on monitoring retailers and merchandisers.

As a convention, we are connected to both sides; the young creatives as well as the established artists and their publishers. Without big publishers and publishers, there would be no hit franchises such as Game of Thrones or Lord of the Rings, and without young creators, there would be no fresh wind in the art, fantasy and comic scene and publishers would have no new talent. We assume that publishers will treat fan art and its artists with common sense and a sense of proportion, but recommend that they inform themselves well about the legal situation and do not take any unnecessary risks.

### Further external links

<https://comiczeichner.tv/fanart-verkauf-ist-verboten/>

<https://malen-lernen.org/darf-man-fan-art-verkaufen/>

<https://www.prigge-recht.de/markenrechtsverletzung-fan-art-etsy/>

<https://anwalt-seiten.de/fan-art-legal/>

All information without guarantee.