



Licensing Your Work to Fine Art Publishers

Introduction: As giclée printing has matured, a large crop of “fine art publishers” has sprung up. Some are one and two-man bands that perform every part of the operation from location of artists to manufacture to sales and distribution. Other small firms sub-contract the print work and merely act as sales and distribution agents. At the other end of the spectrum are giant multi-nationals like Washington Green. Unsurprisingly, the quality of publishers’ products, business savvy and terms vary widely.

In general, they look for artists and photographers who fill a niche in their “portfolio” or “stable”, and offer suitable creatives a one, two or three-year licensing contract - either for specific originals, or for all the work created in that period. Some publishers also buy original artworks, and a few rogues will insist that you must sell your copyright in images to them. NEVER do this, and shun publishers who suggest it. Also ask that all originals you sell to them are offered back to you at cost if they are still in their possession when your contract ends. Write this into your contract!

Read all contracts very carefully before you sign. Query and challenge anything you don’t like and, if still in doubt, submit them to a good media lawyer for vetting. Yes, lawyers are expensive, but not as costly as making a major contractual blunder. If you have an artist’s agent, he/she may do the vetting and will negotiate to achieve the best terms on your behalf.

Some art publishers offer an advance against royalties; most smaller firms do not. Royalties generally vary from 7-20% of net sale price (limited editions earn most). But be aware that they have the right to discount heavily or even give prints away as samples to promote overseas deals and business relationships. When they do, that means less dosh for you.

If you are unsure about whether you’ll get along with a publisher, try to limit the contract to 12 months with a review at 10 months plus an option to renew. Whatever the term, there should always be a review at least two months before the expiry of the contract.

“What are the advantages of licensing the right to reproduce my work to fine art publishers?”

1. The best of them have a well-oiled publicity, sales and distribution machine with international reach. You will get more images into print, seen by buyers and the media and sold that you could achieve independently.
2. You should still have the right to see, approve and sign proofs of any print before the new edition is issued. This allows you to satisfy yourself that the publisher is not taking liberties with your images or slipping on quality control.
3. Such deals can boost your status as an artist, and most galleries that stock prints of your images are likely to be interested in showing/selling your originals, too.
4. In general, good publishers see you as a “brand” as well as a person, and it is in their interest to promote and develop that brand through your personal appearances at key trade events with print signings, painting demos, Press launches, talks etc.
5. If you choose to terminate your contract with the publisher – for whatever reason – the contract should give you first refusal on buying all unsold stock of your giclée prints at wholesale prices.
6. The publisher will identify which existing works he wants to license and may have an option on new work you produce; so as long as you continue to produce the kind of work that “fits” with his market, you can look forward to further extensions of your contract. This means that, at every review period, you will be in a stronger position to demand improved terms.
7. Unless you have signed an exclusive contract, and as long as your original publisher has had first refusal on new work, you can legitimately sell images he has not chosen and/or different genres of work to other publishers. And if you get two or more publishers interested in your work before you sign any contracts, naturally, you are in a fine position to get them competing and thus offering you better terms.

8. You (or your agent) should have the right by contract to audit the publisher's sales accounts to ensure you are getting accurate royalties; the publisher must submit quarterly/semi-annual statements showing sales and royalty percentage due by print name/edition/size, including any discounted/free prints.

"What are the disadvantages of licensing my work to a fine art giclée publisher?"

- 1) You will be unable independently to make and sell giclée prints of any of the images licensed or optioned by the publishers for the life of the contract – and normally for 12 months after termination.
- 2) You may not get along with the publisher or some of the people he employs (e.g. accounts department), and that can make life difficult, so you need to be a good judge of character and – if possible, sign with someone recommended to you by other artists.
- 3) Publishers (like some galleries) tend to want their artists to go on and on producing similar images, once they've established a market for a specific genre. Artists, however, tend to evolve and strike out in new directions. This can lead to disagreements.
- 4) Publishers have to feed the framing, gallery and interior design markets with "something new" every year to build new audiences and stay ahead of the competition. This makes for "faddiness" and a focus on "décor" rather than artistic integrity and quality. In other words, your work will have to be "commercial".
- 5) You will have no control over the discounted sales a publisher makes, e.g. to overseas retailers, which directly affect your royalty earnings.
- 6) The quality of giclée prints produced by art publishers can vary considerably. Unless their prints are vetted by a specialist laboratory every single year, e.g. via the Fine Art Trade Guild, there is no guarantee that they are using the best substrates, inks and system settings. You should satisfy yourself about the quality they currently produce before signing anything.
- 7) In the end, it's drive and business acumen that will secure the print sales and promotional coverage you need. And that comes down to people – individuals. Sadly, you are unlikely to meet the whole team at any point, unless it's a tiny firm. If you are not satisfied with sales later, it could be down to lots of factors, but in a large publishing house, the lament of "mid-list" artists is that they are not getting the marketing "push" they deserve.

Tips to follow before you try licensing your work

Do your homework. Get copies of Art Business Today magazine, published by the Fine Art Trade Guild. See www.fineart.co.uk. Also Picture Business magazine; www.picturebusiness.uk.com. These two UK magazines will give you a good overview of current art trends and tastes among galleries, framers and the décor trade. Don't get depressed by the aesthetic level of some images they call "art". If you intend to sleep with the Devil, you'll have to sell at least part of your soul.

For insights to the U.S. art market, see the magazine Art Business News – www.artbusinessnews.com; North America is a huge market compared to the U.K, and you may find that the best U.S. publishers have vast publicity and marketing resources, worldwide reach and subsidiaries in places U.K. publishers haven't even thought about.

Self-publicise to attract publishers. Set a sprat to catch a mackerel, as the old saying goes. If you can get yourself some editorial in one of the magazines mentioned above, or in The Artist, Leisure Painter, Art of England etc, you will get noticed. Approach editors of these magazines with a disk of some of your work and an 'angle' – something that might make a good feature – e.g. painting in the jungle, using a novel mix of media, or painting an unusual or striking subject. What will "grab" their readers? To influence a market, think like the audience.

Also, try to get into the "Blank Canvas" page of Picture Business. This feature for creatives new to publishing/still unpublished is free, allows you to show several image and make an artist's statement or "pitch". Many a publishing deal has started here!

Attend key publishing/design events. These include: "The Spring Fair" at the NEC- www.springfair.com (don't bother with the Autumn Show; everyone important goes to the Spring one); Decorex in London – www.decorex.com; and Top Drawer, spring and autumn also in London – www.clarionretail.com.

These events will show you what publishers have to offer. Study the quality and range of their

portfolios, and maybe – if you are extremely persistent or lucky – you’ll get to press the flesh with one or two. DO NOT attempt to show your portfolio, as you’ll be rudely refused. These events are crucial to publishers, stands are very expensive, and they are there to sell, not to buy. At the most, you may be able to leave a disk with jpegs and your business card with a few. The main thing to do is to ask for the name and email of the right contact at the publishing company who should receive your submissions. Write these down - they are gold.

So, attend the events, suss out who’s right for you, listen to trade gossip in the café (priceless) and then, a couple of months after, when the dust has settled and exhibitors have processed their leads and caught up with their business again, approach likely publishers with a polite enquiry email or letter. If possible, send them a link where they can look at your work – on your website is best – then post a disk with jpegs of new work and an artist’s statement. They will review this at an internal (monthly) meeting. Give them a maximum of two months, and if you haven’t heard anything, phone and chase – but politely. Push too hard, and some publishers will see you as a feisty troublemaker, rather than a ‘property’ to be moulded and enhanced.

If you get past the first hurdle, your next challenge will be to meet the publisher’s commissioning team face-to-face and show examples of your originals/prints. Smarten up your portfolio and yourself for this presentation. Anticipate the questions you may be asked and rehearse a little so you come across confident, cheerful and professional.

Top publishers transform unknown talents into worldwide celebrities with high earnings. And even if you don’t reach these heady heights, royalty revenues can help to pay the bills and the experience of “getting known” does no one’s career any harm.

Good luck!

