

# Design Elements & Copyright Considerations

*How to use shape as an element of good framing design; plus, some important copyright guidelines*

For centuries, psychologists have been studying the human mind and its reaction to visual shape stimulus. Ink blot responses attempt to standardize human reaction, feeling, and emotion in connection with specific lines, colors and values that create non-objective shapes. These studies have determined that although it remains somewhat individualized, squares generally equate a feeling of perfection, stability, symmetry, and self-reliance. Frames present a mood, depending upon their shape. Horizontal shapes within an artwork, such as a landscape, predominate within a horizontal frame unit, and vertical images grow upward if placed within a vertical frame format. So shape is a very influential element.

## Natural and Geometric Shapes

Pure shape consists of four general categories, also known as characteristics: natural, geometric, abstract, and non-objective. Natural shapes make up all of our surroundings such as stones, leaves, puddles, and clouds... they are anything found in the natural environment. Plants, animals, and humans are all natural, not manmade, non-created shapes.



Many natural shapes may also be characterized as geometric. One of the most common geometric natural shapes is the hexagon. It is part circle, part square, and is naturally found in honeycombs, turtle shells, mineral deposits, snow crystals, and biological tissues. Geometric shapes are comprised of triangles, squares, circles, etc., and as mentioned above are closely related to nature, architecture, or in this case, picture framing. Rectangular, square, hexagon, round, oval, and multiple-opening mats all constitute use of geometric shape as an element in mat design. Frames that are multi-sided, oval, rectangular, and offset also create geometric shapes, but with moulding.

A square frame and mats set at the diagonal, echo the curved lettering of "infinity" but also reinforces the bold sumi brush stroke carried out to the outer wrapped mat edges. Had the framer done this voluntarily, it would have been copyright infringement, but this frame design was created by the artist/calligrapher. Detail/inset of art and calligraphy on mulberry paper, stacked mat of wrapped foamboard, 4ply rag, spacer, wrapped foam, 4-ply rag with artist stokes tying the layers together into a unified frame design.



**Chris A. Paschke**, owner of Designs Ink in Tehachapi, CA, is a professional picture framer with over four decades of experience. She is an artist, a National Conference educator, has authored numerous magazine series, including *The Essence of Design*, *Design Concepts*, and *Digital Directions* for PFM, and has four self-published books on mounting. She currently writes the Mastering Mounting column for PFM and is a contributing writer to *The Artist's Magazine*, *The Pastel Journal*, and *Watercolor Artist Magazine*. She was honored with the PPFA Award of Distinction for Leadership 2008, the Vivian Kistler Recognition for Innovation Award 2010, and the PMA Distinguished Service Award 2012.

## Abstract and Non-Objective Shapes

Natural shapes reduced down to their essence become stylized or abstract. Native Americans have always embraced religious, earth, and animal forms converted into distinctive abstractions and patterns, which often have very specific symbolic meanings. These shapes are used as designs on pottery, weavings and jewelry. They emulate natural forms yet evolve into abstracted patterns of their originals.

Non-objective shapes are those that don't originate from any recognizable shape or object. Though they may have been stimulated by an actual natural form such as the human body, with the resulting design no longer visually resembling the original, upon which it was based. This is most notable in many contemporary artists, some of the later paper projects by Matisse, or a hand-carved mat filigree accent.

Maintaining or reinforcing the shapes within art creates a harmony between the frame and its contents. It also emphasizes the mood of the original shapes of the artist's images;



Hand-carved decorative filigree and copperplate calligraphy both serve as good examples of using shape as a design element.



This Karlgeorg Hoefer LE etching has a double v-groove with angled corner to replicate the slant of the A. The elements of line, color, shape, rhythm (repetition), and space are used in the design.

note the large, strong Japanese brush stroke is emphasized by the square frame hung at a diagonal. Therefore, selections of matboard openings and/or moulding perimeter shapes are extremely important. They may either reinforce the original feeling or throw the entire presentation into an unsettling visual arena.

## Emphasis

Compositional balance must be considered when arranging shapes within a confined unit, frame or shadowbox. Dark, dense shapes appear heavier and attract greater attention, so shapes of intense color must be offset to adjust the visual balance within a frame. Use of the slanted corner double v-groove replicates the slant of the letter A in the art, tying in the mat to the image, while also creating a visual accent space lower right by its shape.

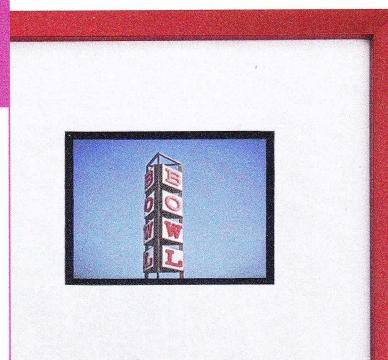
A single portrait dressed in dark clothing amidst a multiple-opening mat of light-colored portraits will be the first photo seen. This dark shape will dominate even if all the images are the same opening dimensions. The desired end product utilizes what is

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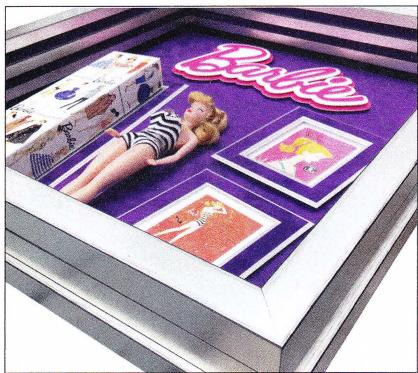
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known as controlled tension to direct or balance the images. Visual interest and balance must be achieved or the design is doomed to failure. Good art will already contain this necessary element, but object boxes, multiple openings, and wall groupings must be controlled by the framing designer.

## Controlled Tension and Dominance

The concept of controlled tension is to arrange shapes to guide the viewer's attention from one element or object in a frame to another. This may be controlled through controlled vision or shape dominance. This in turn stimulates use of other elements such as rhythm and movement. The determination of visual importance—controlled vision of an object, photo, or framed unit—may easily be manipulated by shape, either by the outer frame perimeter or the inner mat opening. A single oval opening amidst a sea of 11 rectangular openings in a multi-opening mat will attract shape dominance, or greater visual importance. Three oval openings with seven rectangular and two square openings will better balance the visual dominance depending upon the location of the shapes within the frame.



The Barbie® logo was cut on a Valiani Nexus CMC and is matted with 5648 Peony, 9500 White Glove, and 5648 again. A triple-stacked Nurre Caxton frame was needed for the depth required for the doll. Courtesy of Crescent



The calligraphy was created on blue handmade paper, which was surface tiered atop a double 2-ply Strathmore rag to create the desired 4-ply and under tiered with blue-gray paper at the bottom for the freeform-cut top mat. The 3/16" freeform, mulberry-wrapped liner mat is colored with pale pastel pigment which accents the shape of the top mat without replicating it.

The size, subject, and surface decoration involving other elements also adds to shape dominance. An oval surrounding a portrait will often dominate an oval surrounding a garden snapshot. An oval opening would also have less visual strength if there were ruling pen or tiered mat lines surrounding several rectangles, even if it were the only oval in a 12-opening mat. Since a shape consists of a border and visual control is the goal in framing, if you elect to showcase shape as an element through mat decoration or fancy CMC cuts, the execution must be clean and perfect.

## Copyright Limitations

And then there is copyright. I have written and lectured about copyright infringement for decades, pointing

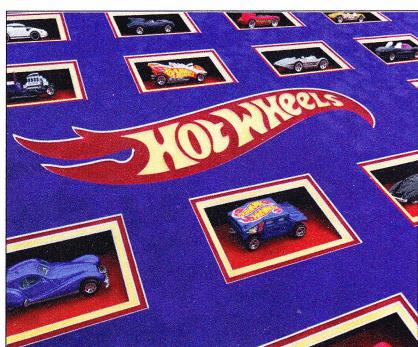
out again and again that the use of techniques like canvas transferring may be done as a requested service for a client, but framers or galleries may not purchase prints with the plan to transfer and sell them as a new commercial product.

"Descriptive fair use" allows the use of someone else's trademark or intellectual property without permission if you are using it for informational purposes. This applies to education and, possibly, frame designs. Descriptive fair use allows use of a trademarked name in a purely descriptive sense, as when using a CMC to replicate familiar trademarks for a client. "Nominative fair use" allows use of a registered trademark specifically to reference the products under that brand.

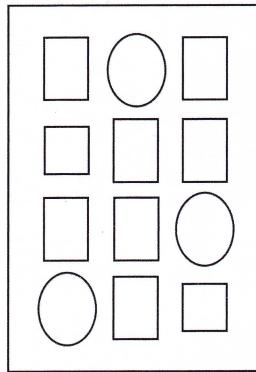
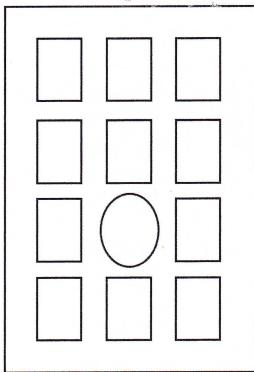
Intellectual property is another thing, with copyright law protecting creativity, trademark law protecting branding, patent law for inventions, and trade secret law for confidential information.

## CMCs and Copyright

Use of shape is very popular with CMCs, as they allow logos to be replicated perfectly. The thing about logos is that they are considered intellectual



This presentation features the centralized logo and multiple windows for each featured car. Triple-matted with Crescent Select suede Sunrise 5509, Red Sky 5510, and Tile Blue 5638. Use of line, color, texture, shape, and intensity create a unified, well-balanced design. Courtesy of Crescent



A single oval will dominate a multi-opening sea of rectangles. A variety of ovals, squares and rectangles use shape in a much more balanced presentation, even when not symmetrical

property. You can both copyright a logo and trademark it. Copyright prohibits all forms of unlicensed use that does not follow the rules of fair use. You need permission to use a logo unless it is for editorial or information purposes, such as when a logo is used in a written article or being used as part of a comparative product statement.

Fair use is controlled by four factors: was the use commercial vs. educational; actual reuse vs. creative interpretation; full vs. partial use; and did use impact sales in the market. Based on these factors, when using a logo in a frame design, though it may be commercial, it is for a singular consumption; is a dominantly creative interpretation; and yes, it is the full logo, but it has no impact on the market sales of said product. So it seems to be OK, but it is a bit of a gray area.

## Crescent Design Ideas

Trademark infringement requires use of the trademark to sell goods and services. The ™ notation is used for unregistered or common law trademarks, and ® is appropriate for registered trademarks. The ® symbol puts others on notice that the trademark is registered and presumably owned by the user. A common defense to trademark infringement claims is that the trademark is not used for a commer-

cial purpose, or not used in connection with the sale of goods or services. The key consideration is whether you are attempting to commercially profit off of the association or potential confusion with another trademark. You might also want to consider getting a license to use a trademark rather than simply using names, pictures, or logos that might be protected under trademark or copyright laws.

If a company logo or image from within the art has been replicated in a design for a framing competition piece, it could be scored lower for not noting the official confirmation of one-time permission to use that logo. So the question arises if use of

a Hot Wheels® or Barbie® logo, for instance, may be used legally in a frame design, which brings me the 2022 Crescent blog "Framing Your Special Toys." Crescent has given me permission to use their images in this copyright discussion for educational purposes. And yes, it was legal! The Barbie® logo was cut on a Valiani Nexus CMC—as was the Hot Wheels® below—and is matted with 5648 Peony, 9500 White Glove, and 5648 again.

Copyright and intellectual property respect is serious business, whether a logo or part of an artist's work being continued onto a mat as surface design. Unauthorized use is unethical at best and could be illegal at worst. It's important to be mindful of legal guidelines and limitations when selling designs to customers. **PFM**

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