I have seen this happen when I have been on a jury and a slide
talent rather than a theme and focus. Jurying is a very hard job.
what you are telling the jury. Artists end up showing a range of
how talented I am!" Or "pick me!" Problems occur if this is
when you pick your slides?" Most artists respond with "look
a workshop I often ask: "What are you trying to say to the jury
knowing how to get the jury's attention. When I am conducting
you do this you make it easy for them to decide if you are in or
objects, be they two-dimensional or three-dimensional. When
They see the connection between the pieces and the palate and
your slides pop up in front of the jury there is a relationship.
create a body of work and then photograph it, POW! Now when
artists do is create work, and over a period of time they "cherry
pick" that work to make their selections to be photographed for
jury slides. They have their photo session and when they are
done they usually have a grouping of work that does not hold
together as a cohesive body. It is "a little of this and a little of
that", potentially all nice pieces, but they don't work together to
create an artists identity.
A much better way to approach the challenge of jury slides is
to conceptualize a body of work that works together as a group,
fresh, imaginative and impeccably crafted. If you take the time to
create a body of work and then photograph it, POW! Now when
your slides pop up in front of the jury there is a relationship.
They see the connection between the pieces and the palate and
the story of what you're trying to say to the world with those
objects, be they two-dimensional or three-dimensional. When
you do this you make it easy for them to decide if you are in or
out of the show. Jurors tend to reward artists that make it easy
for them.
Another challenge that artists face when choosing slides is
knowing how to get the jury's attention. When I am conducting
a workshop I often ask: "What are you trying to say to the jury
when you pick your slides?" Most artists respond with "look
how talented I am!" Or "pick me!" Problems occur if this is
what you are selling the jury. Artists end up showing a range of
talent rather than a theme and focus. Jurying is a very hard job.
When you make this job easier by showing amazing work, easy
to understand, with theme and focus, you just got their attention.
I have seen this happen when I have been on a jury and a slide
continued on page 14

Eve Lerman: On Battling Imports at Art Shows

In September 2009, NAIA was pleased to welcome Eve Lerman,
Senior International Trade Specialist, U.S. Department of Commerce
for the U.S. Commercial Service in Pontiac, Michigan, as a presenter
at the Director/Artist Summit in Peoria, Illinois. What follows is a
summary of her session on the misrepresentation of imports.
Ms. Lerman described her "everyday job" as supporting exports of
U.S. products. Pointing out that in her former life she was a lawyer
specializing in international law, Ms. Lerman stressed that she does
not currently work as a lawyer, but as an international trade special-
ist. She's not permitted to provide legal advice and is not an expert in
customs, trademarks, and the like, but was presenting information
and ideas to generate discussion.
Her presentation addressed how unscrupulous exhibitors misrepre-
sent products they sell as “Made in the U.S.A.,” when in fact they are
imported at low cost from other countries, thus depriving authentic
U.S. artists of income in a difficult economy. In addition, this mis-
representation raises doubts among buyers, who can't tell if the art is
made in the U.S. or imported. As a result, the U.S. is damaged cultur-
ally, as legitimate artists are pushed out of the marketplace.

Government Agencies
Ms. Lerman helped work through the thicket of government acronyms by going through a list of federal agencies
and explaining how each might help to address the problem. These include the Federal Trade Commission, Customs
and Border Protection, the Department of the Interior, Congress and the President, and the International Trade
Commission.

The Federal Trade Commission (FTC)
The FTC is an independent government agency charged with protecting Americans consumers. It works to
prevent fraud, deception, and unfair business practice and provides information to consumers to stop, spot, and
avoid these.

Examples of the problems they address include mortgage fraud, charity scams, and misleading advertising. The
FTC provides consumer advice on subjects such as buying jewelry or genuine Native American arts and crafts
and regulates the use of “Made in U.S.A.” markings.

Most manufacturers/marketers of U.S.-produced products are not required to disclose U.S. content, with the
exception of textiles and wool. Those who choose to make the claim that their product is “Made in U.S.A. must
adhere to the “all or virtually all” standard: 1) All significant parts, processing and labor that go into the product
must be of U.S. origin; 2) No - or only negligible - foreign content; 3) final assembly or processing must take place
in the U.S. In order to assess how the “Made in U.S.A.” designation applies to a particular art or craft, you'll need
to review the specific rules pertaining to it.

If you believe product is wrongly promoted as “Made in U.S.A. because it wasn't, or it contains significant
foreign parts/process; processing, call the FTC at 1-877-FTC-HELP or file a complaint at www.ftc.gov. If you are aware
of import or export fraud, call the U.S. Customs Service Fraud Hotline, 1-800-ITS-FAKE. The FTC enters complaints
into “Consumer Sentinel Network”—a secure online database/investigative tool used by civil and criminal law
enforcement agencies in the U.S. and abroad.

The FTC website is http://www.ftc.gov.

Customs & Border Protection (CBP)
CBP is part of the Department of Homeland Security. CBP helps to enforce “country of origin” marking rules
and classify products for import tax. Its “National Import Specialists” handle questions regarding binding ruling
requests on tariff classification, and “country of origin” marking.
The Tariff Act 1930 requires that articles of foreign origin imported into the U.S. be marked (as legibly, indelibly,
and permanently as the article permits) to indicate country of origin. However, exceptions to the act are on the

continued on page 14
2010/2011 Coming Events:
8th Orchard Lake Fine Art Show (outdoor)  
Jul 30-Aug 1, 2010  – West Bloomfield, MI
NEW & IMPROVED LOCATION!
3rd Charlotte Fine Art Show (indoor)  
Oct 9 & 10, 2010  – Charlotte, NC
6th Estero Fine Art Show (outdoor)  
Nov 6 & 7, 2010  – Estero, FL (near Bonita/Naples)
2nd Boca Raton Fine Art Show (outdoor)  
Jan 8 & 9, 2011  – Boca Raton, FL
7th Estero Fine Art Show (outdoor)  
Feb 26 & 27, 2011  – Estero, FL (near Bonita/Naples)
www.HotWorks.org

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A Letter from the NAIA Board Chair

2010 is the beginning of a new year as well as an exciting new decade for NAIA. For the first time in the history of the organization we have a board of directors comprised of members representing each membership group who contribute to our organization. It is our goal to gain a better understanding of all aspects of the art show industry so that we may more effectively advocate for our membership. The election of this new board is a step toward that goal.

First, I would like to introduce you the 2010 Board of Directors. Exhibiting artists are our largest membership category and the founders of the organization. Representing this category are Teresa Saborsky, sculptor, Goshen, Kentucky; Holly Olinger, mixed media, Charlotteville, Virginia, and Lois Songer, jeweler, Key West, Florida. In addition to being an exhibiting artist, Lois is also the director of the Key West Craft Show and Old Island Days Arts Festival.

“Supporters” include patrons, educators, students, retired artists, and other individuals in supporting the art show artists and shows. Representing this category is civil rights advocate Richard Lobenthal of West Bloomfield, Michigan, who brings his wealth of professional experience to our Board of Directors.

Finally, “Contributors” are those who provide services to artists. These members include shows, publications, credit card processing companies, and suppliers. Our first board members to represent this category are Stephen King of Des Moines, Iowa, director of the Des Moines Art Festival and Lisa Konikow of Bloomfield Township, Michigan, director of Arts, Beats, and Eats.

At our first Retreat/Board of Directors meeting, we looked at the present state of the art show industry and at NAIA, with an eye as to how we could best meet the needs of our membership. Our new board members provide new opportunities to enable a greater understanding of our industry, inform and educate our members, and provide information as to many aspects of art shows as well as exploring other avenues of marketing.

We have identified five basic “pillars” on which we plan to build for the future.

1. Analysis and Assessment of Art Show

For quite some time we’ve had member reviews on our forum. Most of us know that there are also reviews by other sources, but there is a lack of information from the shows themselves. We have recently set up a section on our forum called ACCESS in which show directors will describe their shows from their own perspective. It’s not an advertisement, not a review by someone else, nor is it a PR writeup to draw people in to a show. It’s a director talking about his or her show, what they are, their goals, their vision. The unique aspect of ACCESS is that you are able to read what the director has written and ask questions. It’s a forum discussion, open for a given amount of time, in which you have the opportunity to get to know the director and the show. We hope that this will “demystify” much about shows and offer artists the opportunity to know a show so they can make more informed decisions as to whether the show is a good fit for them and vice versa.

2. Marketing

In this day and age of social media, many of us have had to learn to think outside the box. We’re facing the necessity of looking at marketing from different perspectives. What are some of the opportunities that are out there? How can we streamline our businesses? We will have guest experts from several fields of possible interest available to give “talks” on our forum. Guests will have access to our forum for a month to have discussions and answer questions from our members.

3. Advocacy

Large strides have been made in this organization in its 14 years of existence. In spite of that, many issues still exist. New problems arise daily and monthly as technology advances, helping in many way, yet also raising questions as well. NAIA will continue to look at issues brought forth by its members and work to resolve them in the best way possible for all parties. We have enjoyed a good relationship with many shows in the past, but that now takes on a new dimension as we now have members on our Board of Directors who can help pave the way toward greater understanding and more effective resolutions.

4. Bridge between Show Directors and Artists

Too often there are large gaps in the elements of our industry. Show directors depend on artists to make their shows and artists depend on shows to provide a venue for their art. We need each other, yet sometimes there are great gaps in communication. NAIA is dedicated to closing these gaps. We’re beginning by the use of our Forum and will extend that through the use of educational programs and other means of outreach we have on the drawing boards.

5. Premiere resource for members

In this age of mass and instant communication through the internet and other forms of social networking, there is a vast amount of information to be had. Sometimes, though, that leads to overload. Where does one begin to look for information? Well, for those in the art show industry, you will have NAIA. We are building an effective network by which you can have your questions answered whether you are an artist, or connected with a show, have a product to sell, or a school who wants to help students know how they can make art a valid career choice. NAIA is working toward being the “go to” source for the art show industry.

Are these lofty goals? Of course they are, but these are exciting times that call for lofty goals. We are making transitions that will help improve our industry nation wide, no matter what role you play. Art shows are unique phenomena and much loved by communities. The art show artist is a unique part of American’s, our “homegrown” talent, creativity, and craftsmanship to be treasured and celebrated in this time of manufacturing and outsourcing. One can’t outsource talent nor can one duplicate the singular, distinct character a community art show. As is written in our mission statement, NAIA is dedicated to strengthening, improving and promoting the artistic, professional and economic success of artists who exhibit in art shows. We are committed to integrity, creativity, and the pursuit of excellence and we advocate for the highest ideals and practices within all aspects of the art show environment.

If you are not a member of NAIA, we invite you to join us and be a part of the future of the art show industry. If you are presently a member, be sure to read update blasts on our activity and, most importantly, check with the forum regularly for new discussions and information.

Teresa Saborsky, NAIA Board of Directors, Chairman
I. What is Copyright?

A. The fundamental copyright law in the United States is The Copyright Act of 1976, 17 U.S.C. § 101 et seq.

1. Copyright protects “original works of authorship,” which are defined to include “pictorial, graphic, and sculptural works.” (Although lay people think of an “author” as a writer, in the language of the Copyright Act, an “author” is anyone who creates a copyrightable work, and the definition of “author” includes “painter,” “sculptor,” or another creator of a work of visual art.)

2. Examples of “pictorial, graphic, and sculptural works” protected by copyright include (but are not limited to) the following:
   a. Paintings, drawings, and murals.
   b. Photographs.
   c. Advertisements, commercial prints, labels.
   d. Artwork applied to clothing or to other useful articles.
   e. Posters.
   f. Dolls and toys.
   g. Greeting cards, postcards, and stationery.
   h. Jewelry designs.
   i. Models.
   j. Needlework and craft kits.
   k. Computer and laser artwork.
   l. Cartoons and comic strips.
   m. Sculptures, including carvings, ceramics, molds, and maquettes.
   n. Tapestries.

3. Copyright protection does not extend to ideas, concepts, or discoveries. (An artist may depict the Verrazano Narrows Bridge in a painting without infringing the work of a different artist who painted the same bridge earlier.)

4. Copyright protects only the copyrightable subject matter of original works of authorship. Copyright does not protect:
   a. Copyright phrases, titles, or slogans, familiar symbols or designs (i.e., a pink triangle is entitled to no copyright protection), or variations of coloring, lettering, or typographic ornamentation.

5. What is “publication”?

a. Under § 101(d) of the Copyright Act, a work of a copyright owner has the exclusive right to make copies, prepare derivative works, sell or distribute copies, or to display the work publicly.

b. If someone wishes to use the work in one of the ways enumerated in § 106—such as by publ;

   c. If a work bears a proper copyright notice—© 1988 Diane French. All rights reserved—"the notice defect a claim of "innocent infringement" (known among lawyers as the "I didn’t know I wasn’t allowed to copy") defense in a lawsuit. § 401(d)

6. How long does a copyright last?

a. Works created on or after January 1, 1978, the copyright term is measured by the life of the author, plus 70 years after her death. For joint works, the copyright term is measured from the death of the last surviving author. The copyright term for a work made for hire is 95 years from first publication or 120 years from creation, whichever is shorter.

b. For works created on or before January 1, 1978, or for works in existence but not published or registered with the Copyright Office before January 1, 1978, there are a variety of terms. Consult a copyright lawyer with specific questions.

c. All copyrights expire on December 31 of the final year of their term.

7. A “work of visual art” is defined more narrowly than a “pictorial, graphic, or sculptural work.” As defined in the Copyright Act, a “work of visual art” is:

   a. A painting, drawing, or print existing in a single copy, or in a limited edition of 200 or fewer copies that are signed and consecutively numbered by the author; or
   b. A sculpture similarly marked and numbered, existing in a single copy or 200 or fewer copies; or
   c. A still photographic image produced for exhibition purposes only, similarly marked and numbered, existing in a single copy or 200 or fewer copies.

8. What is “publication”?

a. The concept of “publication” has special significance when it comes to copyright registration and protection.

b. “Publication” is defined as distribution of copies by sale or other transfer of ownership, or by rental, lease, or loan. Offering to distribute copies is, for purposes of copyright law, the same as distributing them – it is publication. Public display is, however, the same as publication.

c. If there is only one copy of a work of art, like a painting or statue, it is not “published” in a copyright sense when sold or offered for sale through an art dealer, gallery, or auction house. This is an important distinction, because it permits an artist to submit “identifying material” to the Copyright Office, rather than a “complete copy,” when filing for registration.

d. If there are multiple copies of a work, it is published when the reproductions are publicly distributed or offered to the public or a private group for further distribution.

e. When a statue has been erected in a public place, it is not automatically “published” if it is the only copy.

9. Four other concepts you need to understand about your rights as a copyright owner.

a. Owning the “material object” is not the same as owning the copyright.

b. The “first sale” doctrine. Under § 109 of the Copyright Act, after the artist has sold the material object—the painting—she has no automatic right to prohibit, limit, or control sales of the copy she created. She retains the right, however, to control whether the painting is copied or publicly displayed.

c. “Works made for hire.” Even though a work has been commissioned, the customer does not automatically acquire the copyright to the work. The author retains the copyright unless she is an employee of the customer and creating art works is within the scope of her employment; or unless she has executed an assignment of rights to the customer.

d. A word of caution: Simply describing a work as a “work made for hire” may be legally insufficient to transfer ownership of the copyright in that work. To be certain that rights are transferred correctly, the copyright owner should sign an “Assignment of Copyright Rights.”

d. “Fair use.” Under § 107, copying may be permitted for purposes such as criticism, comment, news reporting, teaching, scholarship, or research.

II. Copyright Registration

A. Although registration is not required to obtain a copyright, there are many advantages to registration.

1. Establishes a public record of the copyright claim.

2. Registration is in most cases a prerequisite for bringing an infringement lawsuit.

3. Timely registration—before there is an infringement—provides the copyright owner with a broader range of remedies, i.e., statutory damages of up to $150,000 per infringement (§ 504) and the ability to recover attorney fees from the infringer (§ 505).

B. How to register your copyright.

1. You don’t have to “apply” to obtain a copyright—you have a copyright automatically as soon as the work is “fixed” in a tangible medium, i.e., as soon as it is physically created. Neither registration with the Copyright Office nor publication is required for copyright protection to exist under current law.

2. Exceptions:

   a. Works created before January 1, 1978 (the effective date of the Copyright Act) may not be protected by copyright if before that date they were published without registration.

   b. In general (there are some exceptions only a copyright attorney can explain), if a work was published before March 1, 1989, that did not contain a copyright notice have been committed to the public domain and no longer are protected by copyright.
Moral Rights for Visual Artists

A. Under §106A, authors of “works of visual art” (as defined in Section 1 (A) (6) on page 4 above), are accorded special rights of attribution and integrity.

1. “Attribution” ensures that artists are correctly identified with the works they create and are not identified with works created by others.
2. The “right of integrity” allows artists to protect their works against modification and destruction that are prejudicial to their honor or reputation.

B. Rights of attribution and integrity may not be transferred by the author. The rights expire upon the death of the author.

1. These rights may be waived by a written instrument.

2. Transfer of either the physical copy of a work of visual art or of the copyright in the work does not affect the moral rights accorded to the author.

C. If a work of visual art is incorporated into a building, and the owner of the building wishes to remove the work and can do so without destroying the work, the owner of the building may not enter into an agreement with the artist to have the building or artwork removed.

1. A registry maintained in the Copyright Office is the official record of the buildings and works of art that are covered by this provision. See www.copyright.gov/title37/2013/r/7755r/2013/225.html.

Transfer of Copyright Ownership

A. Copyright ownership can be transferred independently of transfer of ownership of the physical embodiment. For example, a painter can license a copy of one of her paintings to a greeting card company even though she has sold the actual painting to a collector.

B. Copyright rights can be sold independently of one another, i.e., the right to make copies can be transferred to one purchaser, and the right to publicly display the work can be transferred to another.

C. Copyright rights can be licensed, exclusively or non-exclusively, temporarily or for the duration of the copyright.

Registration of Copyrights

1. Registration of more than one work with a single application and fee is $65.
2. For group registrations (up to 750 published photographs can be registered in one submission using Form GR/PPh/CON), the fee is $65.
3. For single registration, the “right of integrity” allows artists to protect their works against modification and destruction that are prejudicial to their honor or reputation.
4. The “right of integrity” allows artists to protect their works against modification and destruction that are prejudicial to their honor or reputation.
5. Registration for group registrations (up to 750 published photographs can be registered in one submission using Form GR/PPh/CON), the fee is $65.
6. For unpublished two-dimensional work — i.e., a unique painting offered for sale only through a gallery — you can register the copyright by depositing either one complete copy of the work or “identifying material” i.e., a photograph of the work.
7. For most published two-dimensional works, two complete copies of the work must be submitted.
8. For three-dimensional works (sculptures) or two-dimensional works applied to three-dimensional objects, the Copyright Office will accept only identifying materials, i.e., photographs. The Copyright Office will not accept sculptures.
9. Deposit requirements: To register a copyright, the author must deposit “complete copyrightable content of the work qualify as “identifying material.”

Choosing providers

Now that you have your website let’s make it work smarter and look fabulous.

A. Do it yourself

This method requires you to find a host for your site then follow the directions on that site to put it together. Your choice for an inexpensive, cost-effective and easy to use system is TypePad. TypePad offers a range of strong features important to a beginning web designer that includes easy to use customizing and editing tools and reliable hosting. Their 14 day free trial is a great way to get acquainted with Typepad. (And the basic paid version is only $4.95/month — well worth it given the system’s features, reliability, and flexibility.) I like this site so much that I chose it to host my website ArtFairCalendar.com.

Why it works for me:

1. It does not require you to learn html. You can just type words into the template and it is done! Nothing fancy.
2. It has dozens of customizable templates to suit your design needs.
3. It goes up easily. When I need to change a date or a photo I don’t have to ask someone else to do it for me. Login, make changes, publish!
4. It is compatible with my Mac-based computing.
5. The price can’t be beat.

Con: It doesn’t have e-commerce capabilities so you will have to link to another provider for whatever e-commerce your business requires.

B. Purchase a system that will guide you through the steps to building your site. Consider Site Build It.

Site Build It is an all-in-one web site building and hosting solution that will quickly guide you through the steps to turn your idea into a new e-commerce web site business. More than just a web hosting service, SBI coaches you through the steps needed to build an online business. It’s a bit more expensive ($299) but SBI is likely to save you money because it includes many tools to help ensure that your new online venture has the solid foundation it needs to make you more money online.

Make that new site look great!

Cool free tools for your website:

Plan your palette. www.colorcombos.com—one of many places on the web where web designers can find the exact color combination for your project. This site was built to help web designers quickly select and test website color combinations. The heart of the site is the Combo Tester, which allows web developers to see how different color combinations work together on the screen.

Online Image Optimizer. www.webresizer.com—Quickly and easily reduces the file size of gifs, animated gifs, jpgs, and pngs. It crops photos, sharpens, rotates adds borders and more. It can serve as a fabulous and free replacement for much more expensive image editing tools like Photoshop.

What The Font, www.mynewfonts.com—Need to know what font is used in an image? Upload the file to What The Font and it’ll tell you the closest match in its database.

Not happy with your art fair sales, or would just like to extend your reach beyond the streets of the U.S.? A What can you do with the least financial investment and the best use of your time? Develop your website as your international “art fair booth,” unlimited by show acceptance and geographical and weather limitations.

Part I of this series discussed the Top Ten Reasons you need to have a website. You can find this article at the NAIA website at this link: http://naia-artists.org/resources/Newspaper/Issues/Page6.htm. If you still haven’t built a site this article is full of compelling reasons to do it and strategic tips on how you can do it yourself with few computer skills, little money and not much time.

Part II of the series was about building your business using email marketing, to my mind the most important online tool for building your art fair business. Find that story at this link: http://naia-artists.org/resources/Newspaper/Issues/Page6.htm.
D. Transfers of copyright ownership must be in writing. § 204, and they can be recorded with the Copyright Office in Washington, § 205, the same way a deed to land is recorded at the county courthouse.

E. Transfers of copyright can be revoked by a copyright owner or her heirs during a five-year period following registration. A further extra-legal execution of the copyright assignment, § 203(a)(3), following service on the transferee of statutory notice. § 203(a)(4)

V. Recommendations

A. When possible, place a copyright notice on each work.

B. Register copyrights as in many of our states as you have the time and money to protect. Making an annual, or semi-annual, or quarterly submission to the Copyright Office of collections of photographs of unpublished works allows for registration of each work for a single filing fee.

C. When you sell the "physical embodiment" of a work, i.e., a painting or a sculpture, be sure that you do not sign any documents that unintentionally transfer copyright ownership to the purchaser. You may even be helpful to present the purchaser with a bill of sale that states "This is not a transfer of copyright. (Artist) retains all rights not specifically transferred or conveyed by this instrument."

D. Consult with experienced copyright counsel before selling, licensing, transferring, or otherwise disposition of your copyright rights—or entering into a transaction where you might be doing so unwittingly.

"J-List,” which includes “works of art,” defined narrowly as paintings, prints, and sculpture. The marking is required for other categories of arts/crafts. For example, terracotta pottery from Mexico was ruled not to be an art form for purposes of the J-List if the country of origin could not be listed on each piece (1994 ruling). Thus, many products sold at art fairs are covered by the marking requirement.

It is a crime to remove or obliterate markings to conceal the origin of products; origin labels must stay in place until the product reaches the ultimate purchaser. Articles that are not marked appropriately at time of importation are subject to additional duties unless they are properly marked, exported or destroyed for CEP appeal. With activities such as the importation of large quantities of paintings for sale in hotel shows and the like (often referred to as "art by the foot") rising in popularity, a group of Rockport, Massachusetts artists pushed a change in the rule to require "Country of Origin Marking" for works of art in the 1990s. The effort failed. The CBP's Office of Regulations & Rulings refused to remove art from the J-List. However, a national artists' organization like NAIA might succeed in such an effort by seeking Congressional support and partnering with arts advocacy groups to push such a change.

Another factor that might come into play is the import tax. International agreements govern import taxes. Higher import taxes ultimately increase the final price for the consumer. The tax on "art" imports is zero. Because some products may overlap categories (e.g., stained glass might be "glass" or "art/sculpture"), the import tax on an item can change depending on the import classification. The import classification ranges from 2 to 38 percent, so more specific classification numbers might move items imported as "art" to other categories where taxes apply. However, this may not be worth pursuing since "art" is already narrowly defined, and many other product categories are already at zero or a very low tax rate.

Further analysis of classifications and tax levels is needed to evaluate this possibility. The CBP website is http://www.cbp.gov.

Department of the Interior (DOI)

The Indian Arts and Crafts Act of 1990 created a board to promote development of Indian Arts and Crafts. The act allowed the board to create a "trademark" denoting the genuineness and quality, regulated use and trademark—can result in an injunction, fines to $2,000, and six months imprisonment.

The Indian Arts and Crafts Act of 1990 instated a truth in advertising law making it illegal to sell art or craft material in a manner that suggests that it is Indian produced. A first-time violation by an individual law making it illegal to sell art or craft material in a manner that suggests that it is Indian produced. A first-time violation by an individual can result in a fine up to $250,000, five years in prison, or both. For a second time business violation the fine is up to $1,000,000. A such a law allows for civil law suits on behalf of Indian tribes enabling them to collect damages. For example, marketing artwork as "Indian Jewelry—Direct from the Reservation to You" would be in violation if the jewelry was produced by someone other than a member an Indian tribe or a certified Indian artisan. Similar legislation, modeled on the Indian Arts and Crafts Act, could be written to protect all first nations artists. DOI's website is found at www.doi.gov/iaac.

Congress and the President

Congress and the President have the power to adopt new laws that have the power to protect artists in the United States. In order to generate Congressional support for favorable legislation, NAIA could be best served by partnering with arts advocacy groups on the national (e.g., Americans for the Arts) or regional (e.g., ArtServe Michigan) levels.

International Trade Commission (ITC)

Per Section 337 of the Tariff Act of 1930, the ITC conducts investigations into allegations of certain unfair practices in import trade. The "Trade Remedy Assistance Program" provides special assistance for small business. Because the typical case involves problems with a single exporter to the U.S., it would be harder to get relief for artists through the ITC since there are numerous products involved from a variety of countries and producers.

The website for the ITC is www.usitc.gov.

Possible Remedies

Toward the end of her session, Ms. Lerman presented several ideas on how artists could possibly combat misrepresentation in the marketplace. Please note that NAIA has not adopted any of the following measures; these are just presented as suggested by Ms. Lerman:

- Create a trademarked logo for the "National Association of Independent Artists—Made in USA.
- License the “collective trademark”/logo to directors and artists on condition they certify requirements met
- Develop model TM stickers to artists at shows who certify product meets “Made in USA” requirements
- Check with Federal Trademark Commission to be sure that NAIA and fair directors will not be liable for misuse
- Create “Registry” of “Made in USA” Artists to help public identify authentic art
- Establish "NAIA Certified Fairs" program for U.S. art fairs that act to eliminate imports masquerading as U.S.-made art
- Lobby for new law modeled on Indian Arts and Crafts Act of 1990
- Investigate whether greater specificity in tariff code might help U.S. artists
- Pursue elimination of exception to country-of-origin marking requirement for imported art
- Develop model art fair prospectus language to combat imports
- Educate fair directors on how to report suspected violations
- Develop shared database of "violators"—exhibitors will not be allowed to participate in any NAIA shows (check antitrust rules)

Disclaimer

This statement accompanied the presentation. This presentation is for general informational purposes only. Nothing contained in the slides or communicated verbally should be interpreted as legal advice, an official pronouncement on US law or policy, or the official view of the US Department of Commerce. Ideas presented are for discussion purposes only. Information is based on research, conversations with government and private sector contacts, and analysis of same. Laws and regulations are complex and are presented only as a guide. Before taking concrete action, you should be sought from legal counsel and specific government agencies responsible for applicable law and policy.

Stegid.com provides over 23 different gadgets to spice up your website! These gadgets let you keep visitors coming back, and to find out what visitors have on their minds. Tell a friend or link to others to find out how cool your site is! They’re also send a service and receive postcards, a search engine so your visitors can search your site only, an email list builder, and many more widgets to make your site "sticky."

You can set up a store on your site selling not only your art but other products with your images on them. Cafe Press has dozens of customizable merchandise items, including t-shirts, hats, coffee mugs, bags. You upload your images and your customers can order them directly from Cafe Press who then handles all production and fulfillment.

Online business advice: Scott Fox publishes a free email newsletter with the latest tips, strategies, tactics and deals about online business advice: Scott Fox publishes a free email newsletter with the latest tips, strategies, tactics and deals about
American artists were invited from United States/Canada. The North Open-Air Art Fair consisted of 32 artists with Japanese patrons. “Japanese artists to connect directly an opportunity for independent support and marketing. In addition necessary audience services, artist experiences. We also discussed providing engaging and educational events to make events attractive to a broad audience. Each North American artist prepared an inventory list of the work they were bringing to the show complete with photos, description, materials price, and the weight of each piece of work. The inventory list was sent to the designated Japanese shipping company who then submitted the it to Japanese customs. A few weeks later the artists packed and shipped or delivered their work to the same shipping company. Preparing the inventory was time consuming but necessary to clear Japanese customs. “The organizers bought our plane tickets and sent them to us. We paid for shipping our work to Chicago, packing it very well, then they had the work crated and shipped to Japan,” said Carroll. “The organizers rented the tents and the booths for us and had them delivered and set up. The work came through customs two days before the show setup and was delivered to the show site on Thursday the day before the show. I mean delivered right to each of our individual booths. All we had to do was unpack the art and hang it. It was beautiful!”

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We have got to evolve past this. We
are only practical and the last few
times to chat afterward. Practical
Tips forces and the solutions. And so,
here simply and briefly is name the
to keep art at the bottom of the
place.
I buy art of any kind. I think most of
I’m going to do those things BEFORE
minute, I’m going to croak!” Having
an enlightened society and the great
they still screwed it up!”
trapped in the oral phase of our
stop this. We’re like a dog chasing its
happening in this country right now
the rumors, the meanness, the drama,
struggling for their attention, especially during the
warmer months.
Problem 2: Physical Access
We have got to make our art venues more
accessible to people. I cannot tell you
how many times I’ve visited fairs or
museums and the entire experience felt like “Museum
Impossible.” Where do I park my car? Where is the main
entrance? Why are there no tour guides to ask directions? Where’s the
men’s room? These questions have nothing to
do with art, but everything to do with whether or not customers feel
comfortable.
Solution 2: Maps and guides and
tickets are great, but what we really
need are actual people to point
out the way and RED FLASHING
NEON SIGNS in various locations that literally say, “Priority Art
Fair—ENTER HERE!” or “The
Armory Show—BUY TICKETS
HERE?”
Problem 3: Affordability. We
have got to price our work to sell
especially in this economy. Most
of us are extremely aware of what
something is intentionally priced too
high. I’m not saying that you
artists should give your work away
or let some slum tyke swindle you . . .
take a hit on a deal. However . . .
Solution 3: Most people who
aren’t experienced art collectors are
“entry level.” If you’re interested in
reaching those people, why not create a high-end designer line of
your work AND a lower end, more
CONSUMER-FRIENDLY line of
small paintings, drawings and
limited edition prints specifically
created to sell to this crowd. Most
art museum shops sell posters of
famous artists’ paintings. These
framed posters often cost hundreds
of dollars. Artists should be going
after this crowd. Shouldn’t that
money be spent instead on small,
affordable, original works created
by living artists?

NAIA Summit: 2009
Artists and Directors
Photos, top to bottom, above:
1 - Attendees at the Opening Reception, getting to know each other.
2 - Holly Olinger’s presentation on “Handmade in the USA.”
3 - 2009 NAIA Conference Staff: Holly Olinger, Sally J. Bright, Teresa Sabornys, Ardath Perdragnet.

Conference Volunteer Acknowledgments
Yes, there are a lot of volunteer members to recognize this time, all of which helped to make the 2009 NAIA Artist and Director Conference a great success! Thank you all for your dedication to the Art Show industry! Ardath Perdragnet, Les and Ella Slesnick, Cynthia Davis, Martha Giberson, Carla Fox, Don Ament, H.C. “Chris” Porter, Ronna Kate, Sara Corkery, Diane French, Connie Mettler, Larry Berman, Karla Prickett, George Barfield, Sara Shambaarger, Patty Gregory, Kim Armstrong, Gabe Johnson, Stacy Peterson-Steiner, Jennifer Lee, Vic Gutman, Rick Bryant, Jay Snyder, Kate Poss and Jay Dowine
In 2005, NAIA presented our first conference award to recognize outstanding contributions to artists and the art show industry by an individual director. In 2007, in honor of the late great Mo Dana, the name of this award was changed to “The Mo Dana Award” This year the “Mo” was presented to Jay Dowine of the Main Street Fort Worth Arts Festival! Jay has been in the forefront of helping artists through the recent and current difficult economy and was the first director we heard of to lower booth fee costs to help artists. A few years ago (and every year since) Jay’s show staff set up an automated system to warn artists of emergency situations through calls to their cell phones. Last April Jay helped NAIA produce our first ever live broadcast of our first ever open board meeting by arranging facilities and lodging during his show. And for this year’s conference he offered to be a sponsor—we did not ask, he just offered! Jay has always been on the side of artists working hard to institute rules and policies to make the playing field fair, to allow only legitimate artists into his show and to provide a good venue for artists to make a living. Thank you Jay for supporting artists and NAIA!

During the conference Holly Olinger and Connie Mettler gave a joint presentation on the use of free and low cost social networking avenues for advertisement of art and art shows. They showed a fabulous, high energy video about the new electronic world and why we all must pay attention. You can see the video yourself at this link: http://www.youtube.com/watch?v=HvEPYSVnYQ8
To see the website of the guy that produced the above video, visit http://socialnomics.net/
More photos from the conference are up on the 2009 NAIA Conference Results Page at http://naia-artists.org/work/SummitResults/2009/index.htm

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Become a Member!

What is the NAIA about?
"The mission of the NAIA is to strengthen, improve and promote the artistic, professional and economic success of artists who exhibit in art shows. We are committed to integrity, creativity, and the pursuit of excellence as we advocate for the highest ideals and practices within all aspects of the art show environment."

Who is the NAIA?
The NAIA is YOU! The NAIA is primarily a volunteer-based organization of artists just like yourself. The board, along with the Executive Director, directs the efforts through input from the membership while many other volunteers assist in providing the manpower to accomplish those goals.

What does the NAIA Do?
The NAIA provides a forum for artists to communicate with one another and with other people in the arts community. We support existing community-based shows to make/keep them a viable market for selling art and crafts. In addition, we work with select communities to establish high quality new shows. We work toward developing educational programs for artists as well as alternative markets for members, providing support for artists in whatever stage of their career.

What are benefits of membership in the NAIA?
The NAIA communicates with the membership via periodic electronic communications and a member newsletter. This newspaper that you are reading, The Independent Artist, is also an NAIA publication and is mailed to all members.

The NAIA Web site (www.naia-artists.org) contains a wealth of information for members. Important information on issues such as health insurance is posted on the website. It includes a random gallery of member’s images and a Member Roster with links to members’ own web sites.

Most valued by our members is the password-protected Member Forum where artists hold a dialog about their concerns, ideas, inspiration, and the nitty-gritty of doing shows.

An adjunct to the Member Forum is the password-protected Show Information Forum where members share information about specific shows.

The NAIA Advocacy Action Line is a newly developed service available to NAIA Artist Members. Through the Advocacy Action Line the NAIA assists artists in resolving specific issues or problems related to the NAIA’s official list of advocacy positions that the artist member may be experiencing with an art show.

Does the NAIA offer discounts on business services?
Yes! Over 15 arts-related businesses offer NAIA members at least a 10% discount—and we are working to provide our members with even more. Some of the businesses currently offering discounts include credit card processing companies, photographic services, web design services, hotels and motels, car rental, and canopy companies. Using these benefits will more than offset the cost of your membership.

Why should I become a member of the NAIA?
We have listed many benefits and discounts above, but the most important reason to become a member of the NAIA is to add your personal voice to the collective efforts of the NAIA. Your voice will assist in effecting positive change and improvements within our art show industry. Your financial support is integral to the success of these efforts.

How do I become a member of the NAIA?
It’s easy! Simply log onto the NAIA Web site at http://naia-artists.org/join/index.htm. You can join online or print out a membership form to mail in. The NAIA Membership Committee looks forward to welcoming you as a member!
An Art Fair Dilemma: Misrepresentation by Artists and Failure of Shows to Consistently Monitor and Enforce—Why a Strong Booth Slide Requirement is Needed

a commentary by Les Slesnick

Editor’s note: The following commentary was presented at the 2009 NAAI Annual Conference. The views expressed are those of Mr. Slesnick and do not necessarily reflect the opinions of NAAI, its members, or its Board of Directors.

Introduction
In July, 2009, I participated in my eighth ZAPP! juried art fair. The basis of the remarks that follow, especially those about misrepresentation, are culled from those experiences, including jurying and judging—or both—four nationally ranked and a few local and regional shows in Florida and Utah. Taking into account that many jurors, in so many juror, a relatively short period of time (less than two years) is that it afforded me the unique opportunity of spotting and observing trends within our industry, most notably within the jury process.

Background
For better or for worse, the outcome of the jury process solely determines the overall appearance, direction, and quality of every show. It is therefore necessary that the show’s director guarantee the integrity of the process to his jury, and to ensure what the jury sees is what the show and its patrons ultimately receive.

With safeguards seemingly in place, the integrity of the jury process has nonetheless been called into question on occasion. Preeminent artists are complaining they receive more rejection notices than ever before, and that the process is sometimes, in truth, a farce. Others claim scamming is widespread and that show directors are either blind to it or are doing little or nothing about it. Blame is often placed on the world having gone digital thus making it easier to fool the jury. It’s often said by artists that the application process is no longer a level playing field, and has become a byword. Sadly, there is some truth to all of this. But no matter what is said and who or what is implicated, most of it all seems to come down to one thing: the jury process.

There are inherent shortcomings in any jury process, and as long as humans are involved and digital technology remains the format of choice for everyone, those shortcomings are not going away. The good news is that by implementing a few changes, we all benefit. Formulating a strong booth slide rule, for example, will put artists back on a level playing field with all other applicants, as explained later in this article. Removing the troublesome spots from the process will assure the show director that the overall quality he sees at jury will be the overall quality he gets at the show. Along with that comes the added bonus for the director of maintaining, or even regaining, control of the overall appearance and public perception of the show.

My observations
After having now completed the eight juried, and after having seen seven out of those eight shows, there is, in my view, clear evidence of a developing trend of misrepresentation by the artist during the jury process, which can range from harmless to scamming or even fraudulent. The overall appearance of the artist’s booth can turn out to be quite different, as well as the work itself. In the vernacular of the retail world, even the product mix can look substantially different than it did a few years ago. Further, show directors are not consistently assuring their patrons and audiences that what they are seeing at the show is indeed a reasonably accurate resemblance of what the jury selected a few months earlier. So, in today’s jury process, the result is a continuing displacement of legitimate artists by those who misrepresent, as well as an increasing inability of show directors to control their festivals’ overall appearance and perceived level of quality.

A disturbing trend
What I’m seeing at the shows I’ve juried are wacky-looking booths that don’t turn out to be quite the artist I don’t remember from juror. Or types of work that, to the best of my recollection, never appeared in any of the slides, or if they did, in quite different proportions. I’m seeing some of the booth itself being turned into a marketplace. Other things that seem to mysteriously appear at the show that were never in the booth slide include extra display panels, or a booth that has become two feet taller than it was in the booth slide and much larger. Photographers in particular have become known for their “urban enclosures” wherein they encroach on their neighbors’ and public spaces with the extra panels and with more work. But they’re not alone; there are others.

How should the booth slide be used?
Back in the late 60s and early 70s, when no booth slide was required, scale became a debatable issue for jurors. How could you tell from a slide how large the booth was? For five inches tall or five feet tall? You couldn’t. So then someone said, “Let’s require a slide of the booth with work in place.” They knew the booth was about ten feet wide, and from that the real size and scale of the artist’s work could be seen and extrapolated. That was the original intent of the booth slide. For the most part, it was not the intent of the booth slide to check for the appearance of the artist’s displays but rather the appearance of the artist’s product. Fast forward about forty years. What I’m seeing at shows are booths that don’t appear to be anything at all like the very clean and uncluttered booths those very same artists submitted with their applications. Some of the differences are minor; others are not so minor. All are misrepresentations. At the lower end on the scale of misrepresentation are those rules that effectively minimize scamming and misrepresentation. The greater truth is that they are obligated to enforce those rules. Which, then, is the more pressing issue: Artists misrepresenting themselves or shows not consistently monitoring and enforcing? It doesn’t matter, because now we are all paying the price. The ability of the legitimate art fair artist to make a living continues to diminish, and the reputation of art shows themselves has been called into question. In the pages that follow, I will suggest a few changes that will hopefully resolve some of these issues. But first...

Which, then, is the more pressing issue: Artists misrepresenting themselves or shows not consistently monitoring and enforcing? It doesn’t matter, because now we are all paying the price. The ability of the legitimate art fair artist to make a living continues to diminish, and the reputation of art shows themselves has been called into question.

A true story
At one prestigious show I juried, I was taken aback when I saw there were so many artists in the show whose work and whose displays didn’t look like the jurors at last year’s. A lot of them looked worse. A fair number of them looked junky. They had work that didn’t ring all bells at all from jury. Had I seen at jury what I saw at the show, in many cases, I would have remembered. I talked to the show director that I thought misrepresentation was rampant. A few days after the show, that same director received an e-mail from a disgruntled artist who was in the show. An e-mail copy of that e-mail follows. Names and dates have been omitted.

From: (name of sender)
Sent: (date), 10:43 AM
To: (name of festival)
Subject: great art fair
Yeah sure? real good, and you have to love (name of artist) pottery, he gets juried in with slides that look NOTHING like the pieces he entered and so do (name of artist) got to love a booth full of LAMPS, clean up your jury process and stop looking into these scams, have a good day.

(name of sender)

The show director then forwarded the e-mail to me. I responded that I didn’t doubt the accuracy of the charges made against the two artists whose names had been phoned in. The writer’s comments merely echoed what I had already told the director. My greater concern was knowing that the writer of the e-mail probably didn’t venture more than a block or so in either direction from his booth, and had he done so, he would have been even more put out. I saw the entire show several times over and thought there were more artists to complain about other than the two that were mentioned. However, since I was one of several jurors who put those two artists in the show, as well as all the others the writer either didn’t see or didn’t mention, I felt at least partially responsible for the show’s dips, which is a word which the other jurors used that weekend in describing the show. Could those dips have been avoided? I think yes.

What I’ve seen at juried shows has been the subject of an ongoing debate about the validity of “slides” being submitted. Surprisingly, some of the worst slides are being submitted by seasoned, experienced artists, artists who should know better by now. Even worse is the applicant who doesn’t think a booth slide means a shot of his booth with work in it, and instead sends an extra work slide, or even a shot of an empty booth. (And why not? If you are new at it, and the prospectus didn’t specifically state that your work also had to be included in the booth slide, how would you know?) But when the prospectus says to send four slides of work and one booth slide, why would an applicant send five slides of work and no booth slide? I’ve seen…

• booth slides that were so fuzzy and so out of focus that no detail whatsoever could be recognized;
• slides with the artist in the picture looking straight into the camera smiling;
• slides with the artist’s or studio name, or both, emblazoned on the tent or booth;
• work slides obviously taken with a small, hand-held point-and-shoot camera under less than optimal lighting conditions, and for 3-D work, using what appears to be a
Sculptor Lewis Tardy told me recently that the booth slide requirement has always been the "mysterious part of the application process" for him. Think about it. Where, if any place at all, are the booth slide requirements defined and outlined? Externally essentially nowhere. When has any prospectus clearly defined what is expected in the booth slide? Never. And did that artist work good enough to be in the show? Yes. Was that artist's booth slide that took up a significant amount of space in his/her booth, one framed piece or 50? More. Was that artist's booth slide that yielded a panel, and several browse boxes in his/her booth, one framed piece or 50? More. Did that artist have any requirement at all for the booth slide? And only five slides (172) covered or even mentioned all six areas of concern.

There's More
A booth's design trend is not showing the entire booth in the booth slide. A large number of artists are routinely showing only: the half of the booth in the booth shot, or just two of the three walls panels, or just one corner of the booth.

There are potential pitfalls in this. A recent show this past January was juried with in four beautifully crafted table pieces. All four pieces, or similar work, were selected to be in the booth slide. But essentially, the only four high-end pieces in the booth. In addition, there were dozens and dozens of low-end dining utensils that were all individually boxed in neat, clean white boxes, all the same size, that clearly had the maker's name and large cardboard boxes. The booth looked like it belonged in a flea market. A review of the artist's booth slide (all of which were of the same size) showed one corner of the booth, the corner with the high-end pieces. The entire right side of the booth that housed all the low-end utensils, which were clearly the artist's bread and butter, was not even in the booth slide. That's bad! And I write this in understanding.

A Dealing Story
I've spent the better part of the time up to this point criticizing my fellow artists, but I've already said there are two sides to the artist/art show business equation. The boards or trustees who support them must also bear their respective share of responsibility in the acknowledgment and resolution of these issues. In no area, however, can they be of greater importance than that of rule compliance and enforcement.

In preparation for this commentary, I devised a list of 10 suggestions that the boards and trustees must bear their respective share of responsibility in the acknowledgment and resolution of these issues. In no area, however, can they be of greater importance than that of rule compliance and enforcement. And so, I suggest the following:

1. Submit a professional-looking booth slide, whether by ZAPP™ or by any other method.
2. Solicit the expertise and work slides that are realistic and speak of the truth.
3. Firmly and politely insist that show directors and artist directors then be able to see all for themselves.

But you might say, "Slesnick, why isn't the show director himself aware of this? He's always at the jury and he's looking the artist's booth. He should be able to see all for himself!"

True. But the problem is: when he's at the jury, the show director is busy looking at all the booths; it's a full-time job. And when he's at the show, he's putting out fires all weekend. He rarely, if ever, really can see all the booth slides; the task of this part of the problem: he doesn't have time to compare what he's seeing at jury to what he sees at the show.

Closing Statements and Recommendations

One very highly regarded show director recently said that he didn't think show directors understood the full value of the booth slide and how to properly use it. He said, "It is worth noting that in formulating its rules and writing its prospectus, Renaissance Artistic Director H. C. "Chris" Porter relied heavily on the years established and well-heeled artists around the country for the most part. They were in on the country's most prestigious shows were studied in detail, then combined, distilled, and combined and grouped in a manner that the artist and input and suggestions to arrive at its current state of rules. The results speak for themselves. If going from show to show reading prospectuses for the purpose of this study, the lack of a consistent format in presenting the rules and the guidelines was glaring. Each show had its own manner and order in presenting essentially the same type of information, so that instead of having the top of one list in one show was at the bottom of the list in another, or did not even appear at all. The result was a confusing array of guidelines—so ambiguous in some cases that any attempt to misrepresent was made relatively easy. The exercise brought to mind the reason so many artists pay little or no attention to the rules in a prospectus.

Possible Solutions

Although on the surface it may appear the booth slides are merely a means by which an artist can be resolved only by artists and that art show can be resolved only by art show, that's not the case. Misrepresentation, scamming, rule compliance, and rule enforcement are all joined at the hip by one omnipresent equation: the American phenomenon we call the outdoor art festival, in which we all play equal roles.

A booth slide is a tool used recently and so very eloquently applied to the NAIA membership to step up to the plate and for each person to do his or her part, to be an asset to the future and the bottom line in our world.

Equally important, all we need to do:

1. Submit a professional-looking booth slide, whether by ZAPP™ or by any other method.
2. Solicit the expertise and work slides that are realistic and speak of the truth.
3. Firmly and politely insist that show directors and artist directors then be able to see all for themselves.

Les Slesnick was exhibited in outdoor art festivals as a photographer from 1974 to 2006. He is the recipient of many awards, including those from Cherry Creek, Saint Louis, Fort Worth, Coconut Grove, Winter Park, and others, as well as sev-

1. Submit a professional-looking booth slide, whether by ZAPP™ or by any other method.
2. Solicit the expertise and work slides that are realistic and speak of the truth.
3. Firmly and politely insist that show directors and artist directors then be able to see all for themselves.

Les Slesnick
Larry told me that they were each responsible for the return of their work to the U.S./Canada. “We checked into some shipping options like FedEx but it turned out that the least expensive method was to take the work back with us on the plane. FedEx is used quite often in Japan is a company that delivers luggage and parcels to the airport from hotels, residences, or other buildings. I was able to use this service to deliver the boxes of my work to the airport where they remained in storage for over a week at no additional charge until I was ready to return to the U.S.”

At the Show

Vince and Larry described the booths for me: The booths that were provided were under tents with hard surfaced side panels and a table. They were about nine feet deep by about eighteen feet wide and were each two different separate spaces. Each booth was equipped with two tables, two chairs, and wall panels for hanging two dimensional work. The style hangers (wires that fastened at the top of the panels with adjustable hooks) were provided.

“Using the gallery hangers was new to most of us and we commented on how set up took compared to our own systems,” said Larry. “However, after a little improvisation and trading of things like tables and hangers we all completed the set-up.” The show staff was very helpful in assisting us with anything we needed and even procured some material to cover tables to help us improve our overall presentation.”

The show took place in a large park. There were only 32 artists, but the park could have held many more. The layout was in more or less a V-shape with Japanese artists on one arm and Japanese and North American artists on the other. “I think that it would have worked better for the art fair patrons if the two rows of booths had been closer together but there was really no good way to lay out the show in a space that large with so few booths,” said Vince.

Carroll felt otherwise. “The layout was an adequate use of the park considering the number of artists they had to deal with. It was a first year show so it was very small. With that in mind, and the knowledge of the traffic flow in the park on a regular day, I think their choice to spread us out was good. It was a beautiful park on the water in the “City for Art, Yokohama.”

Regarding food and entertainment there was one mobile food service vehicle there on Sunday after some of the visitors requested it to the organizers. The artists were the entertainment. “People actually knew who we were. We were the organizers. The artists were the artists,” said Vince.

Once the work was set up, artists were able to close up their booths and leave them with the work inside as security was provided by the promoters for the duration of the show. After the show on Sunday night, each artist was responsible for picking up their unsold work which was then delivered by the organizers to the artists at their hotels.

All sales were handled by a central sales area that accepted cash, checks, and credit cards. When the artists made a sale, they made out a sales slip with the price of the purchase in yen and with the price tag attached, which the customer then took to the sales table, paid for the purchase, and then brought the paid sales slip back to the artist to pick up the piece. The paid receipt was the record of sale.

No percentage of the sales was taken by the organizers, but this procedure facilitated the payment of the 5% import taxes levied on all work that remained in Japan. The promoters took out the paid import duty and handled all of the paperwork. Technically, the show, International Arts and Crafts Promotion, imported the work and sold it. At the end of the show the artists were given an accounting of their sales and paid in cash yen.

There was a delivery service at the show which customers used to deliver purchases to their respective residences or business. This was especially useful since so many people travel by train or other mass transit.

West Meets East

Western and Japanese culture are so different as well as the obvious language differences. I was curious about the artists’ interactions with their Japanese counterparts as well as their Japanese customers. The Japanese translators, most of whom were American literature students at the University of Yokohama, were assigned to each booth.

“The cultural exchange was stimulating. I found the customers very polite and somewhat reserved. They expressed genuine interest in the work and asked intelligent questions. I had a number of very in-depth discussions and all my interactions were pleasant and enjoyable,” said Larry.

Mathias found the Japanese artists and public to be “very warm, friendly, and very welcoming.” But the interaction with customers was really hard. “A lot of Japanese of me speak only a few words of English, that’s all. The show organizers generously provided interpreters but they too hardly spoke any English.”

Carroll said, “At the show I introduced them to our custom of ‘trading’ and I came home with some beautiful art. The first day was hilarious though because I got the only interpreter who did not speak Japanese. I realized pretty quick that it wasn’t going to help me much so I just went into my booth and talked to everyone whether they understood me or not. Everyone loved that and they responded to it very well.”

Larry reported that all of the translators assigned to him spoke English quite well and at times they had more than one translator.

Jenny told me that she especially connected with another ceramic artist. “Language was at times a problem. Everyone was extremely gracious.”

Vince took this unique opportunity to learn some Japanese. “I studied Japanese for about ten months before the trip and learned some basic words and phrases but not nearly enough to carry on a coherent conversation in Japanese. I would explain the basics of my materials and technique to my translator and in turn they would explain to the visitors in my booth. If a customer asked a question that they could not answer they would ask me and then translate the answer to the customer so the system worked very well. The customers were very friendly and they seemed to be interested in learning about my work. The translators were what made the art fair work smoothly, without them it would have been very difficult to explain processes but I think that the art itself crossed the language barrier.”

On the first night of the event, Larry made a speech to the organizers, guests, and Japanese artists. “My speech covered life as an independent artist – the challenges and rewards – as well as a brief explanation of the meaning and effect of art festivals on the artists, the customers, the producers of the events, the sponsors, and the communities in which these events are held. When the floor opened for questions, there was input from the other North American artists and Shary Brown. This session was an integral component of the overall cultural exchange and experience. It was a direct interaction with the primary stakeholders of their event.”

Japanese Art Fair Future

Each artist indicated to me that they felt that the art fair industry had potential in Japan. There are many similarities to the U.S. scene about 50 years ago when art fairs first started here. Galleries shun the art fair concept, the public doesn’t quite know what it is all about, yet it is curious. It is a market that will have to be developed not only for this particular event but for the country in general.

There is a lot of optimism and enthusiasm, however. Vince said that he would not be at all surprised if this event was the beginning of an art fair “bloom” for Japan. When I asked Shary Brown if she thought there would be more art festivals in Japan she responded, “I certainly hope so. Larry Oliverson and I have been in touch about continuing to build on the foundation that was laid in Japan. There have been a few very preliminary emails to discuss continuing our mutual efforts in creating a cultural exchange. I thought the Yokohama International Open-Air Art Fair members’ vision was impressive. The mission and goals of their planned event were clear and the projects they chose to put their resources and effort into were the right choices. They had support from the City of Yokohama and the basic planning and timeframe were well underway by the time they visited Ann Arbor in 2008. They also had marketing contributions from a magazine publisher which reached a large and broad audience.”

Post Art Fair Glow

As for the participating North American artists, all would enthusiastically take part in a similar invitation, most-expenses-paid, opportunity to exhibit and sell their work, travel, and experience and participate in a cultural exchange. All were particularly honored and grateful to have been chosen to exhibit at the Yokohama International Open-Air Art Fair 2009. In return, Carroll invited one of the Japanese artists, Takashi Yamashita to participate in a small (60 artist) invitational show that she runs, The Englewood Bank Invitational Art Show. Four of the North American artists were invited to be included in a group show at Gallery-B in Tokyo, which took place in January 2010.

Links


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The Process
There were 2251 applications for 230 spaces. Round one is silent voting on a scale of one through seven and approximately 50% are eliminated at the end of the round. It’s not widely publicized but round one is open for artists to attend. Space is limited so it’s recommended to let them know in advance that you’ll be there. Also look for the St Louis Art Fair to open round one to observers starting next year if Cindy Lerick gets permission from her board.

Round Two
From a conversation with Terry Adams, “For round two we take away their monitors. We then change the psychology so that the artists are voting to keep work in the show. What they’ll be asked to do, after we preview the category again so they see what has advanced to the next round, is ask for votes to keep this work in the show. It requires three of the five jurors to vote for the work. That’s where it creates interaction and discussion. If only two jurors have their hands up, it’s up to them to convince another juror to support the work to advance that artist to the next round. The interaction between the jurors in trying to convince their colleagues to join them digs deeper into the detail of the work. That’s part of the jury I enjoy because it goes back and forth and you hear the expertise. With thirteen categories, no one juror is going to be an expert in every category. They’ve been selected because they’ve got a variety of expertise.”

Choosing Jurors
“We ask our artists in our show survey to recommend names so we have an ongoing list of potential candidates. We’re also out there networking. I have the opportunity to be at a number of other juried and meet jurors from other shows. We talk to other show directors and we’ve recommended one of the jurors on this panel to other shows. It’s easy to work with other show directors recommending names, and we staying in touch with each other on that. It’s important to find a balance. We’ve got three art world professionals. We choose from museum curators, gallery owners and professors. And then two of the five are peer artists selected from our previous years award winners who are jury exempt so there’s no conflict of interest because they’re already in the show. They’re the reality jurors. They’re out on the street and understand it. I’m amazed at how smart these jurors are. They’re making very quick decisions that hold up. I’d venture to say that with the amount of applicants we get for the show, we could probably select two shows of equal quality if we had too.”

Colorado Artists
“Our board has been adamant that we don’t want to create any quotas that will affect the quality of the show.”

My Observations
I arrived while the jurors were at lunch and had time to see the projection and jurying set up before the afternoon session started. They are using the new system of MAC Mini connected to the projectors instead of the Roku’s.

Since I missed the morning session, I was only able to observe a few of the thirteen categories, which included jewelry, painting, sculpture, metal and emerging artists. They ran a three second slide show followed by approximately a six second viewing while the jurors scored. I asked about the timing and was told that it was ten taps of the foot but we timed it from the back of the room and it was close to six seconds. Artist statements were not read for round one so the scoring was based entirely on the strength of the jury images.

The jurors were scoring on what appeared to be 19 inch LCD monitors which, besides the projected images, were the only light in the room. Only the number one (far left) image of each artist was visible to the jurors on the page where the scores were entered. That insured the jurors would look up to see the work before entering their scores, unlike previous juries where it was reported that some jurors were judging the work from the row of 100 pixel thumbnails on their laptops. When I consulted with ZAPP the next day, I recommended that ZAPP change the scoring page background color from white to light gray to make it easier for the juror’s eyes to adjust from looking at the bright white screen where the scores are entered and then looking up at the projected artwork images. In a similar way it was very difficult to see the detail in jewelry that was photographed on white because white in a dark room can be blinding. And if your jewelry was photographed properly and followed jewelry photographed on white, it took a few seconds for the juror’s eyes to adjust from the previous set of image, which in the case of Cherry Creek, could be up to half of the six seconds. I’ve been warning artists about white backgrounds on 3D objects ever since I’ve been working on jury images. It’s not as bad for monitor jurying because the jurors can take the time to let their eyes adjust. But the high end shows use projectors and that’s where it can be critical, especially for a show like Cherry Creek that gets so many applications that they are constantly trying to keep the process moving rapidly.

The new looser image format that ZAPP allows has put artists images at a disadvantage for projection jurying (see the example image comparison below). Within the categories I observed, I saw a few inconsistencies of sizes of the projected images and a few artists that had entire sets of images appear smaller than their competition. I’ve said before that ZAPP is doing artists a disservice allowing them to upload 1400 pixel images into their ZAPP profiles because it’s setting them up for possible failure if applying to the shows that use projectors, which most of the best shows do. The worst part of this potential fiasco is that you don’t see the projection size difference when choosing images to apply with and then seeing them in the template at the bottom of your application page, lined up as the jury will see them.

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by Larry Berman

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set with strong visual impact and a relationship (theme) is obvious. There may be an audible “Whoo” or “Wow” reaction. Otherwise, it’s just as well if you have a top shelf or two up and some jurors score them up, some jurors score them down and they go away without saying anything.

You don’t get into shows from the middle, you have to be on top or you will be rejected. When you create a body of work, you are in control of your business and it makes their decision easy, that’s what gets you into shows. If an artist shows a range of talent in their side they will grow and find success; if not results in more rejections. Make your work and slides impressive and easy to understand and you will get into more shows consistently.

Another common problem I see is that artists cannot get customer comments out of their mind when they are selecting pieces to be photographed and sent to the juror. The customers and the juror are very different people. The juror may like a painting because it represents the world as he sees it; the customer may not. An example is if you use dragonflies or hummingbirds as a motif in your artwork, the juror might like that, but your real fan will likely react positively because it’s familiar. The juror on the other hand, is always looking for cutting edge and different. If you have been assimilated in our popular culture, a jury will generally view it as negative; they perceive it as commercial and have already seen it in so many slides before. In general, if the customer likes it the juror most likely will not. So when you pick your slides you cannot rely on what your customers are telling you.

Two things that are really important for artists to understand is the importance of a body of images that work together visually. (In fact, you might even create two very different pieces of work so that one is the most photogenic, sometimes even though it might be less saleable or less visually strong. Photographs work well.) Based on what the jury wants to see, leaving what your customers want or says out of the equation.

The current economic climate Artists are really struggling as a demographic for a myriad of reasons. Yet I keep running into artists who are telling me they’re having the best year ever, simply because they have embraced change and done things differently. Some of them are working larger, which is a smart way to go. When I go to shows and galleries these days, almost everything on display is on small scale. Too many artists are working small thinking they’re going to increase your sales if your work is small. The success stories are artists who are working bigger and making their work bigger, which makes the pieces more impressive. People who can afford to buy art live in large homes and often have more than one. These successful artists from all income economic time reports to me that they are selling large scale art at high prices. They are selling large pieces. It really makes sense that people who have money to buy art do not want small scale. The people who used to buy small art are so financially stressed they can no longer afford it.

The message is for artists to embrace change; some are changing their scale and others are changing the types of shows they choose to do. Certainly, fine art isn’t going to sell at mainstream art fairs, nor do I encounter a lot of functional potteries, for example, who have shifted some of their marketing over to farm markets. Whatever the artists want to sell, they would not have been possible a decade ago.

Change is in the air, and artists it is not only about being bigger than the people that think the 90s are coming back. These are interesting times. We suffer from the fact that our government pays so little attention to the arts. The arts are always the first thing to go from any budget. We have lost so many craft organizations and galleries in the last few years it is a crime.

The Booth

Many artists are coming to me because they know their booth is not very exciting and they want help to make it better. Ultimately, there’s no cheating, the merchandise must match the merchandising and the marketing must match the merchandise. That simple rule is where many artists start to go wrong. The booth design and the incredible contemporary pieces of art that an artist has displayed on unpainted pine furniture, so wrong. You can’t fool customers. When the merchandising and the merchandise work together that is where sales magic happens. Visual merchandising isn’t rocket science, it just does go from the floor to the ceiling, which at most shows is the ceiling is your lighting system or your canopies. Many artists go to the shows and have no floor covering. Just for the visual alone it’s a huge mistake, the booth floor covering the booth is not finished, not to mention the comfort factor. Customers hang around a booth that is comfortable to stand in.

Fabulous displays do not require spending a lot of money. Creativity is in many ways more important than spending money in a booth. I’ve seen absolutely fabulous displays completed for a couple of hundred dollars and they work brilliantly—because they work being the operative term. So many people turn their booth into a work of art and that can be very detrimental to your sales. Your customers should not be talking about your display they should be commenting on your art and wanting to touch it. The booth should virtually disappear and let the artwork pop out. If the display is bigger than the piece you are touching your work then all the better.

Large Format Photos in the Booth

Large format photography displayed on the walls of your booth does more to pull people in than just hanging a few prints. Any method you can use to attract customers attention. In the case of jewelers, it’s so easy for two or three customers to block off jewelry columns from the customer in the aisle. They walk by and don’t even notice what the product line was. Any photo is better than no photo but the right photo can make your work look more impressive and more unique. These photos should speak to your target demographic. When you look at the photo do you think about the size of the space. If you go to any mall most mass merchandisers use large format photography as a marketing tool. It helps them sell a different product. It’s about what you will become when you wear the product or how it will make you feel if you own this. The way you photograph anything you are commenting on the part of your customers, these need images to show them how something will look on the body or displayed in a kitchen. When my business partner and I were doing shows we would always use large format photographs prominently displayed of models wearing earrings and necklaces, which we sold multiple earrings and necklaces in this big store. If we sell out of that style, we would put up a new photograph. As soon as the new photograph was printed and put up, a new large format photograph would start to sell so predictable and so immediate; I realized quickly that people could not imagine how a particular earring or necklace looking worn without the photos! A picture says a thousand words, and, for example, if you make functional pottery, you can show a table with all your dineware and tabletop accessories. The fine china, the linen, the place mats, etc.—then have it photographed. Every time you use that photo, you are telling the customer exactly what your line looks like on a table and you only have to do the work of setting it up once, yet you reap the reward of having it every time you hang up the photo.

Booth design is always thinking about who you are trying to sell to. There is no sense in making sure people see your work which is very similar to someone whose work is very similar to your work. It’s about who you will become and project successful energy! You use that photo, you are telling the customer exactly what your line looks like on a table and you only have to do the work of setting it up once, yet you reap the reward of having it every time you hang up the photo.

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Michael Corbin, cont. from p. 8

exhibit back when I was a kid?” That’s if they even say that!

Solution 6. Why can’t art museums take six weeks out of every year and devote that time to LIVING ARTISTS? Six weeks is not a long time, but it’s long enough to promote an exhibition that might be called for example, “ART NOW” or “CURRENT EVENTS: ATLANTA ARTISTS TODAY AND BEYOND.” People today want to be entertained as well as informed, but we’ve got to make the messages relevant for TODAY. Living artist exhibitions would, they say, bigger, more diverse crowds, help living artists, and make museums seem more hip and “with it” to visitors. This will only enhance the mission of art museums.

Problem 7. Misinformation. There is so much misinformation out there about art. ‘Most people don’t think art is actually available or affordable. They think art is mysterious and mystical and better than they are. They think that only certain people deserve art and that art does not serve a practical purpose in their lives. The media is highly responsible here. Most media people don’t know anything about art. They also believe that art is a frill. Let’s face it, the only time you TRULY hear about art in the media is when someone is renovating their basement and they stumble upon what turns out to be a $20 million Jackson Pollock behind a forgotten wall. How realistic is that?

Solution 7. One of the simplest reasons why people don’t think art is available or affordable is because no one actually says that. Duh! The only people who can change this are art world people. And we have to keep repeating it like a mantra. Let’s all say it... “ART IS AVAILABLE AND AFFORDABLE” People need to hear this over and over again so that they’ll be reconditioned. It’s not going to happen overnight.

Problem 8. Lack of Arts Education Support. If you look at the state of this nation—and really the world—today, so many of the problems we have... and all of the conflict can be directly traced to the decline of emotional intelligence. We have become so disconnected from our own humanity and certainly from one another. Our priorities have gone so far out of whack. I’m not a sociologist, but as I look back at my own life and times, I can see how the decline in liberal arts education and the humanities have been equally matched by the rise in intolerance, impatience, greed, hatred, you name it. You don’t have to have a doctorate in philosophy to recognize this. You always hear medical experts link the lack of physical education in schools to childhood obesity. The same can be said for the relationship between the lack of arts education and our bloated state of closed-mindedness and bigotry.

Solution 8. Things have gotten so out of joint it is imperative that we fight to get arts education back into schools. I would not be standing here right now, nor would I have written two (and soon three) books about art, if I hadn’t had some exposure to art, literature, and the humanities as a public school kid and on up through college. Art, literature, and the humanities are the hallmark of an enlightened society. We began cutting these things around 30 years ago and, consequently, what did we get? We now have thousands of school districts that still have huge budget gaps and higher dropout rates and cities with soaring crime figures. Reinroducing arts and the humanities in schools is not an overnight solution, but it’s really the best solution of all. What’s that saying that we hear all the time? If you train a child in the way that he or she should go, then he/she will not depart from it.

Problem 9. Introverted Art World. Artists and creative people tend to be very individualistic and somewhat introverted. I’m a writer—so am I. However, the problem here is that we remain in our own little bubbles all the time, we lose sight of the bigger picture. If all we do is think about art and our own needs, then we become part of the very fragmentation and give rise to the very conflict that we want to avoid. We’ll find ourselves actually feeding the beasts of elitism. People today want to be entertained as well as informed, but so that we can expand our possibilities in this vast universe. I write about art in three ways: art in my world, the art world, and art and how it functions in the world at large, which is by far the most important. I feel that what I’m doing right now is art and how it functions in the world. Today, we have so many tools at our disposal. We have the internet and social networking sites like Facebook. The internet is democratizing art and making the playing field more level in the art world. It’s up to us to use it effectively and give art a stronger voice not only in the art world, but the world at large.

Solution 9a. We need to break out of our own shells and use art to push society on the path that it should go. What path is that? It’s a path that says art is about more than just a lovely painting or sculpture that you can buy at an art fair. Art is about vision, insight, creativity, and finding solutions to problems. Art is about communication, not only monologue, but dialogue. Art is about pushing the boundaries not to make other feel uncomfortable, but so that we can expand our possibilities in this vast universe.

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Solution 9b. The most effective plan for art is UNITY. Isn’t it time that the art world came down to earth and got real? Art is beautiful, ethereal, high-minded and needs to be protected. Art is inherently mysterious. However, we don’t need to create artificial walls that only add to that mystery and intimidate people. It’s okay to lift ourselves up, but wouldn’t it be better if we all got a lift through art? The art world needs to come together, not just to party, but to plan our next renaissance. We should work together and decide that we truly want to make art available to everyday people. Call me crazy, but wouldn’t that be a miraculous, WIN-WIN situation for everybody? Art is bigger and broader than everything but life itself. Shouldn’t we start acting like it?

Thank you very much. ✤

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