

Copycat artist ruffles feathers with blatant rip-off

▶ **TIM BARLASS**

IMITATION may be the sincerest form of flattery, but is this taking it too far? The photograph on the left, titled *Shenae and Jade*, is by Sydney's award-winning artist Petrina Hicks and held in the collection of the Art Gallery of NSW.

The other is a painting by the prolific Czech artist Marek Hospodarsky and titled, perhaps less imaginatively, *Bird*. The hair-line is similar, so too the pose and light. There is even the same little cutaway in the neckline of the antique lace top.

Sydney art dealer David Hulme found it hard to spot the difference when he received a promotional email from art dealers Saatchi Online.

The price of the painting by Hospodarsky is \$1200 - or you can get a print for just \$20.

Hulme, of Banziger Hulme Fine Art, in Manly, said the image was an "iconic photographic image".



"I compared the two and it's obvious that it's a copy," he said. "The main problem is the way it is being proliferated to such a substantial amount of people around the world."

He rated the work as "quite an



amateurish representation of Petrina's very highly professional work" and said it could damage the artist "because it is not of anywhere near the same quality".

When *The Sun-Herald* contacted

the Stills Gallery in Paddington, which represents Hicks, it was not long before they found a second painting by the artist on the Saatchi website which also looked familiar. Hicks accused Hospodarsky of "directly" ripping off another of her images, *Jackson and Tiger*.

"I can also recognise the works of other well known artists in his paintings, his work is 100 per cent derivative," she said.

Sydney intellectual property rights lawyer Anny Slater said the legal debate came down to whether the painting was an interpretation or a copy. "I would have thought there was an argument that it is a copy even though there is a different background," she said.

"A substantial proportion of the photograph has been reproduced.

"We are not talking only about copyright infringement - under Aus-

tralian consumer law a person or company can't conduct themselves in a misleading or deceptive manner."

Legal options included seeking an injunction to halt the sale and seeking either profits or damages, she said.

The director of the Stills Gallery, Bronwyn Rennex, said the painting "appears to be a blatant breach of copyright". "It's vital that artists' rights are protected," she said.

Saatchi was contacted by *The Sun-Herald* on Friday and, after becoming aware of the photographer's concern, immediately pulled the artworks off its website and said it would contact the artist. Its Los Angeles-based chief executive, Margo Spiritus, said it was an "unfortunate situation".

"We take these issues very seriously and do not condone the breach of copyright or other intellectual property rights," she said.