

# I own the copyright of my tattoo... don't I?

By [Rob Richardson](#)

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Tattoos are no longer taboo. From the grunge metal singer in your local bar to the CEO of a fortune 500 company, tattoos are commonplace in modern society. Most neighbourhoods will have at least one tattoo parlour that will offer a broad spectrum of designs which you can choose from or you can request a custom design to be made up for you.



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However, have you ever stopped to think about who owns the copyright in that exquisite piece of art on your bicep? Well, unless there was an assignment of the copyright in the image on your arm *in writing*, the owner is someone other than you.

So what you may ask - it is on my body and I can do with it what I like, right? Well, technically not. A tattoo is classified as an artistic work in terms of the South African Copyright Act and therefore only the owner of the work may reproduce the work or make an adaption thereof. As such every time you take a picture of your tattoo and post it on a social media platform you are in fact infringing the copyright of the owner of the work as this would constitute a reproduction of the work.

The same principles apply when getting a custom design made up based on an image off the internet, say for instance the Rolling Stones logo. Although you may adapt it and in your mind this is a new work, you would still be infringing the copyright of the owner as this would constitute an adaption and an infringement of the original work. When in doubt, get an original work created for you without reference to any other works and ask the artist to assign it to you in writing - if they are happy to do so.

Whilst copyright law may not be the first thing on your mind when popping into your local tattoo parlour for your first tattoo, it is certainly something to consider or else you may be in for some expensive laser surgery.

## ABOUT THE AUTHOR

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