



## LICENSING ILLUSTRATION

**MooksGoo is a member of the Association of Illustrators (AOI) - the professional body for the illustration industry. They are a global leader, based in the UK, with members and partners around the world. They work to ensure a thriving industry today, and in the future.**

Illustration is one of the fastest growing areas of the creative industries; it tells stories, sells products, and is globally relevant. When you pay for (commission) illustration, you buy a licence and not the work itself. It means you pay for what you need without buying it outright. This is called the licensing model.

This document sets out the industry standard for commissioning illustration. If you have questions after reading it, just let me know.

### What is a license?

When an artist creates an illustration, regardless of whether it was commissioned, they automatically own the **copyright** of that image. This means that they control the reproduction of the artwork.

The artist can then sell a licence for that artwork, which means they give the client permission to use their artwork in a certain way, but the artist still retains the copyright. This is how illustrators (and other creatives, like photographers, musicians and authors) make a living.

A license can be '**exclusive**', meaning one client can use that image while their license lasts, or '**non-exclusive**', meaning that the artist can license the image to several clients at once. The image itself still belongs to the illustrator.

### Exclusivity of artwork

Exclusivity does not mean totally exclusive to the client, but exclusive only in respect of the licence they have bought. For instance, an exclusive licence for an illustration for use on T-shirts in the UK, does not prevent the artist/illustrator from licensing the image in other territories, or for other uses.

If however, the client wishes to have an exclusive license for use on T-shirts worldwide, the illustrator cannot license anyone else to do that, not even the illustrator themselves. This will be reflective in the license fee (or license value), which will be significantly higher than just a UK territory.

### Use

The 'use' is often clear, since the client will usually know what they are commissioning the work for. If further uses are known to be a possibility, but are not being licensed as part of the original licence - for instance a brochure cover which the client may later use for a poster - a new license will be created for that new specific use, which in turn, will require an additional fee.

If the client wishes to continue to use the artwork after the initial term has expired, they can re-license the image for an additional fee.

### Copyright assignment

If an artist signs over the copyright, the client can make unlimited profit from the artist's work without ever

needing to pay another penny. The client could also sell the artwork to third parties, which means the artist would have no say to who, or what companies can use their work.

Of course, if a client is prepared to pay a substantial fee to cover all potential uses, then this could suit both the artist and the client. However, it is a recommended industry practice to use the licensing model.

## How is a licensing fee worked out?

Licensing means that a client pays for exactly what they need, where the image will be used, how long for, and what context they can use it in. When granting a license, the artist and client will agree on the following:

**Territory: Which territory will the image be used in?** e.g UK / USA / Worldwide

**Duration: How long it will be used for?** e.g 6 months / 1 year / 3 years / 5 years

**Usage: What it will be used for?** e.g billboards / newspaper / social media

**Client: Who will be using it?** e.g a big multi-national / small business / newspaper

The illustrator will then come back with their quote, which can often take a few days.

## Determining a Fee

Being really clear with the project details makes quoting quicker and easier. If the client knows their budget, it will save everyone a lot of time if you can tell the illustrator what it is. There are lots of ways they can shape their quote to fit a given budget, for instance, limiting the licence, reducing the number of illustrations and amends, and focusing on a particular style or colour.

Aspects that can make a budget increase include rush jobs, asking the illustrator to travel to meetings, adding usages, more illustrations, or additional amends to artwork.

Sometimes the proposed budget will not be acceptable, however **negotiating** a fair price to suit both parties should be considered.

The fee charged will vary according to the rights of use, and its reflective value for the commissioner. This is a win-win, because it means the client is only paying for the uses they need, and the illustrator controls exactly how the artwork is used.

The fee also takes into account the illustrator's experience, skill and time; if something is overly complex or time consuming to create, the illustrator may need to know more information.

## Receiving the Artwork

The illustrator will submit roughs for your consideration - these are usually pencil/rough drawings showing the composition/characters. Any feedback at this time should be clear, as numerous revisions are usually charged at an additional rate.

When you have approved the roughs, the illustrator will develop them into the finished artwork.

There may be some cases where you have to reject the artwork. The following rejection/cancellation fees are industry standard;

25% of the agreed fee if the artwork is rejected at rough stage

33% - 50% of the agreed fee if the artwork is rejected on delivery (depending on where any fault lies)

100% of the agreed fee if the commission is cancelled on the delivery of artwork

## Get in touch

If you have any questions, or would like to discuss a commission, do reach out!

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