|  |
| --- |
| Inspiration vs Copying |
| Written for AOIBA by: Thomas C. Altman |
| AOIBA’s guide to the differences between copying another’s creativity and using their creativity as inspiration to come up with your own original works. This guide also forms part of AOIBA’s code of conduct.  |
|  |



Copying vs. Being inspired.

A common expression by teachers, especially science and math(s) is to “show your work”. Showing your work reveals the process that led to the correct answer. Often the answer may not be as important as the process. And without that work there is no way to prove that you are a genius, or simply copied someone else’s answer.

It is the work required to become an artist that defines them. And within a community of artists there must exist certain expectations.

The expectation is that you, the reader, will be governed by a code of conduct agreed upon by you and other professionals. While this paper is not intended to provide a legal guide, it will suggest a professional difference between what is ‘copying’ and what is simply being inspired by another performance.

Within any field there may be a few true geniuses in a generation. The rest of us can only hope to ‘stand on the shoulders of giants. Ironically, this phrase, most attributed to Isaac Newton in 1676. Newton may have been ‘inspired’ by the writings of John of Salisbury in 1159. And John was known to adapt the work of others, so even he may not be the original creator of this thought. So how do we sort out a copy from an inspired work?

Looking into the world of magic reveals a great deal of information, but to consolidate it here we will examine the ‘idea-expression dichotomy’.

* The **idea–expression distinction** or **idea–expression dichotomy** is a [legal doctrine](https://en.wikipedia.org/wiki/Legal_doctrine) in the [United States](https://en.wikipedia.org/wiki/United_States) that limits the scope of [copyright](https://en.wikipedia.org/wiki/Copyright) protection by differentiating an [idea](https://en.wikipedia.org/wiki/Idea) from the expression or manifestation of that idea

Simply, an idea **cannot** be subject to copyright. Making a coin appear, or making a bubble cube, cannot be copywritten. The idea can originate from a single source, but once performed it can be ‘copied’ by others.

The performance of that idea **can** be copywritten. The dialogue, hand movement, and other aspects of the performance can be subject to protection. That cannot legally be copied. If that performance is recorded, or written down in detail, then those who use THE SAME routine are copying the originator.

As professionals we need to respect the work of true creators in the bubblesphere, but so that it leads to inspiration and not simply copying.

What technique can an aspiring performer use to ensure that they are not simply copying the performance that inspired them to enter the field? This is a problem in many areas and the process has many similarities.

Advice given by James Hayton from PhD. Academy might be useful. The assumption of a PhD is that you have an “original contribution to the body of knowledge”. A typical student will research a field, read everything published on the subject, and then find some gap in the knowledge to research. Dr. Hayton suggests that “Skills come before originality”. A consolidation of his paper suggests that being extremely skillful is what allows you to recognize what might be original.

How does that apply to your attempt to create an original performance?

1. Watch a performer and try to master their techniques. This might be seen as a beginning artist trying to duplicate a picture done by someone else. No matter how well they can draw the picture they must not pass it off as anything other than a copy. If they do so they are labeled a forger.
2. Find a second, and third, and more performers and do the same with their work, being careful to give credit to the source of the inspiration.
3. Consolidate those parts that seem to resonate with your own personality and style, and then create a performance that feels the most natural to yourself.
4. Sequence the tricks in a way that seems logical for you.
5. Write a script or develop a dialogue or choreograph a show that is singularly your own. Compare that with others you have heard and make sure that you are not repeating a joke or a story or sequence of movements that came from a specific source.

Within the professional community there are many willing to critique and offer suggestions for improvement. Continue to develop until you can be confident that you are presenting a show inspired by others, but not simply copied.

This is an issue associated with many different fields; however, the solution is the same.

* “It’s not where you take things from—it’s where you take them to.” *Jean-Luc Godard, film director*
* Copying is the act of taking someone else's work, idea, or concept and recreating it in a way that very closely resembles the original - and then passing it off as your own. It's basically like taking someone else's cake recipe, baking it exactly the same way, and then claiming you came up with it all on your own. Not cool!
* To be inspired by someone's work means taking a closer look and finding the elements that really speak to you. Maybe it's the bold colors, the intricate details, or the way the artist uses negative space - whatever it is, you know it when you see it. From there, the goal is to take those elements and weave them into your own work, but in your own unique style and with your own point of view. Think of it like remixing a classic song - you take the pieces that you love, add your own spin, and create something totally new and fresh.
* As creatives, we often look to others for inspiration and guidance. However, it's important to understand the difference between copying and being inspired by someone else's work. Let's use an example to explore when copying is okay and when it's not.

Imagine you come across an artist who painted a rabbit eating a carrot. If you're a beginner painter, it's okay to try to replicate that painting for practice and learning purposes, if you don't claim it as your own original work. On the other hand, if you're an established painter, intentionally copying the same painting and selling it as your own is incredibly unethical.

* Being inspired by someone's work, on the other hand, means finding aspects you admire and incorporating them into your own unique style and vision. You might take the same subject matter of a rabbit eating a carrot and put your own spin on it or use the original artist's style to create a completely different piece of work. The key is to make it your own and give credit where credit is due.

Blog about creativity, by *Jada Parrish* 02/06/23

When watching a live performance, it may be tempting to write down each different bit. Try to resist that temptation. First, in a live performance it is considered rude and can be seen as ‘theft’ of the performance. If a trick sticks “in your head” you can go home and try to perfect it. You were inspired by that performance. Something more systematic borders on copying.

Watching a video can be more systematic, however look to see how they do a trick and think about how you might do it differently, or even better.

A number of ‘performers’ will start booking gigs based on watching a single performance or attending a single class. While this may allow you to begin to make income as a ‘bubbler’ it does not elevate you to the level of a professional bubble artist. You are simply copying someone else’s work. Your goal needs to be to continue to modify your performance until it reflects your own style and not copying someone else.

Conversely, identify yourself with your inspiration. In the karate world being “The student of Bruce Lee” was a mark of excellence and those lucky few wore that label with honor. While your inspiration may not be as recognizable, by promoting them along with yourself you may elevate both. Wherever possible identify your primary inspiration.

**Bubble equipment:**

The unique physics of soap bubbles demands that equipment must have some common characteristics. Using a loop of material to create a ‘soap’ film and then blowing through the film to create a bubble has been done for centuries. Over the decades many improvements have been made to the loop to produce more and larger bubbles. Many of those improvements have sought to provide more fluid to the film so that more and more bubbles can be produced.

The technique of supplying fluid to the film is varied and includes the ridges on the loop that is the standard of the wand industry. Different fabrics and windings to make larger loops, and even pumps to supply a steady stream of fluid are all variations of the same principle.

While the idea of supplying fluid to the film is common, the technique of how that fluid is supplied may be proprietary. Coming up with a new technique involves some engineering, and the specific device used is certainly something that can be patented.

Should you be creative enough to come up with a totally original piece of equipment you would be wise to apply for a patent. Different countries have different rules and having a patent does not guarantee that someone else might not steal your idea, but if you hope to sell your idea to a toy company it must come with that documentation.

Or, as most people do, create a tool that is of such high quality that people will choose to purchase yours instead of the copies. Within the bubble world there are a few names that are associated with ‘the best’ equipment and it is a mark of success to have at least one of their products in your arsenal.

However, there are several sources and individuals who freely share information and techniques so that you can create your own equipment. This is encouraged within the profession, but even at that it is courteous to give credit to the person whose technique you are using.

It is perfectly acceptable to see someone using a common prop and then going home and making your own. You see someone using two sticks and a string and you make your own to use in your own shows is expected. If that person sells props at their show and you buy one and then and, using their style and technique, build your own, you are copying their work. This is not professional behavior. If you copy their work and then begin to sell ‘your’ props at your own shows, then you are stealing their work. Even though they do not have a patent and have no legal recourse to prevent you from doing it, you will have earned a bad reputation within the community.

As technology develops there are more unique items making it into the bubble community. Foggers are a good example. There must be similarities between different foggers; Air is put in and ‘fog’ comes out, and there is some ‘device’ that connects the two tubes for air. If you have the technology you can see someone use this device and, with a lot of engineering and trial and error, build your own version to produce the same results. This is an example of being inspired by a person. If you first purchase someone else’s device and then attempt to reverse engineer it, then you are copying. If you then go on to sell that copied product you are essentially stealing from the original creator.

It is important to keep in mind that just because two items look the same one of them must therefore be copied from the other. This assumption can lead to accusations and hurt feelings. There is an expression in engineering; “Form follow Function”. Things that do the same job tend to look the same. If there is a record of inspiration and subsequent work, it is possible to claim originality even when accused of copying.

It is extremely unprofessional to accuse someone without doing the necessary investigation.

If you see someone posting a video using a new prop, or using an old prop in a new way, it is professional courtesy to ask that person if you might build your own for your own personal use. If they are posting a video then they have relinquished any expectation that it is a proprietary secret, but it is still considered a professional courtesy to ask permission before you make it. If you are successful in duplicating the device and choose to publish your own work, then be sure to give credit to your inspiration.

If you decide to make and sell that item, it becomes a much more delicate professional situation. Check to see if the creator has any intentions of manufacturing the prop themselves. If they are serious, they will have already applied for a patent. If they are not interested in manufacturing the item, they may be open to an agreement to work with you. It is important to have an understanding with the creator before you sell something copied. It is better to move on to other things than to try and sell a product created by someone else.

On the other hand, if you make your own version of a similar device then you have been inspired. Give credit to the inspiration but promote your own version of the device. There may still be accusations, but they will be unfounded and poorly researched. If you publish your attempts to show your progress, then it will be apparent to all that you did your own work.

*The author has received input from other performers in the field. That input will be posted here without credit, unless the originator grants permission.*

**Some random thoughts that may give you some inspiration.** 

Iain J. Mindwraith

Within the magic community there are also several situations where different creators have come up with near identical effects, props or routines completely independently of each other. There have been - and still are - some massive fallouts and arguments as well as many situations where the creators have simply congratulated each other.

Most people will have little problem with people copying what they do on a personal / home use basis but will do so if you opt to charge others for the service or product. Especially if it impinges upon their ability to sell their service product themselves.

Plagiarism and copying are not honoring those you are duplicating if you are diminishing their potential to profit from their work or what you are doing is of a lower standard.

Ethics is based upon knowing what is fair, right, and reasonable then behaving accordingly. It is the duty of a professional to ensure they have that basic understanding.

I have seen people see my acts & routines and attempt to copy them word for word, mannerism by mannerism, same musical cues, even costume choices etc. Professionals should be well above that level, introducing different elements and making more than minor changes or swapping running orders. Even with amateurs that isn't acceptable. Some level of originality and personal input is expected without risking being exposed as stealing from others’ ideas or inventions.

We all learn from others and those who have gone before but it is the amalgamation of that knowledge to help create something new which should be aspired to; not a step-by-step copy, even if elements of the whole are inspired and taken from what others have produced.

Crediting originators, texts etc. is taught within academia or citing sources within media but is not always widely done within most people’s daily lives. As a professional performer or someone who works in the field it is important to know that such acknowledgements are an expectation, if not within a performance but certainly if asked about particular elements. There will be times, even with 'old hands', that you don't know the history of a particular thing but once made aware the onus is then to credit accordingly.

Some cultures and legal frameworks are more defined than others as to what is regarded as copying or intellectual theft. It is the individual’s responsibility to make themselves aware of potential infringements.

Some elements, through popular use, become widely available and open source for all to utilize but when performing something you should be aiming to do so in your own unique way rather than relying upon a direct or near copy of what someone else does. Originality will always provide you with more and better work than attempting to match what someone else is already doing. In the digital age, it does not matter whether they are on the other side of the planet or in the same town; people will soon be aware that you have hijacked someone else's work & ideas and that will reflect very negatively upon you.

I train children & young people how to perform and after being shown the original way it was done one or more of my variations, they are able to use their imaginations and personal abilities to create their own versions. They may be using the same props, achieving the same end results but they find their own unique way and style of presenting and thereby performing the piece. Humans are not robots, we should reflect that, we don't need to thoughtlessly imitate.