

July 2013

West Virginia Watercolor Society

WVWS
WEST VIRGINIA WATERCOLOR SOCIETY

President's Letter

Greetings members!

It is hot, it is rainy, it is hot, it is.....I hope you are surviving the summer weather and planning to participate in upcoming WVWS events!



The 2013 Aqueous exhibit marks a milestone for our organization. At a previous meeting, a discussion about allowing out-of-state artists into our organization was presented. At that time, we decided that WVWS is to remain an organization that showcases West Virginia artists, so our membership criteria was not changed.

However, our compromise was to permit submissions by non-member out-of-state artists in our Aqueous exhibit. Participation in our All-Member exhibit will continue to be only for WVWS members.

Now that Aqueous has opened, the results are in: There are artists out there who have been waiting to participate in a West Virginia show! Five non-member artists from Maryland, South Carolina, Virginia, and – yes – California submitted entries and were juried into the 2013 Aqueous exhibit.

What does this mean? The California artist told me there are no West Virginia shows available to outside artists. WVWS now holds that distinction by providing this service.

Yes, it will raise the bar for our member artists, BUT juried-in members will have the extra distinction of being in a NATIONAL exhibit! Imagine, the WVWS Aqueous exhibit can be known as a national show.

That being said, I hope you will embrace this change. It will bring the national spotlight upon our organization and possibly open up new opportunities for our members here and beyond our borders.

By the time you read this I hope to be well into the

All Member Exhibition 2013

Sept. 12 - Oct. 12

at the **Cynthia Bickey Gallery in Beckley**
Home of the Beckley Art Group

- Registration postmarked by **Aug. 30** and sent to Linda Elmer at her NEW address:
46 Dogwood Lane, Fairmont, WV 26554
- Delivery to Cynthia Bickey Gallery on **Sept. 6-7**, 600 Johnstown Road, Beckley WV 25801
Hours are 11 a.m. to 5 p.m. Contact the gallery to arrange alternate time for delivery.
- Reception from 2 to 5 p.m. on **Sept. 14**.
Awards presented at 2:30 p.m.
- Painting pickup is **Oct. 12-15**, 11 a.m. to 5 p.m.

Download the prospectus at
www.wvwatercolorsociety.org

workshop with Alexis Lavine at Canaan Valley Resort State Park. A big thank you to Judy M. Reed, our workshop chairperson, for keeping up the quality of our annual workshop.

I am also looking forward to the art auction featuring works by WVWS artists on Aug. 3 at the Pete Dye Golf Course near Bridgeport. This collaboration is the brain-child of Vice President Jeannine Romano. The Clarksburg League for Service charitable organization benefits from the auction, and we will sell a few paintings. Fingers crossed for some sales!

The application for the WVWS Jury for change of membership status is now available. See the WVWS website to download the information or contact me for the packet.

Also, the prospectus for the upcoming All Member exhibit at the Cynthia Bickey Gallery in Beckley is available online, or can be requested by contacting me.

Stay cool, enjoy the rest of this summer, and keep painting!

Linda Elmer, president

WVWS Member News

Region I - Lou Riffe Gates


 **Jessie Perl Tipper** of Beckley wrote us earlier this year to update us on her activities and to thank us for mailing her the WVWS newsletter. She explained that as a retired postmaster, she has a special affection for receiving mail.

She also told us, "I am a 2 time cancer survivor doing exceptionally well for my age. I'm still active in Beckley Women's Club and Beckley Art Group – still painting (mostly [watercolor] and acrylics)."

Region II – Patricia Roberts




"Coke Ovens in Production" – *Assemblage by Pat Roberts*

 **Pat Roberts** of Charleston was invited by WVWS member Marilyn Hughey Phillis, AWS, NWS, gallery director of the Artworks Around Town Studio Gallery in Wheeling, to exhibit four of Pat's coal tipple assemblages.

The Wheeling Arts Commission staged a show during June to commemorate the 150th anniversary of the State of West Virginia. The exhibit was held in Wheeling's historic Centre Market Artworks Around Town gallery.

(Read more about this exhibit in the News section on page 3!)

 **Sharon Harms** of Charleston had two paintings accepted into the Best of WV Show at Tamarack and had three paintings accepted into the Beckley Art Group Juried Show. She also had one painting accepted into WVWS's Aqueous 2013 show in Morgantown.

Region III – Joy Cooper

 **Laurie Goldstein-Warren** of Buck-




"Ribbon Dancer"


By Laurie Goldstein-Warren

She won a memorial award at the California Watercolor Association International and a Merit Award at WAS-H International in Houston, Texas, (see her winning painting above) and an Honorable Mention Dick Blick Award at the Texas Watercolor Society National.

Laurie concluded, "I am looking forward to attending the Alexis Lavine workshop in Canaan Valley this July and having fun painting with my WVWS friends!"

 **Kristen Colebank** of Wardensville had a wonderful experience at the Bill Vrscak workshop, hosted by the Morgantown Art Association, in April. She encourages WVWS members to watch the MAA website (www.morgantownartassociation.com) for future workshops and classes.

Kristen also had a piece accepted in the 2013 Art at VMRC multi-media exhibition in Harrisonburg, Va., during June, and as a result of that show, she's also accepted an invitation for a solo exhibition at a downtown Harrisonburg venue, Clementine Cafe, during July 2014.

 **Andrea Burke** of Martinsburg will hold her first solo show, "Blowing Off Steam," from Nov. 1 to Dec. 31, 2013, at the Fairfax Coffee House, 23 Fairfax Ave., in Berkeley Springs.

The show will feature Andrea's paintings of steam-engine trains from the tri-state area. She invites everyone to come out and see the show and enjoy all





“Full Steam Ahead” – By Andrea Burke

that the certified arts community of Berkeley Springs has to offer.

Region IV – Katy Crim

Recently, **Jeannine Romano**, Lost Creek, learned that her painting “The Student” has been selected for the Baltimore Watercolor Society’s Mid-Atlantic Exhibition 2013. The show runs June 10 through July 31 at



“The Student” – By Jeannine Romano

Stevenson University, Md.

Two WVWS members were recognized for their work during Morgantown Art Association’s 55th annual Exhibit 60 juried art show.

Jane Cardi of Morgantown won the WVWS Award for her painting “Romance.” Also from Morgantown, **Greg Kullman** earned an honorable mention for “Dolly Sods.”

WVWS Jury for Status

WVWS Associate and Juried members are invited to apply for either Juried or Signature status in the society.

The application packet, including instructions, is available for download from the WVWS website, or a request can be made to President Linda Elmer (note her new mailing address) for a mailed copy of the jury packet.

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Here’s a refresher on the different levels of membership available in the West Virginia Watercolor Society.

The West Virginia Watercolor Society has three classifications of membership (in addition to Charter, Honorary, and Patron Membership).

Associate Members: All individuals wishing to be associated with the West Virginia Watercolor Society who have applied for Associate Membership and been accepted into the Society through payment of dues.

Juried Members: Members who have been granted the privilege of Juried Status by the Society’s Membership. To earn Juried Membership status, an Associate Member must submit six painting images for review by the Membership Jury. Candidates selected for Juried Membership consideration may be requested to submit

three or more original works for final admission judging. Juried Membership status becomes official upon notification of acceptance by the Jury from the committee chairman.

Signature Members: Juried Members who have been granted the privilege of using the West Virginia Watercolor Society initials (WVWS) in conjunction with their signatures by the Membership Jury. To earn Signature status, a candidate must have work accepted in two juried WVWS shows in a six-year period, and submit four additional paintings images (other than images of paintings that have been juried into past WVWS exhibits), for review by the Membership Status Jury. Signature Status may also be granted to any watercolor artist who is a signature member of the American Watercolor Society, the National Watercolor Society, or whose work has been accepted in any AWS, NWS, or Watercolor USA exhibit.

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So take this opportunity to advance your membership status and demonstrate your painting skills to your peers! There is no cost to apply! Deadline is Oct. 30.

News & Notes

New (and returning) members

We are happy to welcome **Betty Alexander** and **Stella Jarrett**, both of Charleston, and **Susan H. Witt** of Fairmont to WVWS.

Next WVWS meeting Aug. 10

Since the painting drop-off and pick-up for Aqueous 2013 in Morgantown is not on a weekend, we've decided to instead meet on **Saturday, Aug. 10, from noon to 3 p.m.** at the Shoney's restaurant in Summersville.

Wheeling Sesquicentennial exhibit

As the birthplace of West Virginia, Wheeling took its participation in Sesquicentennial events leading up to the June 20 celebration very seriously.

Artworks Around Town hosted a special art exhibit as part of the city's celebration, and several WVWS members were featured in the show, which was organized by WVWS member **Marilyn Hughey Phillis**, AWS, NWS, who serves as curator for gallery shows at Artworks.

Included in the show were WVWS members **Pat Roberts** (read more about Pat's participation in the Member News on Page 2), **Robert Wren Smith**, and **Linda J.C. Turner**.

Paint Historic Wheeling: Plein Air

Speaking of Wheeling, Artworks Around Town has expanded the event formerly held at Oglebay Resort to focus on the downtown of historic Wheeling. Public receptions and art sales will be part of the festivities.

The Plein Air event will take place Aug. 2-4, and the cost to participate is \$35. Additional opportunities are available as two workshops are also being offered at a cost of \$45 per workshop.

For more information, contact Liz Neumann at 304-277-1733 or e-mail her at lizart7@aol.com.

Workshop scholarship awarded


Loraine Smith, a student at Pierpont Community and Technical College in Clarksburg, received a WVWS scholarship to attend the society's workshop with Alexis Lavine in July at Canaan Valley Resort State Park.

WVWS has long discussed using a scholarship to assist younger students in developing watermedia skills. Initial

ideas were to utilize funds to assist college students with tuition and materials costs, but the group ultimately decided that, since most higher-learning institutions don't specifically teach watercolor or watermedia, it would be better to direct the scholarship toward a opportunity to attend a watercolor/watermedia workshop.

Applicants presented an artist's statement and portfolio of works, which were reviewed by a panel of WVWS members, and Loraine was chosen based on the strength of her submitted works.

W.Va. watermedia workshops

 A four-day **Tom Lynch** workshop is scheduled for Aug. 12-15 (Monday thru Thursday) in Martinsburg. The workshop is sponsored by the **Berkeley Arts Council** and Martinsburg-Berkeley County Parks and Recreation.

Location is the Berkeley 2000 Recreation Center at 273 Woodbury Ave. in Martinsburg.

\$400 per person. Limited space, and first come, first serve. To register visit <http://berkeleyartswv.org/workshops/TomLynch.php>

 The **Randolph County Community Art Center** is hosting a weekend workshop with watercolor artist **Lynn Ferris**, NWS, FWS, Sept. 7-8 at RCCAC in Elkins.

"Capturing the Light" will cost \$135 for current RCCAC members and \$175 for nonmembers. A \$50 deposit reserves your space.

Visit the RCCAC website to learn more: <http://www.randolpharts.org>.

WVWS members teach!

So many of our members share their artistic talents with students each year, and we want to recognize members for those endeavors.

If you are teaching an art class, let us know! Send me an e-mail (wvwatercolor@gmail.com) or mail a note!

Here are some of our members' current offerings, based on my own Internet browsing. I'm sure there are more...

Susan Witt teaches a weekly watercolor class at the Morgantown Art Association, **Julia Jones** is teaching a workshop at Lost River Artisans Cooperative in October, **Mary Alice Bowers** is teaching an August workshop at Berkeley Art Works, and several members are teaching for Road Scholar at Cedar Lakes this fall – **Debbie Lester**, **Jeanne Brenneman**, and **Jerre Watkins**.

Aqueous 2013

Aqueous 2013 Accepted Artists

- “Fresh Cuts - Ikebana,” **Mary Alice Bowers**, Martinsburg
- “The Back Porch,” **Louise Braddock**, West Union
- “Peggy’s Iris,” **Karen Ensor Brown**, Buckhannon
- “Chinatown Market,” **Nancy Brown**, Baltimore, Md.
- “Shrimpers,” **Nancy Brown**, Baltimore, Md.
- “Courthouse Charles Town, WV,” **Andrea Burke**, Martinsburg
- “After the Rain,” **JoAnn Byron**, Beckley
- “It’s Not Easy Being Green!,” **Katherine Crim**, Clarksburg
- “Fallen Symbols,” **Toni Elkins**, Columbia, S.C.
- “Streaming,” **Linda Elmer**, Fairmont
- “On Stoney Run,” **Deanna Gillum**, Buckhannon
- “Hide and Seek,” **Sharon Harms**, Charleston
- “Meditation on a Latté,” **Catherine Hillis**, Round Hill, Va.
- “Floral Explosion,” **Mary Anne Hodson**, Beckley
- “Emergence,” **Anna Hogbin**, Martinsburg
- “No Way Norway,” **Charlotte Huntley**, Lafayette, Calif.
- “Rustic Morning II,” **Debbie Lester**, Shady Spring
- “Wild Daisies,” **Diane Mitchell**, Clintonville
- “While Waiting for Carol,” **Claudia Moody**, Scott Depot
- “Navajo Dancer Man’s Fancy Dance,” **Justine Mounts**, Hanover
- “Handmade,” **Betty Neely**, Fairmont
- “Trapped,” **Betty Neely**, Fairmont
- “Sharing the Journey,” **Sandra Pealer**, Rangeley, Maine
- “Southern Hospitality,” **Judy Mattson Reed**, Salem
- “Sandstone Cleft,” **Martha Reynolds**, West Union
- “One,” **Christine Rhodes**, Parkersburg
- “Pear Shaped 2,” **Jeannine Romano**, Lost Creek
- “Church Ladies,” **Kathleen Stumpf**, Baltimore, Md.
- “Supperstrings,” **April Waltz**, Wheeling
- “Wave Chase,” **Monica Wilkins**, Shepherdstown



Best of Show Karen Ensor Brown “Peggy’s Iris”

Aqueous 2013 is online!

If you aren’t able to see the show in Morgantown, a digital slideshow including all the paintings is posted to the WWWS website, www.wvwatercolorssociety.org. Click the slideshow link on the home page to see more about Aqueous 2013.

Aqueous 2013

Charlotte Huntley ▶

Award of Excellence – “No Way Norway”

Nancy Brown ▼

Award of Excellence “Chinatown Market”



▲ **Anna Hogbin** – Award of Excellence – “Emergence”

◀ **Linda Elmer** – Award of Merit – “Streaming”

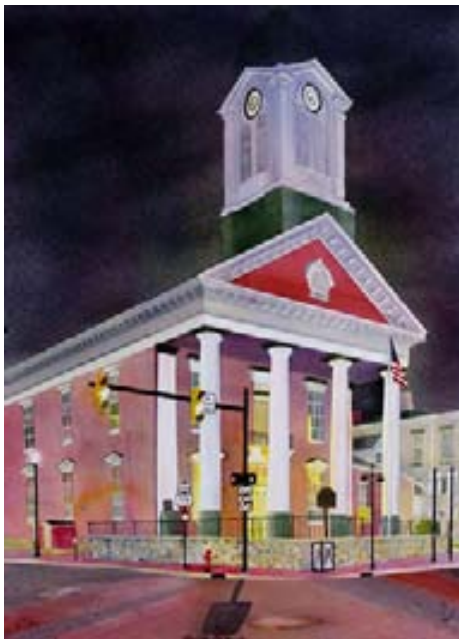
Aqueous 2013

July 12 - Aug. 3, 2013
Monongalia Arts Center, Morgantown

Juror: Jennifer Yerdon LeJeune



▲ **JoAnn Byron**
Award of Merit - *"After the Rain"*



▲ **Andrea Burke**
Award of Merit - *"Charles Town Courthouse, WV"*



▲ **Betty Neely**
Honorable Mention - *"Trapped"*



Mary Anne Hodson ▲
Honorable Mention - *"Floral Explosion"*

Catherine Hillis ►
Cheap Joe's Art Stuff Award - *"Meditation on a Latté"*



Brushing Up – with Carrie Waller & Kim Minichiello

EDITOR'S NOTE: I read a lot of online art blogs, and one of my favorites is written by Carrie Waller, an award-winning watercolorist (<http://carriewaller.blogspot.com>) whose work can also be seen at her website: <http://carriewallerfineart.com>.

Back in June, Carrie wrote about her experience of having a painting rejected from a show because the show organizers were concerned that her painting infringed a manufacturer's trademark (see the painting in question at right).

Another artist, Kim Minichiello (<http://www.kimminichiello.com>), who also blogs at <http://blog.kimminichiello.com>, replied to Carrie's post, and the two decided to collaborate on some educational articles posted to Carrie's blog relating to trademarks and copyrights.

I loved the information in the articles, and contacted the pair to ask if I could reprint the articles in the WVWS newsletter because I thought they contained so much valuable information.

Carrie and Kim agreed, so here's the first of the two articles – this one talking about trademarks. The second article focusing on copyright information will be included in the winter WVWS newsletter.



Legal lessons: Trademarks

By Kim Minichiello

Reprinted with permission from <http://carriewaller.blogspot.com/2013/06/guest-blogger-kim-minichiello.html>

Recently Carrie [Waller] had a situation with an organization not accepting a painting of hers into their show because the subject matter was Ball canning jars, and they were concerned about an infringement of trademark.

I can fully understand an art organization, and we as artists, wanting to protect our rights, be it with trademarks or copyrights. The decision not to accept Carrie's painting was based on having incorrect knowledge of trademark infringement. I posted a comment on Carrie's blog and we have been conversing about this issue on Facebook in the past few days. Carrie asked me if I would do a guest post regarding trademark and copyright, and I told her I would be happy to!



“Anticipation” by Carrie Waller. *Image used with the artist's permission.*
This award-winning painting, which is included in the latest *Splash* compilation, was rejected from a show because of trademark concerns.

I'm not an attorney, I'm an artist, and I don't profess to be an expert on trademarks and copyrights, but I do have some experience and knowledge on the subject matter.

I co-founded a company a few years ago creating digital art for the art licensing market. Some of the designs that I created were to be mass-produced, utilizing vintage images, so I wanted to be sure that by using them I wouldn't be infringing on anyone's trademark or copyright.

At that time, I had an Intellectual Property Attorney, and the information I will be passing on is from my own research that was validated by my attorney and information she passed on to me.

There is also information on the U.S. Government's Trademark and Patent website (<http://www.uspto.gov>) and the United States Copyright Office website (<http://www.copyright.gov>).

QUESTION: What is a trademark?

ANSWER: A “trademark” is any word, name, or symbol (logo), used by a manufacturer or merchant to identify goods or services, to distinguish them from those of others, and indicate their source.

Trademarks include the “brand” names of the goods, for example, Ball™ canning jars, Coke™ and Apple™.

The reason a company would want to trademark their name is to distinguish their goods and services from others. The value of the trademark depends on the degree of recognition and goodwill associated with the mark by the buying public. You would



want your customers to recognize your name and mark to identify with what you sell, or a service you provide, as opposed to the goods and services of others – namely, your competitors.

Trademark law is the branch of law of unfair competition. It would be unfair for someone else to pass off the same goods or services your company provides, in which you have spent time and money building up your brand to be recognized by the general public. If a competitor that provides the same goods or services you do is using a similar name or logo, or even if the name sounds the same, there would be confusion between the two brands.

An example of this would be when the Beatles had a problem with Apple (computers) using the Apple name and logo to sell music. The Beatles had previously trademarked Apple Corp. Ltd. and Apple Records and used an apple as a logo to sell music. Therefore, they were claiming that Apple had infringed on their mark by using the name “Apple” and using an image of an apple to sell the same goods, i.e. music. (I’m happy they worked out an agreement; this was the reason the Beatles’ music wasn’t available on iTunes for a while.)

If you don’t register your mark with the United States Government Patent and Trademark Office, the mark can only be protected in the particular geographic region in which you do business, and you would have the burden of proving the extent of that area. A mark with Federal Registration would extend your area of coverage to the whole country. If you were to do business countrywide and want to establish your brand to sell certain goods, then it would be wise to Federally Register your mark.

Incidentally, when you see a “TM” next to a name or logo, the company is indicating that name is trademarked, whether it’s registered with the United States Patent and Trademark Office or not. If they follow through and Federally Register the mark, they can then use the “R” with the circle, ®, after the company name or logo.

How do trademarks affect me as an artist?

Most artists use their names as their brand or logo. Should an artist trademark their name? This really isn’t necessary, unless you plan on being the next Andy Warhol. If you are, then it may be worth your time. (There are nine current trademark registrations for Warhol for a wide variety of products.)

Also, if you were to pursue many licensing opportunities to have your art appear on a wide variety of products, such as artists Mary Engelbreit, Laurel Burch, or Thomas Kinkadee, then yes – you should register your name.

Where this discussion affected Carrie is when the organization she submitted her work to – to be juried in their show – thought they might be infringing on the

Ball company’s trademark by displaying the work, or that Carrie had infringed on the mark by using the Ball jars in her artwork.

Neither case is an infringement of the mark. Carrie would only be infringing on Ball’s trademark if she were to produce canning jars and use the same or a very similar logo on the same or similar product as they manufacture.

The Ball trademark in Carrie’s piece is on the jar in her art. There would be no confusion within the general public that Carrie is selling Ball jars. Instead, she is selling her art with images of Ball jars. If the Ball jar company wanted to use Carrie’s art to help sell their product, then they could license her image to do so, but that’s a whole other topic!

As an artist using a product like the Ball jar in your work – or as is the case with artist Chris Beck’s art, where she often paints Peeps candy – the artist is using what is called “fair use,” which allows you as an artist to use a trademarked company’s product in your own art, which you can then sell.

As another example, Andy Warhol didn’t violate the Campbell Soup trademark or the Brillo Pad mark in his work either. His use isn’t an issue because Campbell makes and sells food, and Brillo makes soap pads, not original art or art prints. When a company applies for a trademark, they have to list the goods and/or services they will be providing with that mark. The Ball Company does not list art or art prints in their goods and services with their registered mark. Therefore, there is no confusion amongst consumers and no infringement.

There is one situation where these considerations could get a little gray. Say the Ball company listed “mugs” as part of their goods and services registered under their mark, and Carrie were to mass produce and sell mugs with her image of the Ball jars on the mug. The Ball company at that point may have an issue with that, but it is still unlikely; there still would be no confusion between Carrie’s brand and what she sells and the Ball company’s brand and what they sell. Carrie would have to make and sell a lot of mugs and be making a substantial amount of money for it to be an issue. If it did become an issue with Ball, then they would simply ask Carrie to “cease and desist” selling mugs.

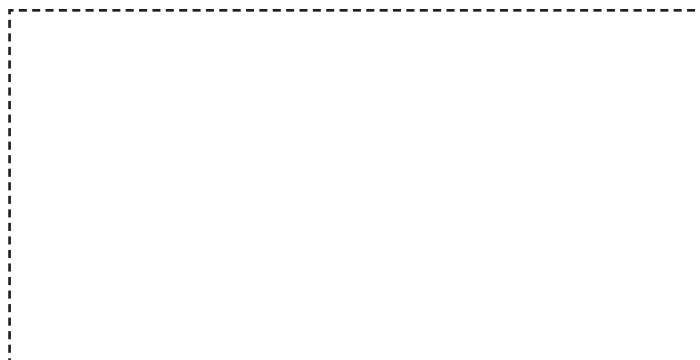
The bottom line is Carrie is not infringing on Ball’s mark by painting their jars, and the art association would not be infringing on their trademark by accepting and displaying her work in their show.

Between trademarks and copyrights, it is copyright that affects artists more....

So be sure to watch for the winter issue of the WVWS Newsletter where we will include Kim’s article regarding copyright issues!



West Virginia Watercolor Society
P.O. Box 66
Wardensville, WV 26851



West Virginia Watercolor Society

WVWS Officers

- **Linda Elmer**, president
- **Jeannine Romano**, vice president
- **Bruce Brenneman**, treasurer
- **Katherine Crim**, recording secretary
- **Amy C. Post**, corresponding secretary

WVWS Directors (Trustees)

- **Lou Gates**, Region I
- **Patricia Roberts**, Region II
- **Joy Cooper**, Region III
- **Katherine Crim**, Region IV
- **Janet Hart**, Region V
- **Robert W. Smith**, Region-at-Large

WVWS Committees

- **Jeanne Brenneman**, membership
- **Doncia Franklin**, archives and video library
- **Judy Mattson Reed**, workshops
- **Linda Elmer**, videographer
- **Linda J.C. Turner**, publicity

The West Virginia Watercolor Society actively seeks new associate members. Applicants must be a West Virginia resident at the time of application. Dues are \$30 per year (January to December). Membership applications can be downloaded from the WVWS website, www.wvwatercolorsociety.org, or contact Membership Chair Jeanne Brenneman at bjbrenneman@gmail.com.

Please send newsletter items to:
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Visit the WVWS website
www.wvwatercolorsociety.org