

From: "[Levitt, Karen](mailto:karen.levitt@vancouver.ca)" <karen.levitt@vancouver.ca>
To: "[Direct to Mayor and Council - DL](#)"
Date: 9/4/2024 8:59:42 AM
Subject: FWC26 Poster Contest

Dear Mayor and Council,

A response to Councillor Fry's recent question concerning the FIFA World Cup 26 post contest was inadvertently omitted from this week's Weekly Council Question & Answer Report that was distributed yesterday. As such, circulating it here ...

Question, Councillor Fry

Hi, now that this contest and legal rights are public, can we please get some background on the decision to make this project a "design contest" – was it a FIFA condition?

I do not believe this design contest necessarily contravenes our own Ethical Purchasing or Fair Wage Policies, but the Copyright Assignment Agreement whereby specifically the copyright and all other intellectual property rights in submitted (and uncompensated) designs are assigned to FIFA (per Section 3 C of the RFEOI) seems problematic.

It would be helpful to understand the (non-confidential) background to this please, and maybe what other cities are doing if possible.

Background: Resulting from my personal experience as a former creative professional, I am fielding comments and questions from industry colleagues. The practice of design contests is generally considered unethical within the industry and is variously prohibited or discouraged by all of our professional associations including Association of Registered Graphic Designers (Canada), DesCan (Graphic Designers of Canada), the Graphic Artist Guild, American Institute of Graphic Arts, and the International Council of Design. The international campaign against design contests and speculative work offers more details on some of the ethical and legal consideration (<https://www.nospec.com/>). There were similar industry concerns with the design competition that resulted the 2010 "inukshuk" logo.

Staff response

- We understand the concerns expressed by certain stakeholders, and have received the similar questions from the groups noted by Councillor Fry.
- Earlier this year, FIFA notified the FWC26 Host Cities teams that a poster campaign would be starting, but did not send details until summer. As we awaited more information from FIFA, the team consulted with MST, the Province, ACCS and members of the arts community to ensure that as many factors as possible were considered in developing an approach. General feedback was (a) to be as inclusive as possible, (b) reflect Vancouver's unique characteristics, and (c) that compensation should be made available.
- The team's goal was to develop an inclusive approach that balanced our culture and heritage that was as fair and widely available to as many people as possible – both professional and non-professional. The decision to use an request for expressions of interest (RFEOI) process was made with the intent of being able to document a fair and structured step-by-step process, that would ensure that the tight timelines for presenting give finalist designs back to FIFA could be met.
- The timelines and intellectual property (IP) rights are established by FIFA. Host Cities were given

- the option to source via a single vendor or to run a local contest as an opportunity to engage the wider community, with the latter being positioned as a favourable opportunity to involve local communities and residents. The IP rights would have been assigned to FIFA under either circumstance.
- The IP rights and timeline are consistent across all 16 Host Cities. The same process is currently underway in all other Host Cities and we have been told the approach is varied among the different cities. We have been told that Seattle and Toronto are also using a contest approach. We have asked FIFA to provide us with a summary of what process is being used in all Host Cities, but do not yet have a response.
- We welcome an opportunity to have a discussion with the professional associations referenced by Councillor Fry, to share with them the parameters within which we are working in this instance, and to collect feedback that can be taken into consideration by staff in structuring any future calls for creative work.
- Considering all the factors and trade-offs and for the reasons articulated above, it was decided that a voluntary opt-in RFEOI process was the appropriate approach for the FWC26 Vancouver Host City poster.

Thanks,

Karen

Karen Levitt, Deputy City Manager (she/her)
karen.levitt@vancouver.ca

The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the x m k y m/Musqueam, S wxwú7mesh/Squamish and s lilw ta /Tsleil-Waututh nations