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Some rights reserved

Copyright festival raises artists' issues

PILLBOX | Selena Beckman-Harned

Warhol. Duchamp. Picasso. Ray Charles. The Legendary K.O. All these artists — and countless others — were copyright criminals. If you've ever grabbed an image from Google, made a collage from cut-up magazines, or mixed up a wacky political satire for YouTube, then you're guilty, too. Copyright law is an issue that brings together artists, musicians, programmers, filmmakers, and researchers — anyone who creates. This past weekend, artists and copyright criminals of all kinds came together at Carnegie Mellon to share their work — and their love-hate relationship with the laws that strangle them, even while providing them their livelihoods. The event, titled "You're Not the Boss of Me," took place both on and off campus.

Visiting art professor and organizer of the event Chris Sperandio explained that he wanted to hold a "copyright festival" because, in his words, "I couldn't bear the idea of holding a conference." To create a festive atmosphere, the event included a performance by Girl Talk at the Warhol, an art trade fair, an exhibition of transgressive films, and a "spacedelic dance party" at brillobox. There was also a keynote lecture by Duke law professor James Boyle and a panel discussion featuring three video artists.

Copyright law forces artists into a double bind. They need their work to be protected to make a living, but they're slapped with a "cease and desist" order if they borrow or reference anything made after 1923. Referencing can be legal if paid for, but the cost is ridiculous. In his graphic novel, *Bound By Law*, Boyle describes how Fox wanted filmmaker John Else to pay \$10,000 for four-and-a-half seconds of an episode of *The Simpsons* that he accidentally caught while filming a documentary about opera — even after Matt Groening, creator of *The Simpsons*, signed off on the clip. The rap group N.W.A. was sued for sampling three guitar notes, according to Boyle. "The microscope of copyright law," Boyle said, "has dialed down to the atomic level. Once the



law could only see the whole song — now it sees individual notes.” But it hasn’t always been this way.

In 1623, composer Salomone Rossi set the stage for modern copyright law by including a notice with his compositions that set a rabbinical curse on the head of anyone who dared copy his music. Early laws protected publishers, not artists, but the real birth of modern copyright originated in England with the 1710 Statute of Anne, which granted creators exclusive rights over their works for 28 years. Today’s laws are complicated, but basically, original creations are protected for 70 years after the artist’s death. Only in the past 30 years has copyright law become specific enough to cover seconds of footage or notes of music, a movement Boyle described as the “metastasis of copyright.”

Copyright law does leave some room for interpretation — provisions for “fair use” allow commentary, criticism, parody, or satire, in what Boyle described as “public roads running through the private plots of copyright.” But what exactly constitutes fair use? Nobody agrees. Suzie Silver, art professor and the organizer and DJ of the festival’s closing dance party, described fair use as “a mess.” Silver continued, “Nobody knows what fair use is. Quoting is normal in academic texts, but artists can’t quote other artists or mass culture.”

Boyle traced the history of one controversial song, “George Bush Doesn’t Like Black People” by the Legendary K.O. The song, a reaction to the government’s incompetence during Hurricane Katrina, was based on a comment made by Kanye West at a fundraiser. In “George Bush,” the Legendary K.O. sampled West’s song “Golddigger,” and the group was sued within four days of releasing the song for copyright infringement, though not before spawning several music videos on YouTube featuring footage from Katrina. Turns out, however, that West himself borrowed from Ray Charles’s “I Got A Woman” in his song — and Charles, in his turn, borrowed the tune of an old hymn, “I Got A Savior.” Even assuming that the composer of that hymn, Clara Ward, got her music directly from God, that one song encompasses nearly a hundred years of musical history. It also illustrates how natural the act of “borrowing” is, not just in music but across all artistic genres.

Art is meaningless without context — as Boyle said, “If you want to make sense to somebody, you have to hook onto something they already know.” Where would Warhol be without Campbell’s soup cans or Harry Potter without British boarding schools?

The video artists on Saturday’s discussion panel underscored the importance of using real material. Jacob Ciocci, an artist whose work draws upon references to popular culture, showed a piece he worked on called “Super Mario Movie,” which uses a hacked Super Mario cartridge to tell the story of Mario’s existential crisis when he realizes he’s been abandoned in a closet for 20 years. Sure, Ciocci explained, he could have pulled off the same effect in a few hours with a Flash animation, but it wouldn’t have “tapped into the thrill of the secret world inside the code,” a world that most gamers only discover when a game crashes, revealing the abstract skeleton of code beneath. To ensure the impact of this work, Ciocci displayed the hacked Mario cartridge along with the video.

Brody Condon, another artist on the panel, explained the hacker’s credo — “You have to make sure everyone knows you hacked it.” If Condon’s piece “Adam Killer,” which follows Condon’s video game character as he blows away scores of unarmed and unfazed replicas of his friend Adam, were not based on the game *Half-Life*, it would lose most of its meaning.

Despite its flaws, artists need copyright protection. Although some artists, like Silver, don’t care about protecting their

work, preferring that it reach as many people as possible, many artists can't make a living without copyrights.

"Copyright is an extremely outdated way of looking at media," Ciocci said, "but it's a livelihood." Artists like Ciocci and Condon make money by releasing a small number of limited-edition DVDs to collectors and keeping the original files to give to friends. Since their original work depends on appropriated images, video, or code, this could be interpreted as a double standard, but, as Ciocci explained, musicians who make money by covering older songs are essentially doing the same thing.

Copyright also protects artists from malicious spoofs. Ciocci described his experience with this; someone had put out a fake sequel to one of his books of comics in the form of a distorted version of his work. The people behind the parody created a MySpace profile, too, and many of their 2000 friends were unaware of the deception.

"We might love appropriating," Boyle said, "but imagine a Nazi editing your work to send his own message."

The future of copyright law is uncertain, but Condon noted that designing user-controlled environments where modification is not only encouraged but necessary — like the Sims or Wikipedia — is becoming more and more popular. But while sites like YouTube seem to encourage appropriation, according to Boyle, all they do is allow for videos packed with stolen images to be streamed until the "Google gods" remove them, and the audience is extremely limited. "The people [who] the Legendary K.O.'s song was about never saw the videos," Boyle pointed out.

There's hope for frustrated artists — groups like the international non-profit Creative Commons are working to spread awareness of copyright issues and convince artists to choose "some rights reserved" rather than "all rights reserved" to allow for interpretations by others. And just this week, Britain's Court of Appeal ruled that since themes and ideas are not fair game for copyright, Dan Brown did not break the law by borrowing themes from a 1982 non-fiction book — another "struggling artist" has been spared from litigation.

The copyright quandary has no easy answer. "You're Not the Boss of Me" was about raising awareness, not providing answers. Festival organizers stressed that copyright needs to protect artists rather than corporations — and to protect without smothering. Without flexibility, copyright laws could destroy everything from the brilliant satire of Jon Stewart to the work of innovators like Ray Charles. And, as Boyle said, "Anything that makes Ray Charles illegal is bad."