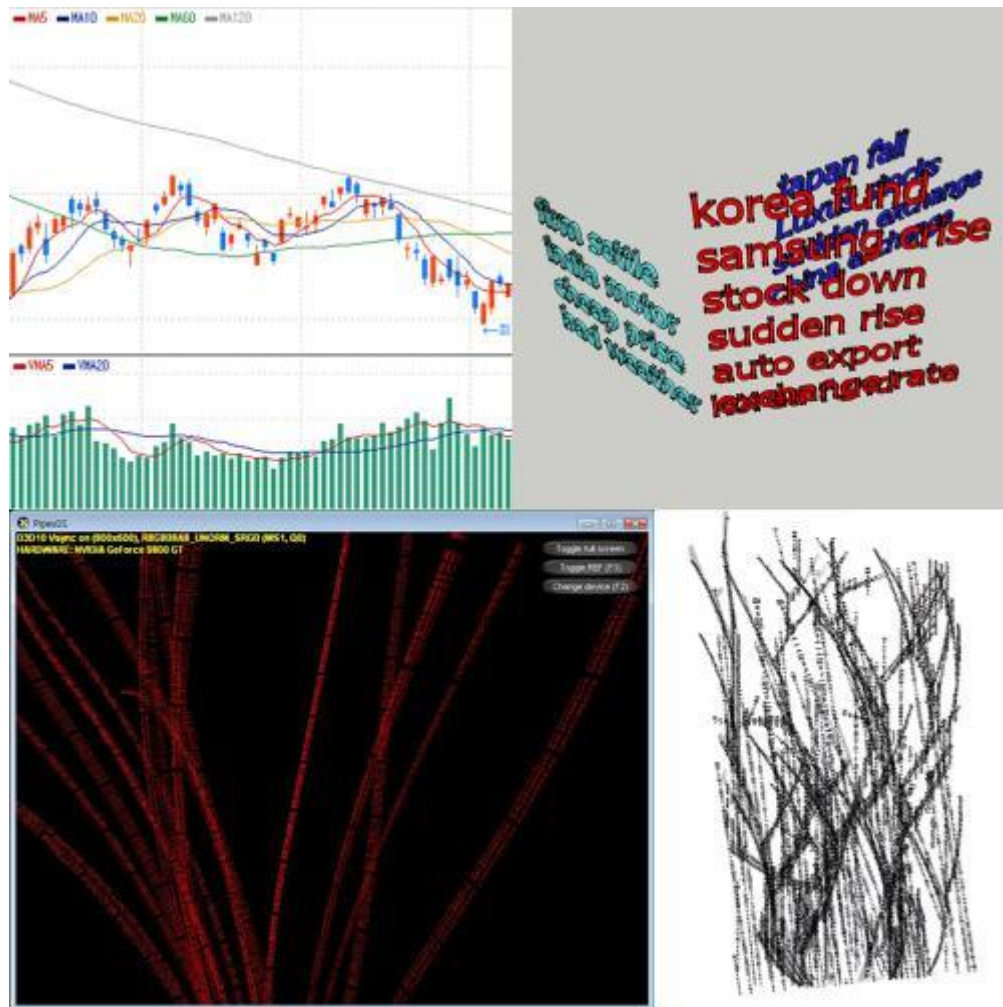


# DIFFERENT POINT OF VIEW ON THE COPYRIGHT OF ARTWORK BETWEEN ARTIST AND ENGINEER

Suk Chon, Bang Jae-Won, Hohyun Lee & Joonsung Yoon

Recently, collaboration between the artists and engineers is very common in new media art project, and they may think differently on the ownership and right of the produced work. I think general interpretation of the copyright may not solve this complex problem. Therefore, I'd like to propose that we should understand the situation and think of the best alternative measures on this issue.



*Development Process: Information Visualization Project 'Contingent Rule (type stocks v0.1)', 2009, Artist MIOON / Coworker PERFORMATIVE, Real-time Interactive Video Installation, Copyright PERFORMATIVE*

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## INTRODUCTION

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I have been working in PERFORMATIVE, an art group, with people from various fields in liberal art, science and art. It makes art works based on digital technology. As an engineer, I have been taking

charge of technical part when creating art works in collaboration with performers, video artists, and fine artists.

In 2009 summer, our group created collaborative project about information visualization with artist. The main method of the project was displaying images and movie clips on the screen through analyzing data of stock market. From the first phase, there were a lot of discussion among researchers, artists and engineers. Through this way, we created great effect based on difficult skills like data crawling and mining. And we self-developed 'Shader Code' for visualization. By the combination of images and techniques, the project succeeded in creating artwork.

It is a very interesting process to create art works by discussing with artists and using various technological issues. However, it is not that a simple matter to determine who has the copyright of produced works. So began a complex problem.

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## PROBLEM DEFINITION

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The first conflict occurred in the third exhibition. The artists promoted project for another exhibition, which was is very similar with 'the project' in concept and technical element. PERFORMATIVE raised about this problem but was not accepted. The artists insisted their ownership of the new artwork's copyright because it is completely 'new' piece produced with other engineer. On the other hand, PERFORMATIVE asserted both sides have the copyright for the collaboration from the beginning. In fact, the new artwork was also technically the same structure.

Actually, this kind of problem does arise in Korea. 'Does an engineer lose his/her right on the art work produced with the artists collaboratively if the work is reproduced with another engineer?' or 'Does an artist lose his/her right of the art work if an engineer changes images with same technology they created?' We think it was the wrong approach.

As collaboration between the artists and engineers is becoming more common in these days, they may have the different view of this problem. The collaboration between different fields will be increased in the future, and the right of the work will also be a very important issue. However, the existing interpretation of the copyright law may not enough for collaborated art works. We need to think of the alternative measure on this issue is.

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## THE RIGHT OF ART PROJECT

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The Copyright take effect when the contents are created. The copyright could exist on incomplete one, if it has special artistic value or attributes of cultural heritage. Copyright is formed without any procedure. It is not an adjective law like a patent, a utility model and trademark rights.

Korean law sets copyright of artwork is painting, calligraphy, sculpture, crafts and applied fine arts. This is declaratory rule. So, even if we don't have said above, originative artwork is protected by copyright law. There are two rights for protection through the copyright of artwork in Korea. One is property rights for economic income. The other is the rights of ownership for honor of artist. All things considered, the artists were infringing on the copyright protection. And they ignored PERFORMATIVE's

contribution of collaborative project. Even they violated integrity right protected by using same contents, methods and titles.

There are two solutions about infringement of copyright. First, we can charge them with a crime. Second, we can request to control at system for copyright dispute. The copyright committee mediates arguments to agreement or compromise. By the way, indeed these legal elements in the digital age could protect properly the rights of creators? Moreover, if the work that created through the collaboration of many people is more difficult to protect.

Many people are creating wonderful, interesting and interactive works with various digital elements and technology. Digital process easily can be converted into an anything as someone expected. So, it is easy to reproduce art work if someone put their mind to it. Therefore, this problem which is reproduced the program on same art works or changed images on same program often appear in Korea.

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## OPEN SOURCE

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Noticeable cases occur in Computing Science. 'Open source' have been performed to protect copyright and expand the software in Computing Science. 'Open source' is the project which open the source code corresponding to design of the software for the public free. So, anyone is able to redistribute and improve it. If you know the code, you can create something similar to it or change it as you wish. The Authoring tool like as 'Processing' or 'VVVV' is commonly used in media art work because they created based on 'Open source' concept.

Many artists and engineers create wonderful works using them. However, it is hard to say the 'open source' concept is completely fit for media artworks because it is for effective software development. On the other hand, creating artworks is expression of individuality and creativity. So, indiscriminate sharing and openness can damage an artist's identity.

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## ALTERNATIVE MEASURES

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I suggest, with caution, that we should introduce 'CCL (Creative Commons License)' for guarantee that rights of creator. In the near future, we need the specific standards for role and rights between engineers and artists for media artwork dealing. It may similar with standardization in technology industry filed.

'Creative Commons (CC)' is the concept that your creation make to the common heritage of human beings through the self sign of sharing. Of course, CC is carried out only by creators' free will. Therefore, if you don't want to share your work or it created sponsored by commercials, CC doesn't insist unconditional openness and sharing. It makes an effort to support creators and introduce many creations to people.

Artist and engineer who create art works in collaboration publish each works and combined artworks using CCL. Copyright laws place restrictions on the publication and use of another person's creative work, while CCL could make you use it freely as you follow some terms which creators set up.

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## CONCLUSION

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We need the first step for creating more specific standards and lower disharmony. CCL could be the alternative measure that is more collaborative and open than Copyright law as a tool to resolve disputes. It will lead to cooperate with artists and engineers.

Through attempt of CCL application, we could settle an open paradigm with them together. When they overcome the difference of view and practice creation and sharing, we could make more abundant and healthier media art. Furthermore, the collaboration of art project to become more actively and smoothly.

### **References and Notes:**

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