

# Cultural Appropriation, Intellectual Property, and the Archive

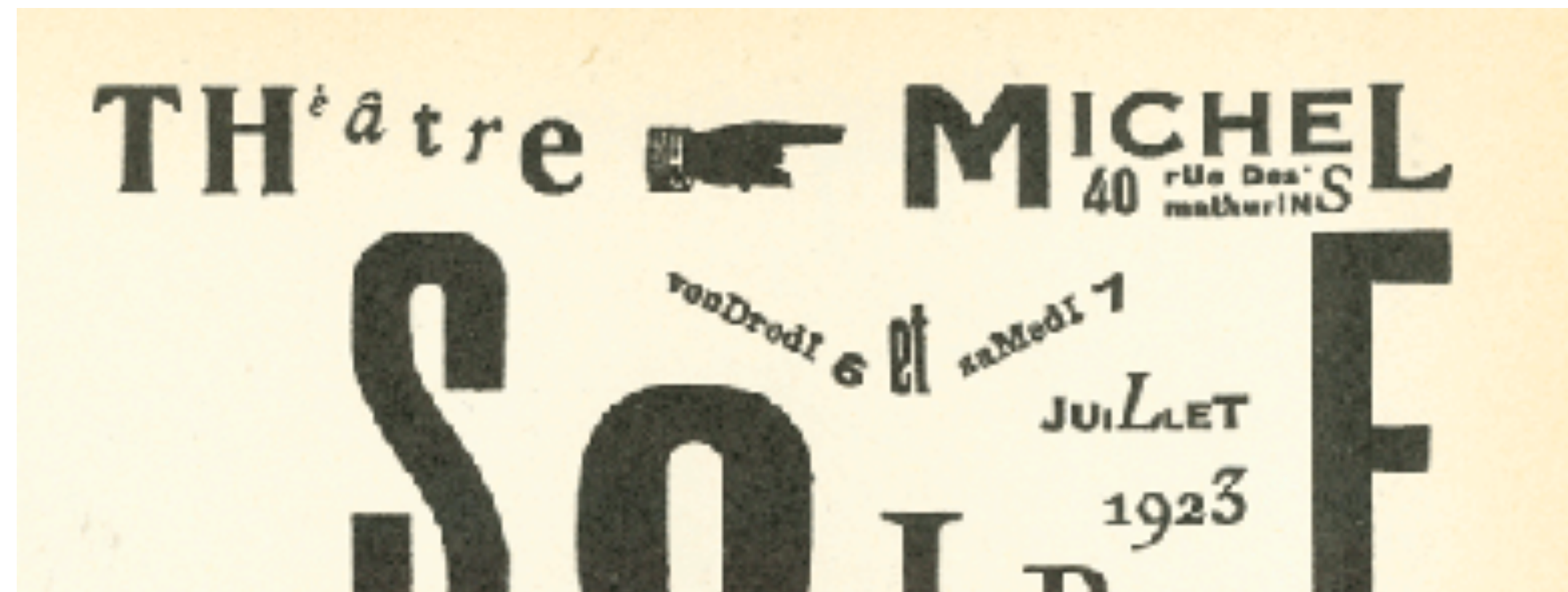
IMA DOC II - APRIL 22, 2020 • Marty Lucas



**WW I with its endless seemingly meaningless death, meant the birth both of modernism,  
but also of counter-trends that looked at rationalism and positivism as a problem rather than a solution.**







Dada Artists dealt with the meaninglessness of WW1 & its introduction of death on an industrial scale (and using tools of mass marketing, etc.) using automatism, and an abandonment of linearity







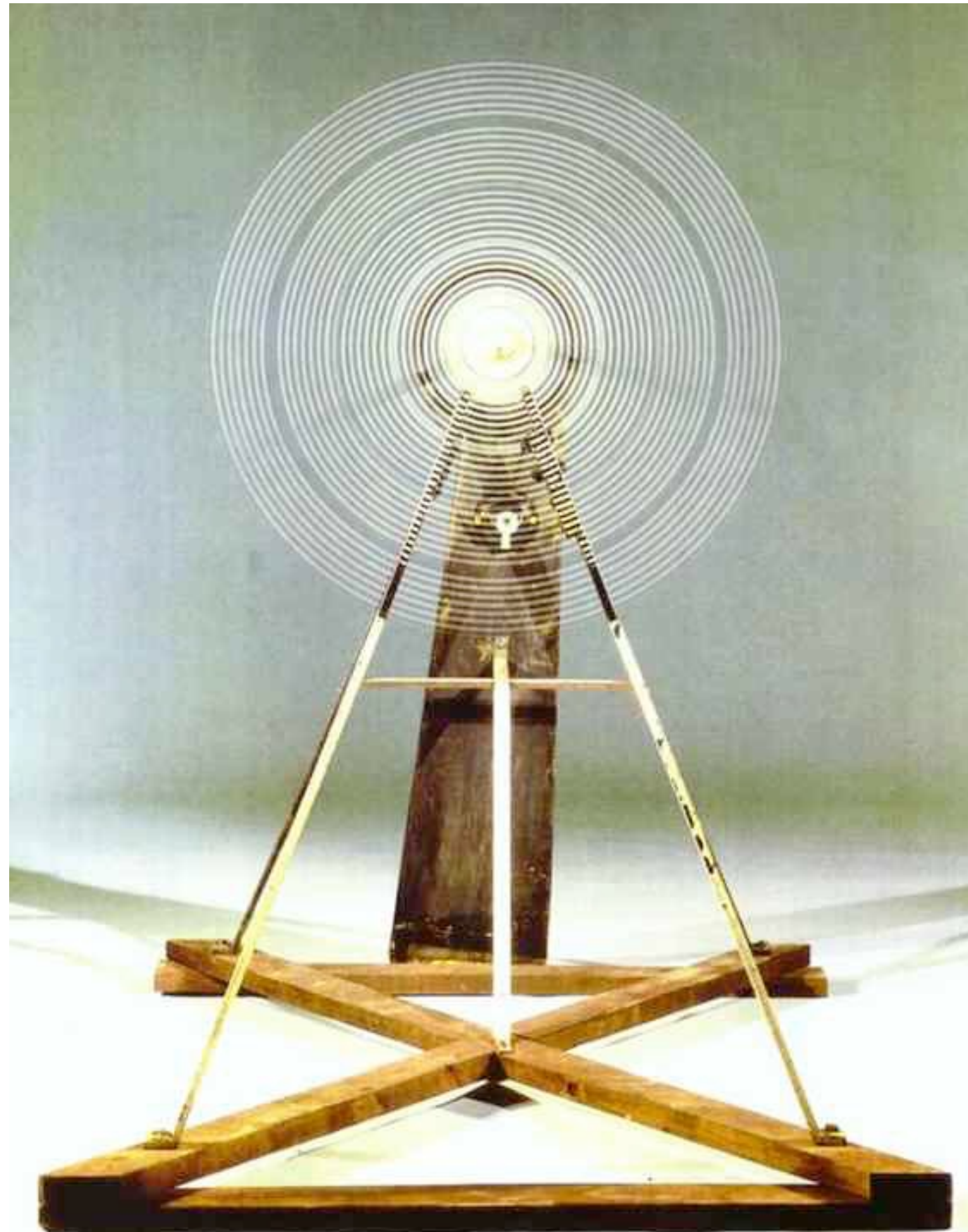
**Tristan Tsara  
at the  
Café Voltaire**  
  
(Zurich, 1916)





The creative act is not performed by the artist alone; the **spectator** brings the work in contact with the external world by deciphering and interpreting its inner qualifications and thus adds his contribution to the creative act.

Marcel Duchamp







Marcel Duchamp, accompanied by artist Joseph Stella and art collector Walter Arensburg, purchased a standard Bedfordshire model urinal from the J.L. Mott Ironworks, 118 Fifth Avenue. The artist brought the urinal to his studio at 33 West 67th Street, reoriented it to a position 90 degrees from its normal position of use, and wrote on it, "R. Mutt 1917".





*Freiheit*

10/502

**AIZ**

Erscheint wöchentlich einmal • Preis Kt 1.60, 30 Gr., 30 Schweizer Rappen, 20 Pf.  
In Nordamerika und Kanada 10 Cents • V. b. b. • Jahrgang XII • Nummer 18 • 10. Mai 1933

DEUTSCHE VOLKE

Im Westen nichts Neues

KISCH

PRIME

LANDSTIFTEN-OEL

AN 18. MAI WERDEN IN DEUTSCHLAND ALLE FEHLERIGEN BÜCHER VERBRANT

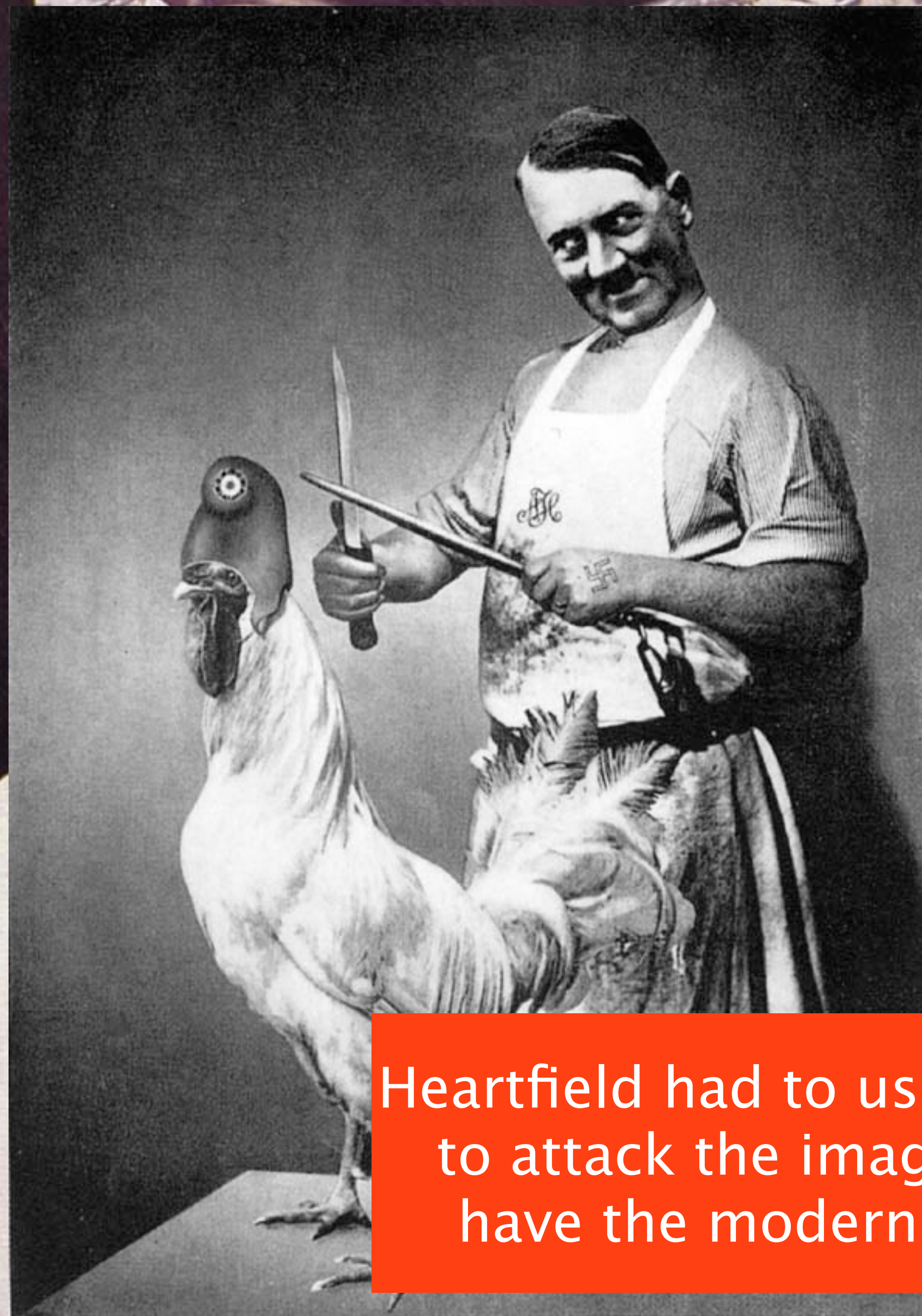
**DURCH LICHT ZUR NACHT**

Also sprach Dr. Goebbels: Lasst uns aufs neue Brände entfachen, auf dass die Verblendeten nicht erwachen!

John  
Heartfield

RIER

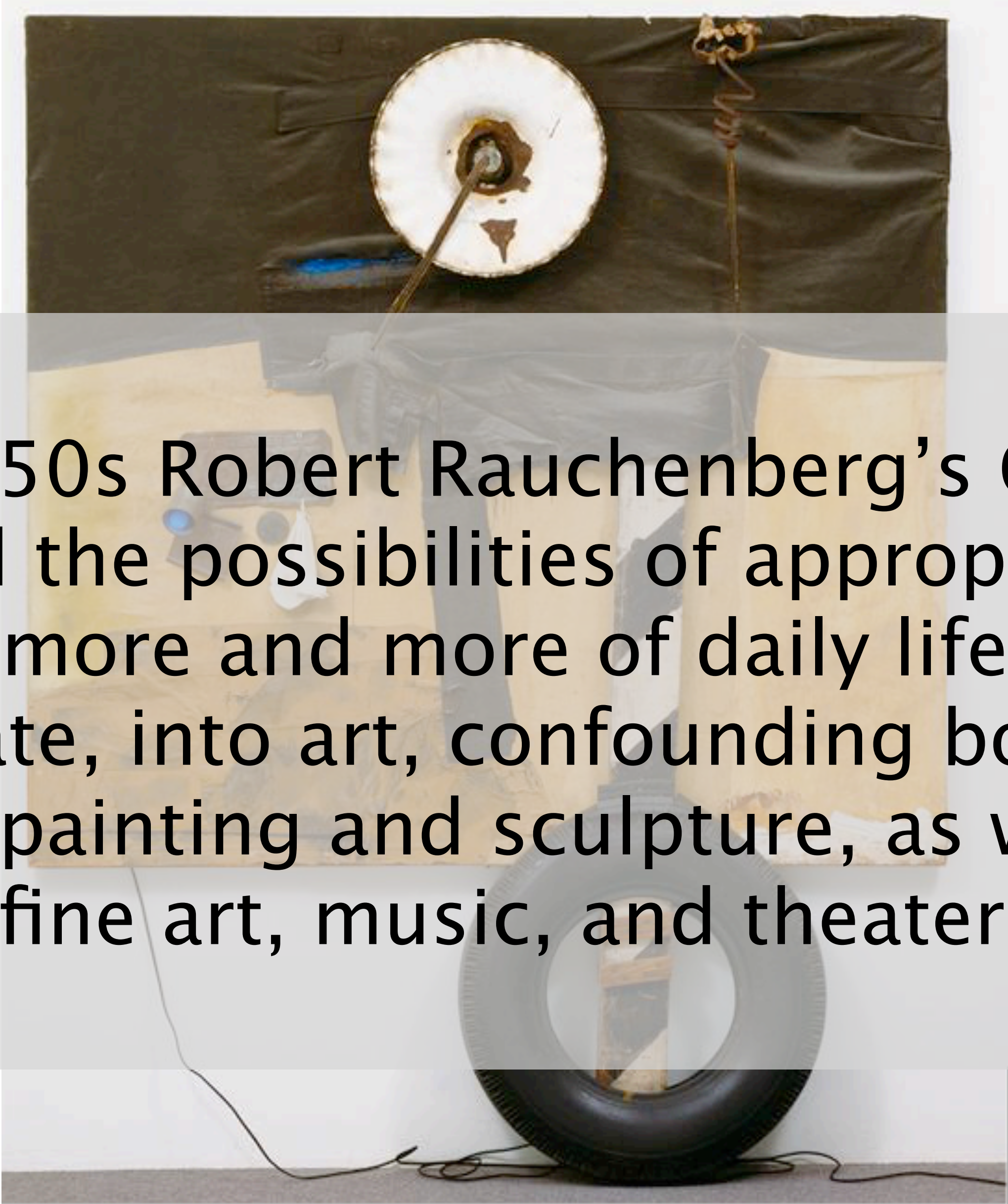




Heartfield had to use scissors and glue to attack the image of power. You have the modern advantage of ...

NUR KEINE ANGST – ER IST VEGETARIER





In the 1950s Robert Rauschenberg's Combines extended the possibilities of appropriation, bringing more and more of daily life, both general and private, into art, confounding boundaries between painting and sculpture, as well as between fine art, music, and theater.







# Modern Appropriation





## Andy Warhol White Crash

In one way, Warhol could be said to have turned around Walter Benjamin's argument about aura, reappropriating the traumatic aura of our modern mass culture of death and celebrity.





Sherrie Levine  
After Walker Evans, 1981



The world is filled to suffocating. Man has placed his token on every stone. Every word, every image, is leased and mortgaged. And we note that the picture is but a space in which a variety of images, not of them original, blend and clash. A picture is a tissue of quotations drawn from the innumerable centers of culture. Similar to those eternal copyists Bouvard and Pechuchet, we indicate the profound ridiculousness that is precisely the truth of painting. We can only imitate a gesture that is always anterior, never original. Succeeding the painter, plagiarist no longer bears within him passions, humors, feelings, impressions, but rather this immense encyclopedia from which he draws. The viewer is the tablet on which all quotations that make a painting are inscribed without any of them being lost. A painting's meaning lies not in its origin, but in its destination. The birth of the viewer must be at the cost of the painter.

Sherrie Levine





Hank Willis Thomas  
Branded Head, 2003



# Who Owns Intellectual Property?

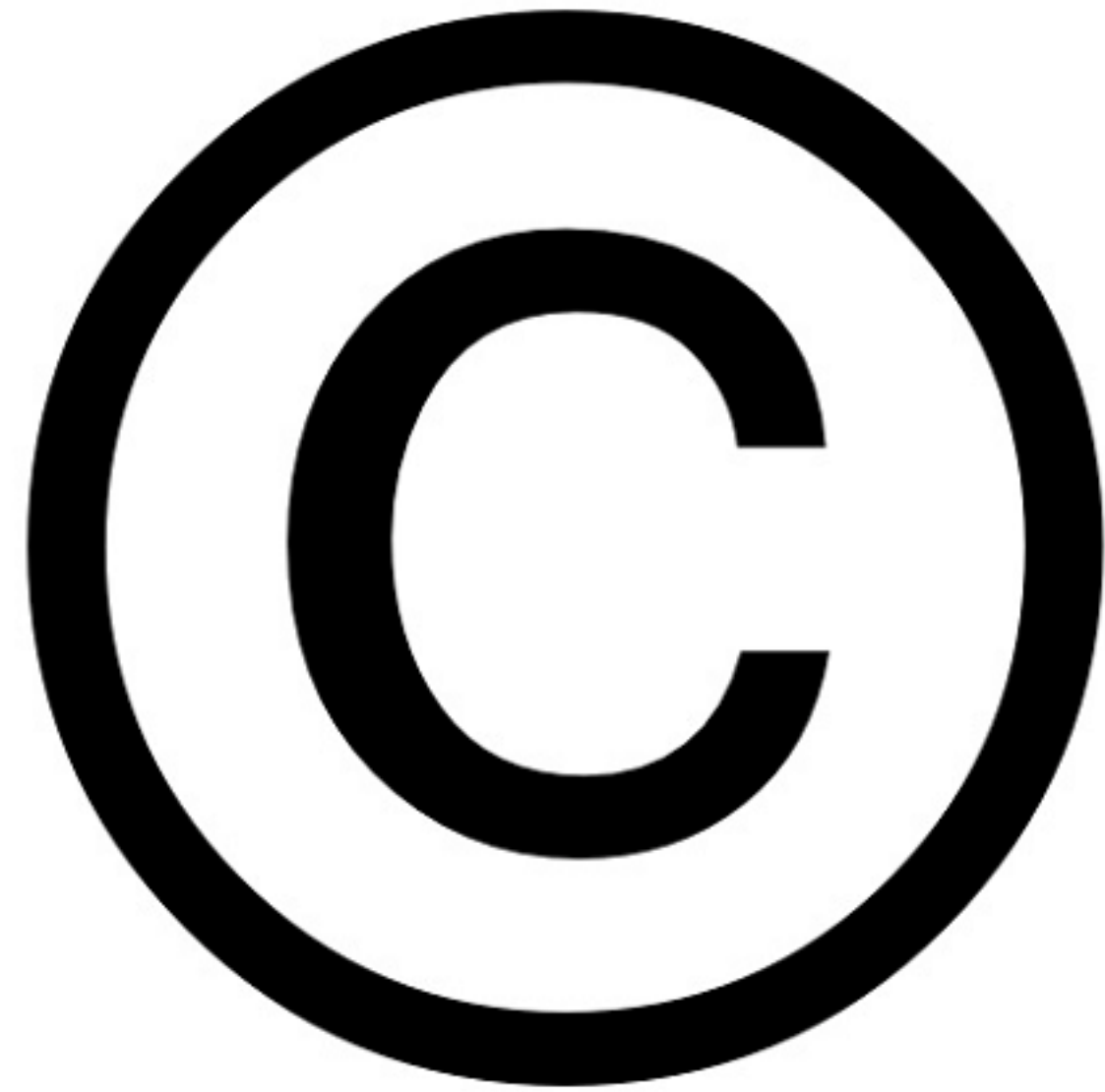
- PUBLIC DOMAIN
- COPYRIGHT
- OTHER FORMS OF OWNERSHIP (trademark, etc)



# What's in that public domain?

- Material that has fallen out of copyright because of the passage of time.
- Material produced for the public domain, such as material produced by governments.
- Material that was produced before copyright laws were created.





**Copyright is based on the idea that there is a balance between protecting the rights of the creator and the social benefit of being able to share work, part of a larger idea about how culture works in society.**

“The length of copyright established by the Founding Fathers was short, 14 years, plus the ability to renew it one time, for 14 more. 40 years later, it was changed to 28 years. It was not until a full 180 years after its establishment that it was significantly extended beyond that, in the Copyright Act of 1976 to "Either 75 years or the life of the author plus 50 years" and the Sonny Bono Copyright Term Extension Act of 1998 (also called the "Mickey Mouse Protection Act"), which increased it even more, to 120 years, or the life of the author plus 70 years.” *Wikipedia*



**ONE: EMPLOYING COPYRIGHTED MATERIAL AS THE OBJECT  
OF SOCIAL, POLITICAL, OR CULTURAL CRITIQUE**

**DESCRIPTION:** This class of uses involves situations in which documentarians engage in media critique, whether of text, image, or sound works. In these cases, documentarians hold the specific copyrighted work up for critical analysis.

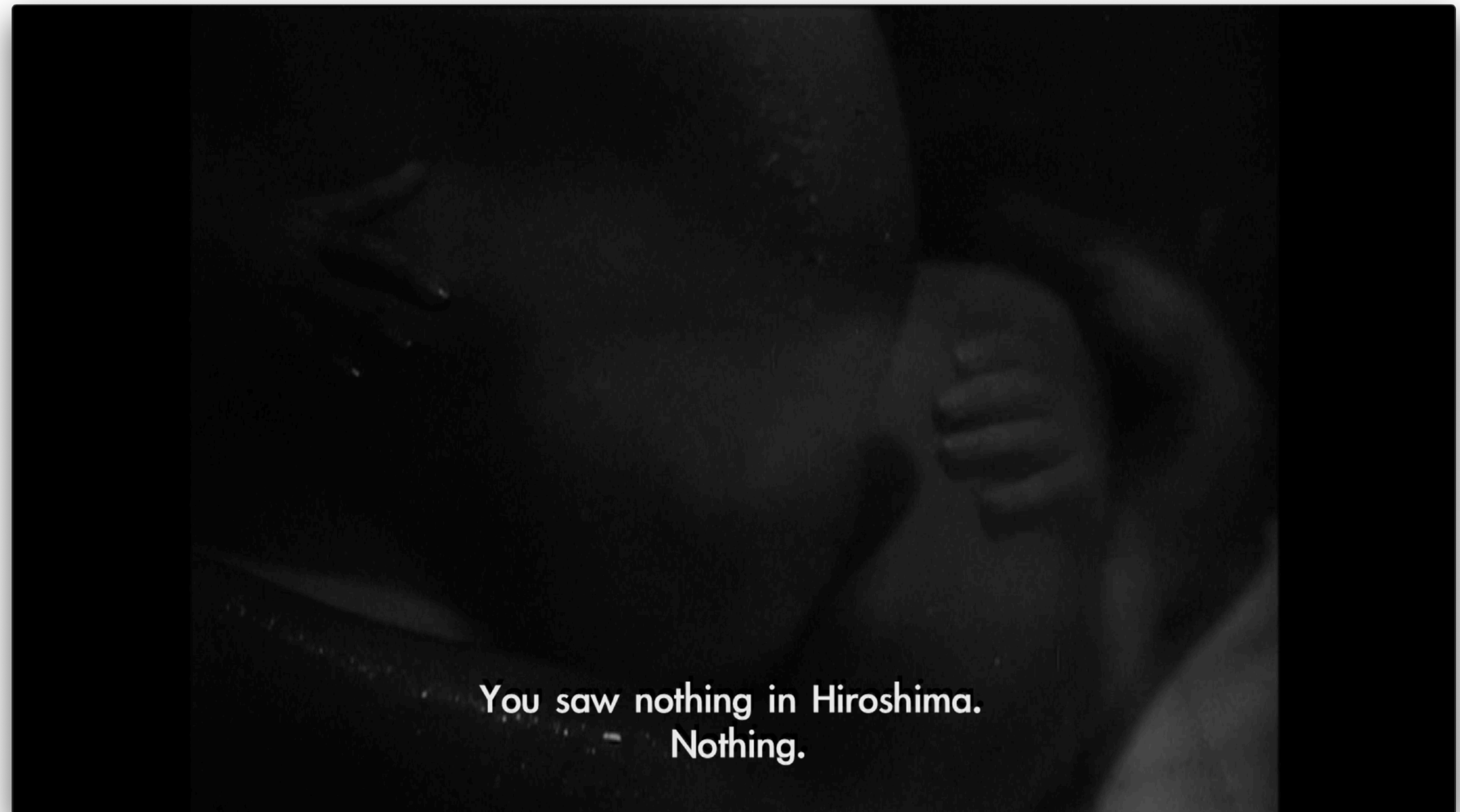
**Go to Randy R.**

**<https://www.youtube.com/watch?v=k-LTRwZb35A>**



**TWO: QUOTING  
COPYRIGHTED WORKS  
OF POPULAR CULTURE  
TO ILLUSTRATE AN  
ARGUMENT OR POINT**

**DESCRIPTION:** Here the concern is with material (again of whatever kind) that is quoted not because it is, in itself, the object of critique but because it aptly illustrates some argument or point that a filmmaker is developing—as clips from fiction films might be used (for example) to demonstrate changing American attitudes toward race.



**Hiroshima Bound**



### **THREE: CAPTURING COPYRIGHTED MEDIA CONTENT IN THE PROCESS OF FILMING SOMETHING ELSE**

**DESCRIPTION:** Documentarians often record copyrighted sounds and images when they are filming sequences in real-life settings. Common examples are the text of a poster on a wall, music playing on a radio, and television programming heard (perhaps seen) in the background. In the context of the documentary, the incidentally captured material is an integral part of the ordinary reality being documented. Only by altering and thus falsifying the reality they film—such as telling subjects to turn off the radio, take down a poster, or turn off the TV—could documentarians avoid this.

Go to *Untold Stories*



## FOUR: USING COPYRIGHTED MATERIAL IN A HISTORICAL SEQUENCE

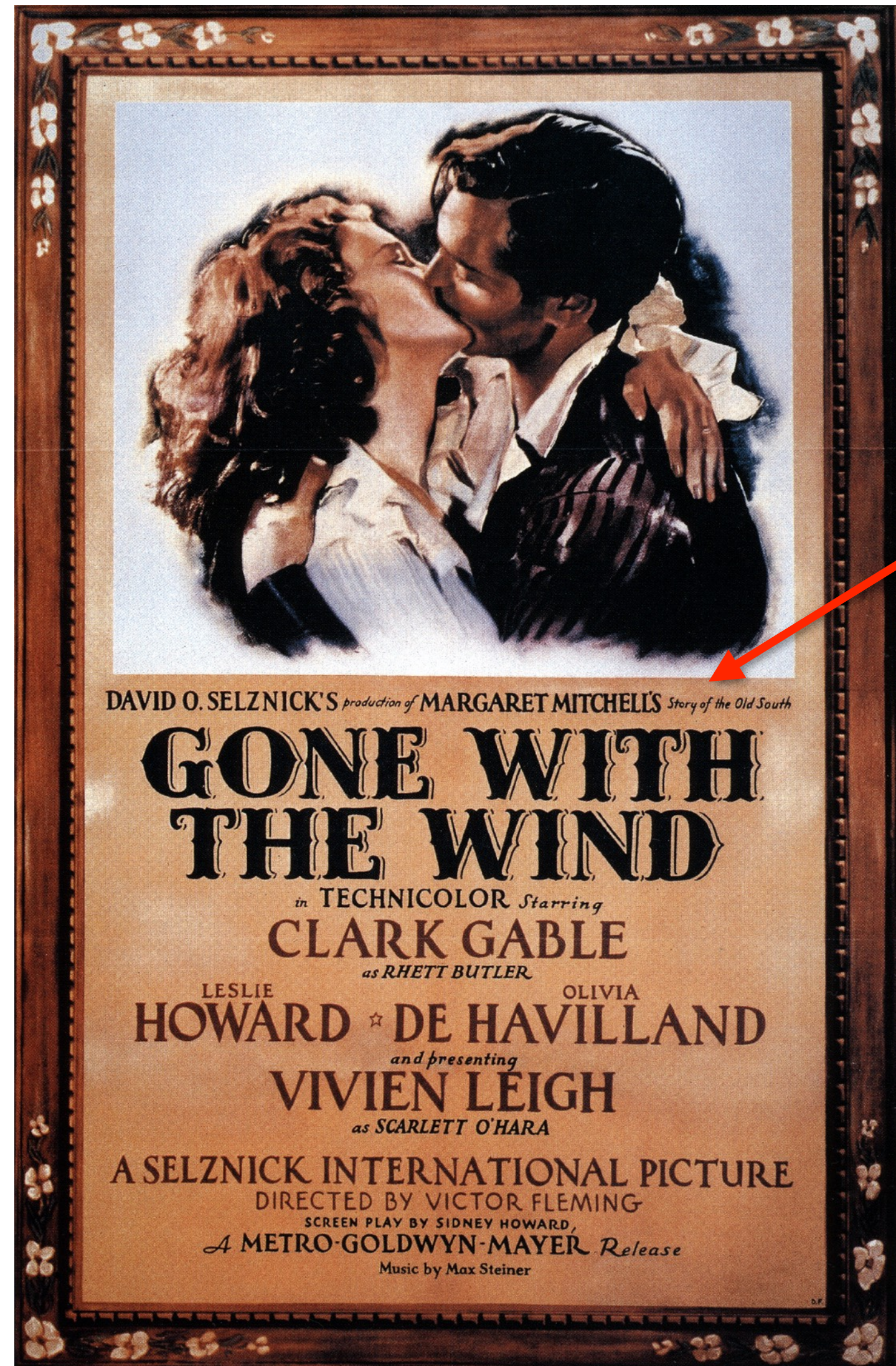
**DESCRIPTION:** In many cases the best (or even the only) effective way to tell a particular historical story or make a historical point is to make selective use of words that were spoken during the events in question, music that was associated with the events, or photographs and films that were taken at that time. In many cases, such material is available, on reasonable terms, under license. On occasion, however, the licensing system breaks down.



Go to RIP



# Derivative Work



Derivative works include translations, musical arrangements, and dramatizations of a work, as well as other forms of transformation or adaptation. Such works need to obtain permission from copyright owners. An example would be the optioning of a novel for a film screenplay.



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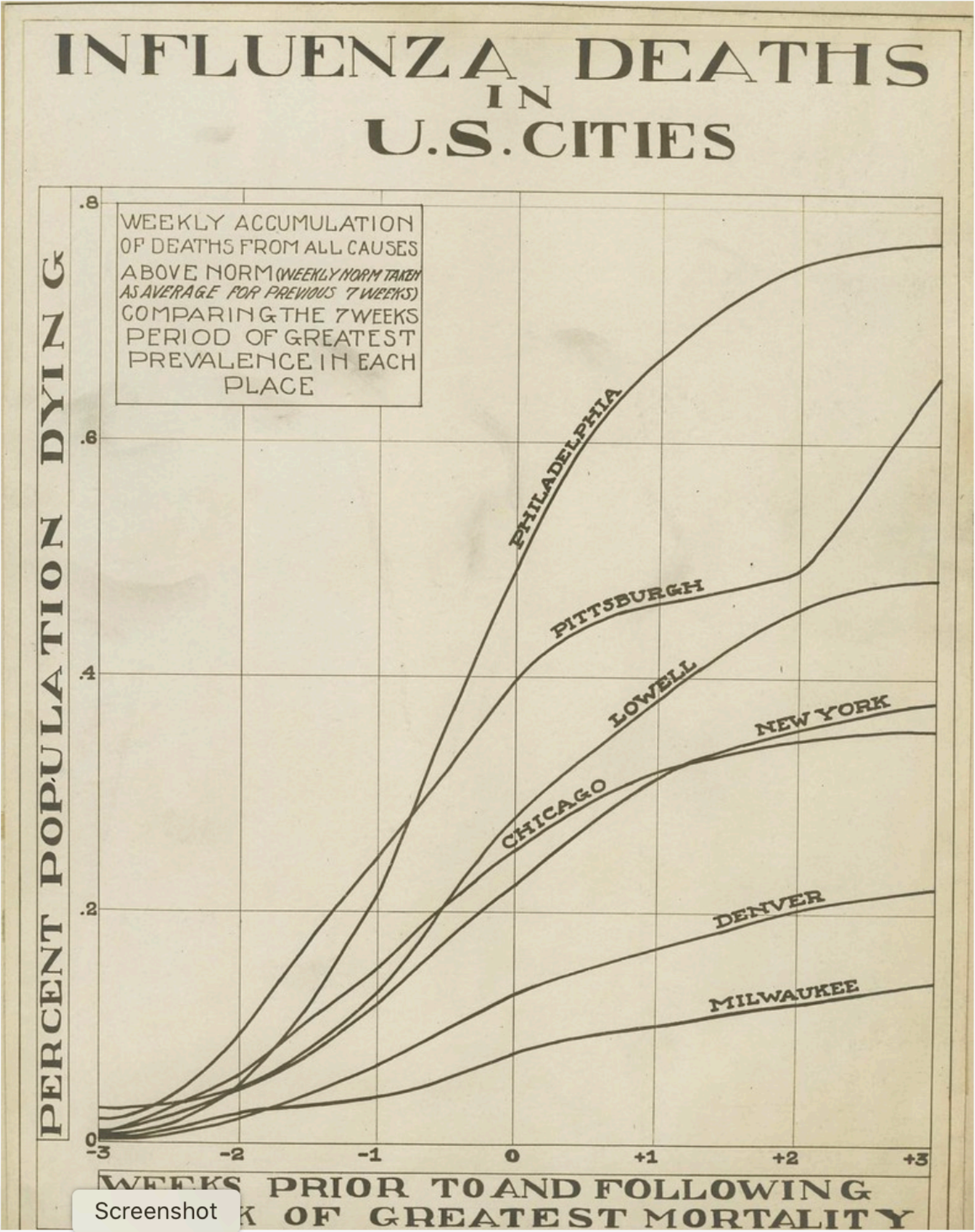


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Screenshot

Info

Attribution

Share

## Chart of influenza deaths in U.S. cities (Reeve 002721), National Museum of Health and Medicine

Creator

medicalmuseum

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Source



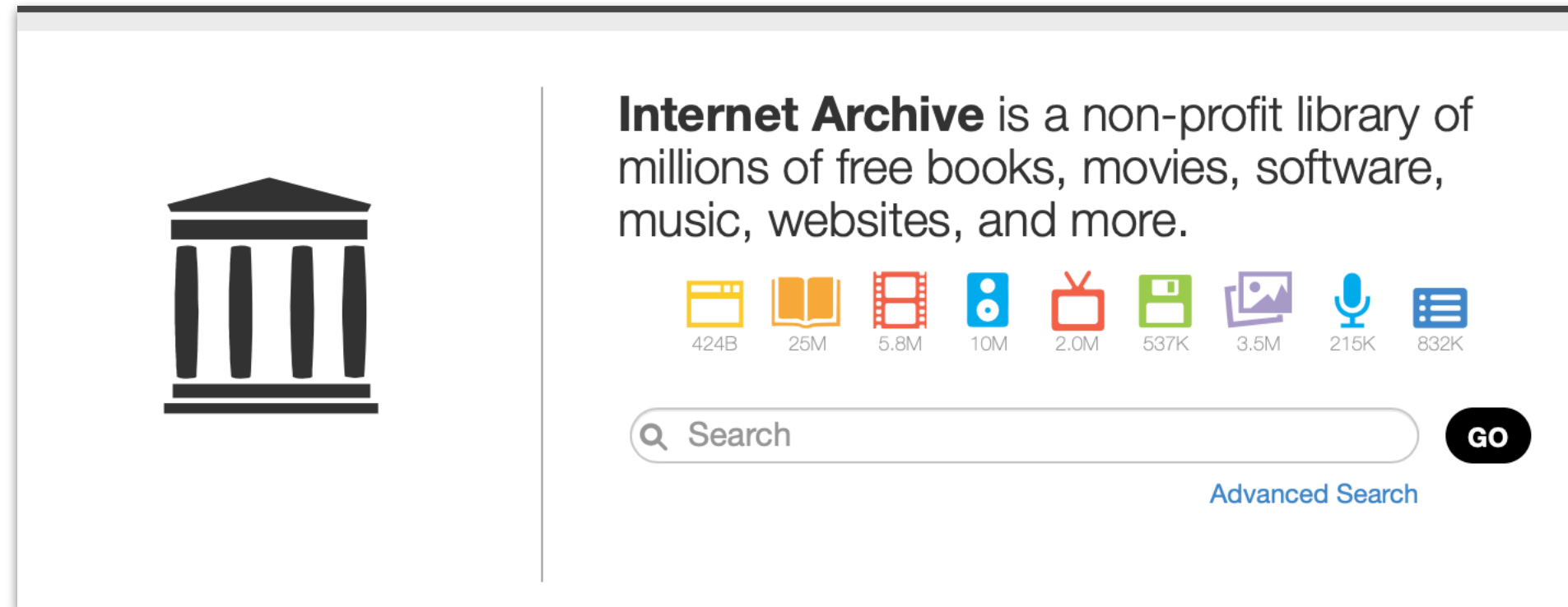
Dimensions

790 × 1024 pixels



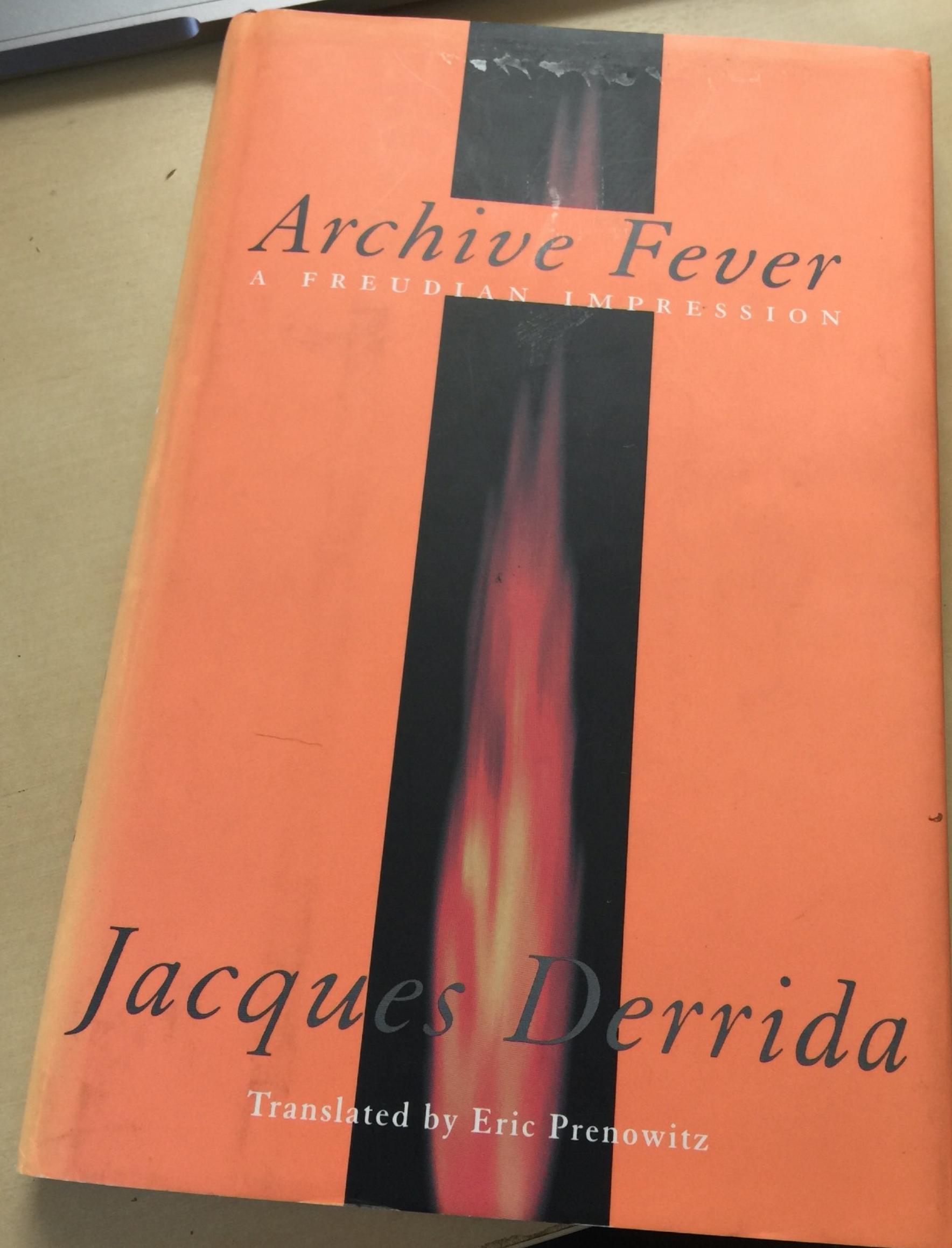
# The Archive





The Internet Archive is building a digital library of Internet sites and other cultural artifacts in digital form. Like a paper library, we provide free access to researchers, historians, scholars, the print disabled, and the general public. Our mission is to provide Universal Access to All Knowledge.





***Archaeon* =the dwelling of the law giver**

“It is thus, in this *domiciliation*, in this house arrest, that archives take place. The dwelling, this place where they dwell permanently, marks this institutional passage from the private to the public, which does not always mean from the secret to the non-secret.”



# The End