

Common PROPERTY

A JERWOOD ENCOUNTERS EXHIBITION
CURATED BY HANNAH PIERCE

EDWIN BURDIS
HANNAH KNOX
ROB MYERS
OWEN G. PARRY
ANTONIO ROBERTS
SUPERFLEX

Foreword

Jerwood Encounters exhibitions allow us to actively create opportunities that address specific areas of current concern among artists. Programmed since 2008, the majority of the 22 exhibitions in the series to date have been curated by artists bringing specific insight into a subject area. The 22nd exhibition is titled *Common Property* and has been developed by curator Hannah Pierce. The exhibition is a response to how copyright effects the way that artists create and choose to distribute their work. It specifically looks at how some artists are engaging with the limitations of copyright through their practice. While the subject of copyright is not a new territory for artists, issues of appropriation and alteration of content found freely on the Internet are particularly relevant to artists working within the prevailing conditions of the digital age.

The exhibition presents works, including a number of new commissions, which reflect the current and evolving artistic interest in questioning copyright frameworks and associated issues. New commissions by emerging artists Hannah Knox, Owen G. Parry and Antonio Roberts are presented alongside existing works by Edwin Burdis, Rob Myers and SUPERFLEX.

We are grateful to Hannah Pierce for an exhibition that is particularly timely; to each of the artists and their galleries for their participation; and to Cory Doctorow for allowing us to publish a section of his book *Information Doesn't Want to Be Free*. We hope the exhibition will provide the basis for thought and discussion around the complex and fast-changing subject of intellectual property.

Sarah Williams

Head of Programme, Jerwood Visual Arts

Curator's foreword

**“I believe that ideas once expressed,
become the common property of all.
They are invalid if not used, they can
only be given away and not stolen...”**

Sol LeWitt, 1973 ¹

Through this exhibition of five contemporary artists and an artist collective, *Common Property* seeks to generate a conversation about how copyright impacts on the way artists make and choose to distribute their work.

In 2014, a change to UK legislation came into force seeking to make copyright better suited to the digital age by allowing the parody of copyrighted works so long as the parody meets two criteria: to evoke an existing work while not rivalling the original; and to be considered humorous².

In January 2015, a judge in Belgium found Luc Tuymans guilty of plagiarism because his painting, *A Belgian Politician* (2011), which is based on a photograph by Katrijn van Giel, was too humourless to be parody³. Cases such as this raise questions, and potentially doubts, about an artist's right to use found material for their own work.

As evidenced in the Tuymans' case, the criteria of parody pits one subjective viewpoint against another, highlighting the ambiguity central to the issue of copyright.

Edwin Burdis' series *POLYTUNNEL-BANGERZ* are works that mirror the process of DJs sampling, re-mixing and layering the music of others to create new material. In each of these works, Burdis, who frequently fuses art, music and performances, has sampled, cut and pasted existing artworks to create new, original paintings.

Hannah Knox's commission, *Reproduction*, draws inspiration from the optical illusions of Magic Eye. Knox has created her own autostereograms; a glitch of the familiar, presented as a zoomed-in, large-scale wall painting that extends and camouflages a series of 3D objects. Her practice often involves the appropriation, modification and re-working of different objects and images. In so doing, she creates, subtle, visually complex works.

Rob Myers' *Sharable Readymades* are downloadable, freely licensed 3D models of iconic artworks available to be printed and remixed. Having selected 'readymade' works from art history — a urinal, pipe, and solid balloon dog — Myers enlisted designers to turn them into open source files. These models can be printed and used anywhere so long as they remain freely licensed and are accompanied by the correct attribution.

Owen G. Parry's commission, *Larry!Monument*, is informed by his ongoing interest with the phenomenon of fandom. His 'monument' pays homage to the fantasy romance between One Direction members Harry Styles and Louis Tomlinson as documented by fans known as Larry Shippers. Fan artwork has a substantial and unusually tolerated presence online despite fans' creations frequently infringing copyrighted characters and material.

Antonio Roberts' commission focuses on the rights of creative ownership. *Transformative Use* is a digital projection layered over a vinyl installation of deconstructed but recognisable elements of well-known cartoon characters. For a new series of video works, Roberts has developed software that can transform the digital material of mp3s into a new image and remixed audio. Applying this process to several songs involved in copyright infringement lawsuits, the artist questions what constitutes an unauthorised performance of a song.

SUPERFLEX's *Copy Right* is a modified replica of designer Arne Jacobsen's 1953 Ant Chair. Constructed with enough differences in height and curvature to the mid-20th-century original, these commercial 'knock-offs' avoid infringing on the Ant Chair design. SUPERFLEX have 'corrected' the chair by cutting it to more accurately replicate Jacobsen's original design, in doing so they have produced a unique, bootlegged Ant Chair.

The work in this exhibition illustrates the ambiguity of copyright and challenges the binary notion of the 'original work' and 'the copy'. It shows

how copyright has exponentially grown in importance over the past twenty years, in parallel with fundamental shifts in the way information is exchanged, and how artists circulate their work. This is not to devalue the rights of the original creator, but it does raise the question of whether it is realistic for a producer of creative content to retain complete exclusivity over its future use.

Hannah Pierce

Hannah Pierce is a researcher, curator and project manager based in Manchester. Her research and curatorial work focuses on experimental models for supporting emerging and under-represented artists. She is currently Contemporary Arts Programme Manager with the National Trust, and has previously worked with Jerwood Visual Arts, Ceri Hand Gallery, Liverpool Biennial and the International Award for Excellence in Public Art. hannah-pierce.co.uk

¹
Comments on an
Advertisement published
in *Flash Art*, April 1973 in
Sol LeWitt: Critical Texts,
reprinted from *Flash Art*,
no. 41, Milan, June 1973,
pp. 97-99

²
Copyright and Rights
in Performances
(Quotation and Parody)
Regulations 2014

³
The artists involved have
since resolved "to settle their
dispute as artists and in an
artistic way, rather than
to allow it to be settled in a
court of law" and established
an out-of-court agreement.
[theartnewspaper.com/news/
news/159187](http://theartnewspaper.com/news/news/159187)

Anti-Tank Mines and Land Mines

Beyond quibbles over which copyright rules we should have, there is the even more pressing question of whom those rules should apply to. The rule of thumb that copyright uses to figure out if you're part of the copyright industry is whether you are making copies. This made perfect sense in the last century. Anyone who was pressing a record probably had a million-dollar record factory. Anyone printing a book probably had a printing press, a bunch of skilled printers to keep it running, and a building to house it all. Equating copying with industrial activity made sense when copying was hard. The legal scholar James Boyle describes this as designing copyright the way you design an anti-tank mine — anti-tank mines are designed to detonate only when you drive over them with a multi-ton tank. Anything lighter than that — a civilian car, or a civilian on foot — is ignored by the tank's detonation mechanism. Anti-tank mines don't always work perfectly, but when they do, you can (in theory) put them all over the place, even in playgrounds, and the only time they'll blow up is when someone shows up in a tank.

The problem is that over time, computers have made copying exponentially easier and cheaper. It's as though we planted a bunch of anti-tank mines around the playground, and fifty years later new manufacturing techniques have put safe, innocent, actual-size toy tanks within reach of every ten-year-old. Suddenly, the anti-tank mine becomes an anti-personnel mine, and a system that was supposed to interact only with instruments of war starts going off indiscriminately, with a bunch of non-combatants inside the blast radius.

Put it this way: it makes perfect sense that the lawyers at Universal Studios should have to talk to the lawyers at Warner Bros. when Universal decides to build a Harry Potter ride. But when a twelve-year-old wants to post her

Harry Potter fan fiction or the Harry Potter drawings she made in art class on the Internet, it makes no sense for her to negotiate with Warner's lawyers. She can't afford to pay a lawyer to advise her, and even if she could, no one at Warner's would find it worth their while to talk to her, anyway.

And moreover, there's nothing wrong or new with making Harry Potter fanfic or drawings. Kids have been doing this forever; every successful artist learns her trade by copying the things she admires. That's why the streets of Florence have a copy of Michelangelo's *David* on every corner — Florentine sculptors learn to sculpt by copying the acknowledged all-time city-wide champion sculptor.

Technically, copyright may have prohibited things like this before (although *David* is safely in the public domain). But before the Internet, it was much more difficult for a rightsholder to discover that an offense was taking place, and there was very little pressure on intermediaries to police copyright on the rightsholders' behalf. No one asked the companies that sold school notebooks to ensure that fanfic was never scribbled in their pages. No one asked art teachers to ensure their students were staying on the right side of copyright in their figure-drawing classes.

But all this changes in an era of Internet-scale intermediaries, networked communities, and automated Notice and Takedown procedures. Instagram or Twitter becomes the preferred way for kids to share their drawings with one another; Fanfic.net becomes the preferred place for fanfic authors to share their work with one another. Technically, the companies providing these services are "making money off copy-right infringement," but no more than the mall food court near the local high school makes a few bucks off the students who gather there to show off their infringing art while eating lunch. In truth, there has always been too much infringing material out there to expect it to all be policed by regulators. And as we've seen, that volume of unpoliced content has only grown with the advent of the Internet. The difference is that the regulation is becoming auto-mated. The copyright-bots that YouTube now employs to evaluate its content don't make any distinction between industrial copyright infringement and what I think of as "cultural

activity.” Your fan video is caught in the remorseless, relentless, and fully automated enforcement systems set up by rightsholders and Google, and can be taken down by a process that is entirely untouched by human hands. No one working for the intermediary or the entertainment company has the time or money to look at every automatic match and make sure they’re not being unreasonable — instead, they have an automated anti-tank system, and they can’t figure out how to stop it being triggered by kids. Lacking any way to improve the trigger, they just leave it where it is, and catch tanks and toys alike.

Technically, copyright has always prohibited you from making your own copies of record albums and your own prints of feature films. My grandparents were legally enjoined from copying the 78 rpm records they collected. But for them — and nearly everyone else of their generation — a rule saying “You may not copy records” was about as superfluous as a rule that said “You may not carve your name into the face of the moon with an enormous laser.” The main reason the music fans of the 1950s couldn’t copy music was that they lacked access to a record press. The law was entirely beside the point.

Laws that are beside the point can say all kinds of silly things, and the silly things will be beside the point, too. The reality is that as soon as the capacity to copy music (and, later, video) for personal reasons reached the average person, the world’s courts and legislators started creating a web of laws and rules that legalized this activity. They recognized that there was a difference between a music boot-legger setting up an illegal press to run off competing copies and an individual who makes a mixtape for a friend or records something off the TV to watch later.

The Internet era has conjured forth mountains of nonsense about the death of copyright. Reformers have claimed that copyright is dead because the Internet makes it impossible to control who copies what; copyright supporters have said that the Internet itself must be contained, to head off that grim fate.

This is rubbish.

It’s impossible to control who loans a friend lunch money, but that doesn’t mean financial regulation is dead. It just means that financial regulation has to limit itself to the kinds of transactions that take place on an industrial scale, among industrial players. A copyright regulation that is sophisticated enough to handle all the nuanced business questions that the industry encounters can never be simple enough for the majority of Internet users to understand, much less obey. And a copyright that is simple enough for a twelve-year-old Harry Potter fan to understand will never be sophisticated enough to regulate the interactions of billion-dollar entertainment conglomerates and their suppliers and vendors.

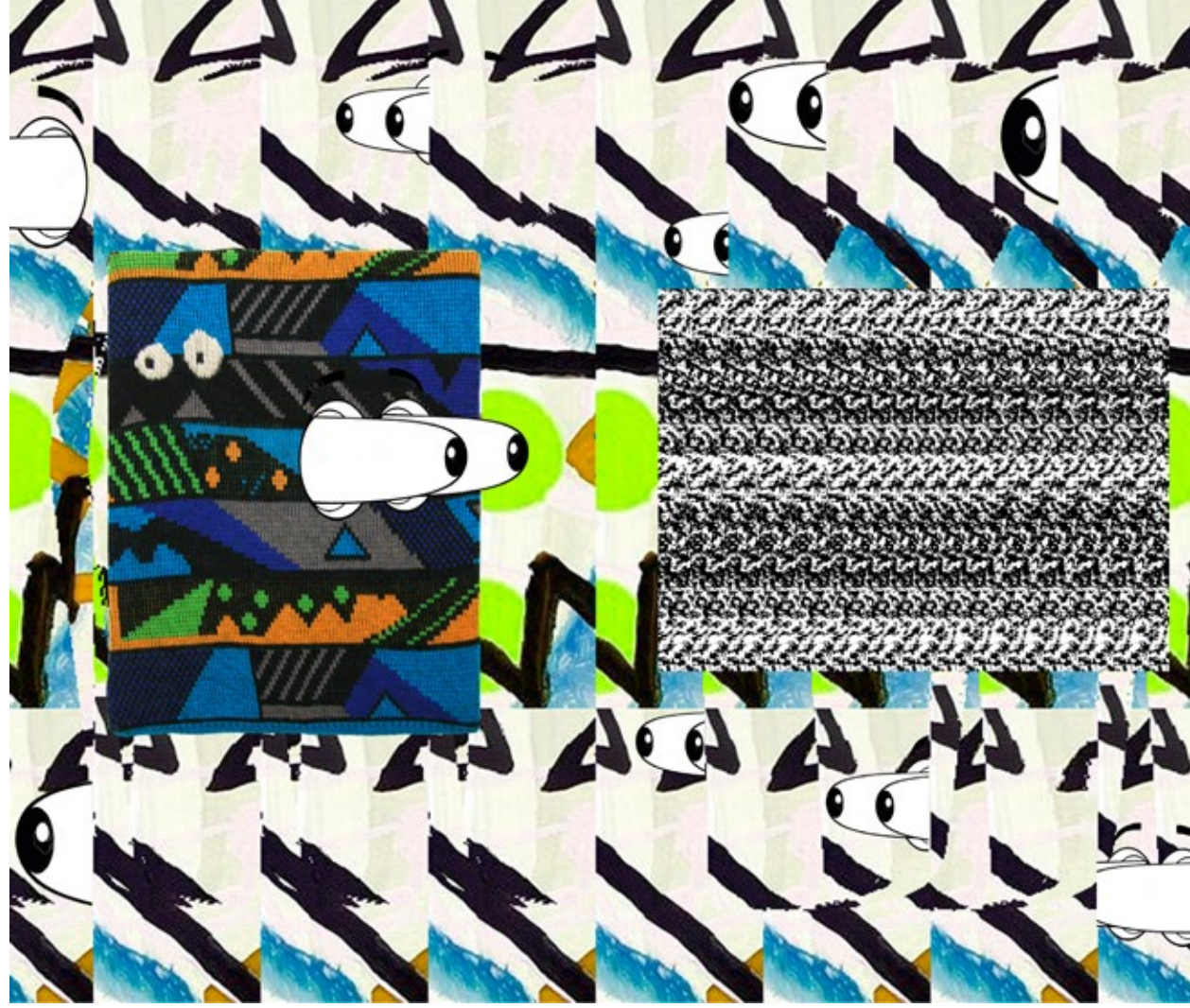
The ease of copying in the modern world has nothing to do with whether Warner Bros. can sue Universal for creating unlicensed Harry Potter theme parks. It has nothing to do with whether authors can sue publishers who print their books without securing the rights. It has nothing to do with whether movie studios can sue online stores that sell their movies without authorization, or cinemas that screen them without paying for them. Copyright is alive and well — *as an industrial regulation*. Copyright as a means of regulating cultural activities among private individuals isn’t dead, because *it’s never been alive*.

Cory Doctorow

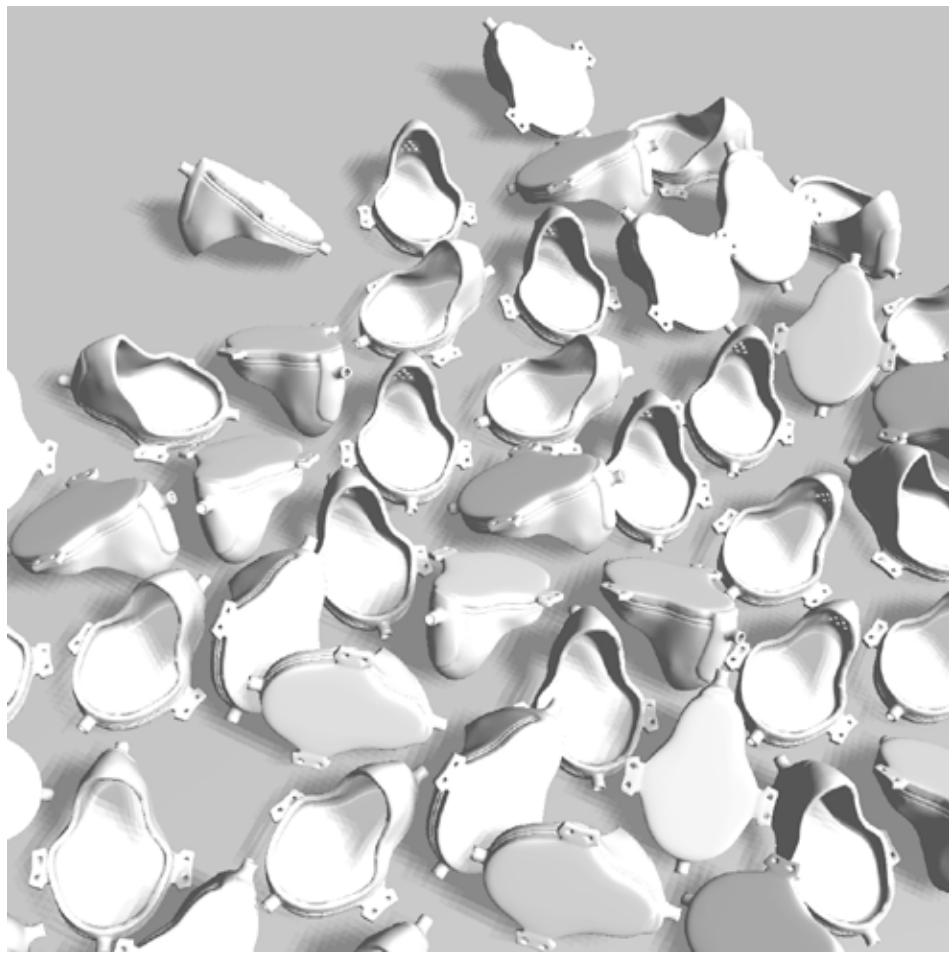
This is an excerpt from *Information Doesn’t Want to Be Free*, published by McSweeney’s in 2014



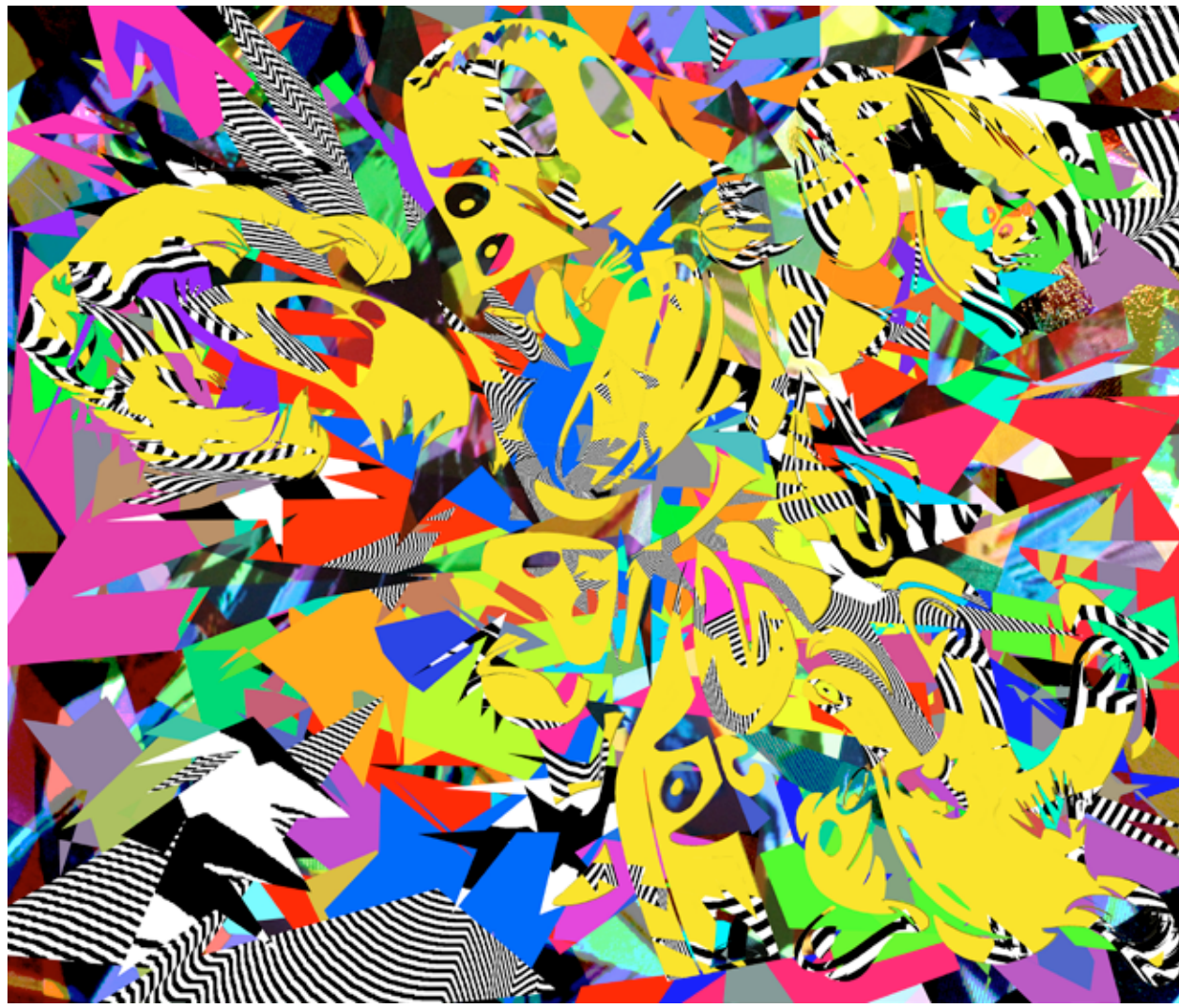
Hannah Knox
Reproduction, 2015
Mixed media, including wool, canvas and stereogram
Dimensions variable



Rob Myers
(Urinal model commissioned from Chris Webber)
Urinal Scatter, 2015
WebGL simulation







SUPERFLEX

Copy Right (*single chair, white version*), 2006

White wooden chair, steel frame, sawdust, wood-cut outs, wooden platform
77 x 90 x 90 cm

Designed in collaboration with Jacob Breinholt Schou
Courtesy the artists and Nils Stærk, Copenhagen



Artist Biographies

Edwin Burdis (b. 1974) lives and works in Abergavenny, UK. He has collaborated with numerous artists, writers and musicians, including: Mark Leckey, Steven Claydon, Bonnie Camplin, Kieron Livingstone and Heather Phillipson. Solo exhibitions and performances include: Wysing Arts Centre, Cambridge, UK (2013); Hayward Gallery, London, UK (2011); BROADWAY 1602, New York, USA (2009); and Haus De Kunst, Munich, Germany. Group exhibitions and events programmes include: ICA, London, UK (2013); Modern Art Oxford, Oxford, UK; Arnolfini, Bristol, UK; Skanes Kunstforening, Malmö, Sweden; Victoria and Albert Museum, London, UK (2012); Tate Britain, London, UK (2011); Tate Modern, London, UK (2010 and 2007); Gavin Brown Enterprise, New York, USA (2001). He received an Arts Council England (ACE) Bursary to produce his feature length operatic film work *Light Green and Dark Grey (A Personal View)* (2014), and public commissions include Jupiter Artland, Edinburgh (2015), culminating in the solo exhibition *The Thickening*. vitrinegallery.co.uk/artist/edwin-burdis

Hannah Knox (b. 1978) lives and works in London, UK. She studied painting at the Royal College of Art (2007). Knox's practice takes painting as its focus with works made from a selection of fabrics and cloths; ostensibly unpainted they are often stained, poured, dipped, printed or sprayed. Solo exhibitions include: *Tempur*, CSM Project Space, London, UK (2015); *BUFF*, Ceri Hand Gallery, London, UK (2013); *Stoffbilder*, Take Courage, London (2012). Recent group exhibitions include: *Summer mix*, Turps Gallery, UK (2015); *Combines 2*, Model, Liverpool, UK (2014); *Art Britannia*, Design District, Art Basel, Miami, USA; *New British*, Lloyds Club, London, UK (2013). hannahknox.com

Rob Myers (b. 1973) lives and works in Vancouver, Canada. He is an artist, hacker and writer originally from the UK. Since the early 1990s he has been making work combining remix culture and arts computing. A strong proponent of free culture and free software, in 2005 he held the world's first solo all-copyleft art show. His recent work combines an ongoing emphasis on freedom of expression with 3D printing, data visualization, and cryptocurrency related issues. robmyers.org

Owen G. Parry (b. 1983) lives and works in London, UK. He is an artist and researcher working across contemporary

performance cultures and completed a PhD at Goldsmiths (2013) funded by Arts and Humanities Research Council. This coincided with his work as Researcher on *Performance Matters* with Live Art Development Agency, Goldsmiths and Roehampton University (2009-12). He has had performances, screenings and exhibitions at venues and programmes, which include: The Showroom, London, UK; Artsadmin, London, UK; Latitude Festival, UK; The Arches, Glasgow, UK; Trinity Laban Conservatoire of Music and Dance, London, UK (2015); Wellcome Collection, London, UK; South London Gallery, London, UK (2014); Rivington Place, London, UK; ANTI Festival, Finland; National Portrait Gallery, London, UK; IBT Festival, UK; Reactor Halls, UK (2013); Hayward Gallery, London, UK; Duckie, UK; Trouble Festival, Belgium (2012). His current project *Fan Riot* explores participatory fan cultures: fanriot.tumblr.com | owengparry.com

Antonio Roberts (b. 1985) lives and works in Birmingham, UK. He is both an artist and curator. His artwork focuses on the errors and glitches generated by digital technology. An underlying theme of his work is open source software, free culture and collaborative practices. As a performer and visual artist his work has been featured in a number of galleries and festivals including: Loud

Tate: Code, Tate Britain; *glitchChicago*, Ukrainian Institute of Modern Art in Chicago, USA; and *f(Glitch)*, Stony Brook University, New York, USA (2014). As a curator he has delivered exhibitions and projects including: the Birmingham editions of *Bring Your Own Beamer* (2012-2013); *µChip 3* (2015); and *Stealth* (2015). He is on the Board of Directors for Fierce Festival, is an Associate Producer at Vivid Projects and is a Fellow at Birmingham Open Media. hellocatfood.com

SUPERFLEX live and work in Copenhagen, Denmark. They are an artists' group founded in 1993 by Jakob Fenger (b.1968), Rasmus Nielsen (b.1969) and Bjørnstjerne Christiansen (b.1969). Solo exhibitions include: Supershow — more than a show, Kunsthalle Basel, Switzerland (2005); GFZK, Leipzig, Germany; Guarana Power, REDCAT Gallery, Los Angeles, (2004); and Mori Museum, Tokyo (2003). Superflex have participated in international arts biennials such as the Istanbul Biennial, Shanghai Biennial and the Utopia Station exhibition at the Venice Biennale. Their work is represented in public art institutions including: MoMA, New York, USA; Queensland Art Gallery, Brisbane, Australia; and The Museum of Contemporary Art, Oslo, Norway. superflex.net

Common Property, a Jerwood Encounters exhibition
curated by Hannah Pierce, 15 January – 22 February 2016

Jerwood Space, 171 Union Street, London SE1 0LN

jerwoodvisualarts.org

@JerwoodJVA

#JVACCommonProperty

Jerwood Charitable Foundation would like to thank:
Hannah Pierce, the curator and all of the artists,
Edwin Burdis, Hannah Knox, Rob Myers, Owen G. Parry,
Antonio Roberts and SUPERFLEX.

The artists would like to thank Clyde & Co, Data Image,
Furtherfield and Pots and Pithoi.

Jerwood Visual Arts: Oliver Fuke, Holly Graham,
Lauren Houlton and Sarah Williams
Technician: James Murison
Galleries: Nils Stærk, Copenhagen and VITRINE
Project Management & PR: Parker Harris
Commissioned Text: Cory Doctorow
Design: Hyperkit

Published to accompany *Common Property*

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London SE1 0LN

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ISBN 978-1-908331-23-6

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