

# Unlearning Copyright

In this module, we want to begin to unlearn “copyright”, i.e. a particular social construction consisting of individual authorship, stable works, audiences, personal property, and markets. It emerged in Europe during the 18th and 19th centuries. Not only is this construction far from universal, but its global application imposes considerable violence on practices that do not fit its categories. For a long time, these have been primarily those rooted in non-western traditions that always had very different concepts of works of art and their social life. Today, in the digital world, the problematic construction of copyright becomes visible also in the West, in day-to-day practices in social media as well as in temporary forms of art which are based on re-use, flexible forms of authorship, and abundance beyond markets.

We will start with the notion of “unlearning” from post-colonial theory, and then move back and forth between non-western and digital cultural practices.

## Course Requirements:

- Presence during the zoom sessions
- Collective Note-taking (Pad)
- Contribution to group projects and presentations
- Short text on a topic related to any of the themes covered in the course (hand in by Sun. 6.12)

## Pad for shared note-taking (mornings)

- [http://pad.vmk.zhdk.ch/p/unlearning2020\\_notes](http://pad.vmk.zhdk.ch/p/unlearning2020_notes)

## Pad for individual/group work (afternoons)

- [http://pad.vmk.zhdk.ch/p/unlearning2020\\_ind-group-work](http://pad.vmk.zhdk.ch/p/unlearning2020_ind-group-work)

## Monday 30.11.2020

### Morning

Introduction to conceptual foundations of copyright:

### Swiss Copyright law

#### [Bundesgesetz über das Urheberrecht und verwandte Schutzrechte](#)

- Art 2: “Werke sind, unabhängig von ihrem Wert oder Zweck, geistige Schöpfungen der Literatur und Kunst, die individuellen Charakter haben.”
- Art 6: “Urheber oder Urheberin ist die natürliche Person, die das Werk geschaffen hat.”
- Art 10: “Der Urheber oder die Urheberin hat das ausschliessliche Recht zu bestimmen, ob, wann und wie das Werk verwendet wird.”

Background: [History of Copyright](#) Wikipedia

### When a photo is not “individual”

- Gisela Blau: [Bild von Christoph Meili](#), 1997
- [Bundesgerichtsurteil: Gisela Blau Guggenheim vs BBC](#), 19. April 2004
- [Lichtbildschutz](#), URG Revision, April 2020

### Copyright and contemporary culture. The remix problem.

- [Good Copy Bad Copy \(2007\)](#) 0:00 - 11:00
  - Pearl, Brian. [“Girl Talk, Fair Use, and Three Hundred Twenty-Two Reasons for Copyright Reform.”](#) *NYU Journal of Intellectual Property and Entertainment Law* 1, no. 1 (2009): 19–41.
  - [Measuring Fair Use: The Four Factors](#), Stanford Copyright & Fair Use
- [Kraftwerk vs Moses Pelham 2020](#), [Nächste Runde im Sampling-Streit um „Metall auf Metall“: Kein Sieger, nur Verlierer](#). [Netzpolitik.org](#) (30.04.2020)
- [CARIOU V. PRINCE](#)

### When authorship is distributed, who is the author?

- Cornelia Sollfrank: Netart Generator (1998 -), <http://net.art-generator.com/>
- !Mediengruppe Bitnik: Random Darknet Shopper (2014-2016) <https://exposingtheinvisible.org/en/films/random-darknet-shopper/>

### Post Copyright Culture

- [Billie Eilish. Infinite Bad Guy](#), 2020

### Further Reading:

- Lessig, Lawrence. *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: Penguin Press, 2004. <http://www.free-culture.cc/freecontent/>.
- Stalder, Felix. *“9 Thesen Zur Remix Kultur.”* [Irights.Info](https://irights.info/wp-content/uploads/fileadmin/texte/material/Stalder_Remixing.pdf), June 2009. [https://irights.info/wp-content/uploads/fileadmin/texte/material/Stalder\\_Remixing.pdf](https://irights.info/wp-content/uploads/fileadmin/texte/material/Stalder_Remixing.pdf)
- Walravens, Nadia. *“The Concept of Originality and Contemporary Art.”* In *Dear Images. Art, Copyright and Culture*, edited by Daniel McClean and Karsten Schubert, 170–95. London: Ridinghouse; ICA, 2002.

### Afternoon

Boon, Marcus. *In Praise of Copying*. Cambridge, Mass: Harvard University Press, 2010. <http://www.hup.harvard.edu/features/in-praise-of-copying/>.

- 1/ What Is a Copy?
- 3/ Copying as Transformation
- 7/ Copying as Appropriation

*Read one chapter per group, select key ideas from text (copy to pad), and prepare for the discussion.*

## Tuesday 1.12

## Morning

Discuss Boon,

Nadia Plesner:

- [DARFURNICA](#) (2010)
- [Law Suit By Louis Vuitton](#) (2011)
- [Her statement in court](#) (2011).
- [Court rules in her favour](#) (2011)

## Input:

Unlearning, Epistemic Violence/Disobedience

Mignolo, Walter D. "Epistemic Disobedience, Independent Thought and Decolonial Freedom." *Theory, Culture & Society* 26, no. 7-8 (December 2009): 159-81.

[https://monoskop.org/images/c/cf/Mignolo\\_Walter\\_2009\\_Epistemic\\_Disobedience\\_Independent\\_Thought\\_and\\_De-Colonial\\_Freedom.pdf](https://monoskop.org/images/c/cf/Mignolo_Walter_2009_Epistemic_Disobedience_Independent_Thought_and_De-Colonial_Freedom.pdf)

Definitions of "Epistemic violence"

Waibel, Tom (2013): „ [Praktiken des Ungehorsams](#)“, *ZfK - Zeitschrift für Kulturwissenschaften* 2, S. 101-105.

## Afternoon

### Biopiracy

Read:

- Rose, Janna. "Biopiracy: When Indigenous Knowledge Is Patented for Profit." *The Conversation* (March 8), 2016.  
<http://theconversation.com/biopiracy-when-indigenous-knowledge-is-patented-for-profit-55589>.
- Wynberg, Rachel. "Hot Air over Hoodia." *Seedling* October (2010): 22-24.  
<https://www.grain.org/article/entries/4047-hot-air-over-hoodia>
- Watch
- Uriel Orlow: [Imbizo Ka Mafavuke \(Mafavuke's Tribunal\)](#), 2017, 28 Min. [Video](#) (password protected)
- Van Marle, Karin.

"A Jurisprudence of Responsibility."

In Uriel Orlow: *Theatrum Botanicum*, edited by Uriel Orlow and Shela Sheikh, 179-185. Berlin: Sternberg Press, 2018.

*Write down one or more scene(s) worth discussing, prepare for discussion (time code in pad)*

## Wednesday 2.12

## Morning

Discussion

**11:00 -11:30** Talk with Uriel Orlow

Definitions of Traditional (Ecological) Knowledge

[http://nafaforestry.org/forest\\_home/documents/TKdefs-FH-19dec06.pdf](http://nafaforestry.org/forest_home/documents/TKdefs-FH-19dec06.pdf)

Intro:

Aboriginal Art, Exploitation, Misappropriation, Copyright

## Afternoon

Reading:

### Case one: the Ilma Dance and Roy Wiggan's Paintings

- Glaskin, Katie (2011): „[Dreaming the Thread: From Ritual to Art to Property\(s\) Between“](#), in: Strang, Veronica und Mark Busse (Hrsg.): Ownership and appropriation, Oxford ; New York: Berg Publishers, S. 87–104.

Additional Material:

- Bardi Jawi Dancers, 2009 <https://youtu.be/CC5NIWQXykw>
- Documentary with Roy Wiggan <https://www.youtube.com/watch?v=ZQI2PZGokqM>, 10 Min.
- Documentary with Roy Wiggan and his nephew [Old Country New Country - 2009]<https://www.youtube.com/watch?v=gykFOvEQh8YJ>], 27 Min.
- Clip, Visit at an Art School, 2011 <https://youtu.be/yTAXva6vg54>
- Roy Wiggan, [Profile Short Street Gallery](#)

### Case two John Bulunbulun's Painting '[Magpie Geese and Water Lilies at the Waterhole](#)'

- [Biography of John Bulunbulun, 2010](#)
- [The Protection of "At The Waterhole" by John Bulun Bulun \(Copyright Case 1989\)](#)

Additional reading (not required)

- Janke, Terri, ed.  
“CASE STUDY 3. Bulun Bulun & Anor v R & T Textiles Pty Ltd.”  
In Minding Culture. Case Studies On Intellectual Property and Traditional Cultural Expressions, 50–69. Geneva: World Intellectual Property Organization, 2002.  
[https://www.wipo.int/edocs/pubdocs/en/tk/781/wipo\\_pub\\_781.pdf](https://www.wipo.int/edocs/pubdocs/en/tk/781/wipo_pub_781.pdf).

## Thursday 3.12.

## Morning

Discussion: Aboriginal Art and Copyright

Intro: Shanzai

## Afternoon

Shanzai

[Han, Byung-Chul.](#)

Shanzhai: Deconstruction in Chinese

. Translated by Philippa Hurd. *Untimely Meditations*. Cambridge, MA: The MIT Press, 2017.

2/ ZHEN JI: ORIGINAL

3/ XIAN ZHANG: SEALS OF LEISURE

4/ FUZHI: COPY

Xiang, Liping. 2015. [Copyleft Appropriation Art in China. Exhibition \(Aug 15-Nov 15, 2015\)](#), Shanghai: Power Station of Art. p. 38-78

[Wang, Xiaowei.](#)

Blockchain Chicken Farm: And Other Stories of Tech in China's Countryside

. FSG Originals X Logic. New York: Farrar, Straus and Giroux, 2020. (Chapter 5, Made in China)

## Material from the pad/discussion

### **COPY: lost in translation. need to make a glossary here.**

- 臨摹 /LIN MO/ ways of learning painting and calligraphy in traditional Chinese art: putting the original work in front of you, observing the work by eyes, and recreating the work by hands.
- 複製 /FU ZHI/ remake, reproduction of the original
- 仿製 /FANG ZHI/ imitation of the original, would never
- 複印 /FU YIN/ copy machine copying
- 拓印 /TA YIN/ copy-print making, robbing
- 抄襲 /CHAO XI/ copycat, plagiarism
- 山寨 /SHAN ZHAI/ a internet neologism for clumsy replica/fake products, later used in wide range of context. Term like "Shanzhaim" emerges.

[Dafen Cun 大芬村](#)

- Shenzhen located adjoining to Hong Kong, and is now the 4th developed City in China (Beijing-Shanghai-Guangzhou-Shenzhen). Dafen Village is the world's largest oil-painting village, having over 10,000 oil painter-workers. Their job is to paint
- %%A documentary about a oil painter-worker, after painting the replica of Van Gogh's works for 20 years, started to create his own artwork. [China's Van Goghs:](#)

- [The World's Art Factory Is in Jeopardy](#) (2017)
- [Why China's Infamous "Copycat" Town Now Invests in Original Artworks](#) (2018)

*"From there, a wildly creative ecosystem appeared. New shanzhai is open source on hyperspeed, an unapologetic confrontation with Western ideas of intellectual property. The designers and engineers of new shanzhai products build on each other's work, co-opting, repurposing, and remixing in a decentralized way."*

Naomi 'SexyCyborg' Wu ([Youtube](#), [Instagramm](#))

### **Chinese rural influencers booming on the internet: \***

- Li Ziqi 李子柒 youtube  
channel:[https://www.youtube.com/channel/UCoC47do520os\\_4DBMEFGg4A](https://www.youtube.com/channel/UCoC47do520os_4DBMEFGg4A)  
<https://thenextweb.com/syndication/2019/05/28/understanding-the-rising-popularity-of-chinas-rural-influencers/>
- Huanong Brothers 华农兄弟 youtube  
channel:<https://www.youtube.com/channel/UCjEGRKdfUOel8Hp9lumw5NQ>  
<https://www.sixthtone.com/news/1003137/from-field-to-camera-the-online-pursuits-of-rural-farmers>
- Handy Geng 手工耿 also known as the "useless Edison" youtube channel:  
<https://www.youtube.com/channel/UCEvllrEAqlfOcvr9Qc8jqw>  
<https://www.seattletimes.com/nation-world/chinas-useless-edison-combines-inventing-and-the-internet-with-hilarious-results/>

Rural areas in different parts of China vary greatly in terms of customs, culture, and economic conditions. The blockchain chicken farm is located in Southeast China - a relatively developed area compare to other parts of China.

## **Friday 4.12.**

### **Morning**

Discussion

### **Input:**

Beyond Copyright in digital culture. Copyleft, Commons, and Care

[What is Free Software?](#) Free Software Foundation, 1996

[Creative Commons](#)

[Creating Commons](#), Research Projekt, 2017-2020

[UbuWeb](#), [//www.ubu-mirror.ch](http://www.ubu-mirror.ch)], [//monoskop.org/UbuWeb](http://monoskop.org/UbuWeb) | Monoskop: UbuWeb], [Happy birthday, Ubu.com!](#), 30 Nov 2016.

## Afternoon

Writing a short essay /edit wikipedia

From:

<https://wiki.zhdk.ch/fs/> - **Felix Stalder, Prof. DfA**

Permanent link:

[https://wiki.zhdk.ch/fs/doku.php?id=unlearning\\_copyright\\_2020](https://wiki.zhdk.ch/fs/doku.php?id=unlearning_copyright_2020)

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