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

Pad for individual/group work (afternoons)

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 photos are not “individual”

Bundesgrichtsurteil: Gisela Blau Guggenheim vs BBC, 19. April 2004

Lichtbildschutz, URG Revision, April 2020

When Art is illegal

Copyright and contemporary culture. The remix problem.

Good Copy Bad Copy (2007) 0:00 - 11:00

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, June 2009.
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: Ridinghourse; ICA, 2002.

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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

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

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=ZQl2PZGokqM, 10 Min.
- Documentary with Roy Wiggan and his nephew [Old Country New Country - 2009|https://www.youtube.com/watch?v=gykFOvEQh8Y]], 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 Lilles 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.

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, Liqing. 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)

Friday 4.12.

Morning

Discussion

Input:

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

Afternoon

Writing a short essay /edit wikipedia

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

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