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 a photo is not “individual”

- Gisela Blau: Bild von Christoph Meili, 1997
- 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, 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 "Shanzhaism" 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://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/UCjEGRKDfUOel8Hp9Iumw5NQ 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/UCEvIlrEAqIfOcvr9Qc8jquw 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]], //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&rev=1607096275

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