

ABSTRACT

This thesis explores the paradoxes of intellectual property from a practicing artistic perspective. It is the outcome of a practice-led interdisciplinary research that was conducted as a response to an act of copyright-related censorship.

The hypothesis of this study is that art practices based on the use and re-working of pre-produced and copyrighted material bring into effect the paradoxes of intellectual property. Where creation and innovation rely on access to and the use of protected works, proprietary rights stifle new creation and innovation.

Taking the exhibition *This is not by me* (2004), cancelled on the basis of potential copyright infringement, as a starting point, this research project develops a specific methodology.

'Performative research' brings together legal studies, philosophy and art practice to conceptualise and dramatise a performative approach to copyright law. It has been developed with reference to the overall question of how art practice can promote the subversion of 'the law' and thus contribute to a solution of the problem addressed.

The investigation begins with the analysis and the contextualisation of several contested artworks. The *net.art generator* (since 1998) is an online computer programme for the automated creation of digital collages culled from appropriated material. *anonymous-warhol-flowers* (since 2004) is a series of images that were made with the *net.art generator* based upon the famous Warhol *Flowers*. Continuing the tradition of various conceptual and media-related avant-garde practices of the 20th century, which challenged romantic notions of authorship and originality, these artworks question anew the basic principles of aesthetic modernism. Experimenting with digital authorship and originality, however, automatically

entails experimenting with copyright infringement. The historically charged *Flowers* beautifully signify the aesthetic and legal ambivalence of appropriative art within this context.

The discussion of the legal context explains how art and copyright are related and at which conceptual junctions the problems occur. It also situates appropriative art practices within the dynamics of intellectual property as the regulatory structure of informational capitalism, eventually leading to an evaluation and discussion of the arguments, as performed through the practice part of this thesis. The project *This is not by me* comprises four artworks centering around the *net.art generator* reworking the Warhol *Flowers*. By performing the paradoxes of intellectual property this abstract concept becomes vivid and tangible. The new knowledge resulting from this approach crosses the borders of the art world and contributes to the general discourse on intellectual property by providing a unique insight for legal scholars, policy makers and the interested audience alike.

The irresolvable paradox of intellectual property has a long history, however due to the technological, economic, legal and cultural developments that have taken place since the mid-1990s, it has taken centre stage within the 'information society.' Artists and the general public alike share the 'right' to access intangible goods and to participate in the production of culture.