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Virtual Reality, Appropriation, and Property Rights in Art: A Roundtable Discussion: April 12, 1994

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INTRODUCTION

One of the most interesting debates in the copyright community today is over the issue of art appropriation. Appropriation art—art which intentionally copies the work of others—challenges the foundation of copyright law. It has long been assumed that it is necessary to reward authors with copyright, else they would not create. Even those who contend that the ultimate purpose of copyright law is the public good—as opposed to being for the benefit of authors—agree that economic remuneration in the form of property rights is a necessary condition to that end. The necessary scope of those rights, however, is disputable.

Appropriation artists argue that the copyright system inhibits their creativity by preventing them from doing what has always been done in art and literature—freely using the works of others as building blocks. That is, if spurring creativity is the purpose of the copyright law, it should be flexible enough to accommodate those artists whose expression necessarily depends on using prior works. In contrast, some copyright scholars and commentators maintain that allowing appropriation artists to freely copy is anti-competitive and infringes on the original author's property rights.

These opposing viewpoints are represented by the two artists on the panel: Jaron Lanier and John Carlin. Lanier, an inventor of virtual reality technology, takes the more traditional position, arguing that without the full range of copyright protection, artists like himself would be less likely to invest their time and effort in creating new works for public consumption. Carlin, on the other hand, supports the right of appropriation artists to use copyrighted expressions and symbols in their attempt to imitate and criticize reality.

The other distinguished panelists helped to define and explain these two opposing positions in the following discussion on appropriation art. [Eds.]