

## COPYRIGHT APPROPRIATION FROM ART TO TECHNOLOGY

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### **Abstract:**

This paper is a focus on the appropriation of intellectual property in the field of art as in technology. The forms of sharing and the starting points of creatives are often violation of ideas. Protected creativity cannot disregard the existing rights and any form of respect that must be granted to them. The use of people's ideas without consent can be a violation always un considered More often in other cases, within certain limits can be granted if it respects the aesthetic and expressive canons. Art appropriation is considered real art in the presence of minimal changes or reinterpretations. In the technological field it is often not so. An in-depth analysis of the subject is attempted in the present paper considering development of technological instruments.

*Keywords: Copyright, Art, Technology, Web, Interpretation, Ban*

## 1. INTRODUCTION

Italian language concept of appropriation is synonymous of crime. All forms of abuse of appropriation, legitimate or against the law, is perceived as a kind of violation of right of others.

In the broad concept of infringement of the rights of others has to be considered also the violation of ideas and creativity of others, the result of studies, analysis and intuition, that become object of protection in the refined concept of intellectual property protection. It is the apparatus of legal principles that aim to protect the fruit of invention and of human genius, it refers to the set of protections given by the law to creators and inventors about the exploitation of their creations/inventions emphasizing security and remedy.

Copyright is a vast and sensitive matter applicable in different fields of analogical and digital daily life. Intellectual property protection lies in different forms and gathers itself the protection of ideas in any form and specific sphere. In more recent times technology changed this concept enabling endless uses and new uses of the same creativity, as using again programs and music and any form of remake, technological changes to former existing algorithms, minimal subtraction or addition in creativity that determine in technology as in art, new technology and new art. This phenomenon is not due solely to the lack of inventiveness and creativity but to modernization and development, through new technologies, of different instruments that can give new excitement to what already exists in art as in music and technology. This new creativity that builds on what already exists, not only inspired but copying, updating, appropriating of the contents is subject to new legal protection in the new dress of protected creativity.

The technological emancipation generates new cases also in art and the new uses generate new rights and new forms of protection. The development of information technology has expanded the digital world to the detriment of materiality and the concept of property developed for centuries, among the various effects of analogical overcoming in favor of digital there are changes to intellectual property and to the concept of new creation. The investigation must start from the concept of appropriation and re-appropriation, and it has to take into account the repetition to infinity in the absence of creativity and what can be defined as new creativity. Technology is vulgarizing culture in the sense of making it public and democratic and dematerialized. This generate more accessibility but subject to appropriation and the proliferation of copies and form of same use. For years we fought to assert rights in terms of the protection of creativity, today new rights are based on the same creativity, that probably had not been definitively exploited or as if its expressive potentialities were not fully understood. We can therefore think of an infinite creativity of the same idea.

History has always been confronted with evolution but it was inspired by the past and did not take possession of the past. Protection of creativity is the evidence of intelligence protection, the capitalization of time spent, the exploitation of emotions and curiosity that drive research, the way to draw material from the darkness, to generate art from nothing.

If creativity ennobles intellectual expression by giving protection and law respect as a result of recognition, creativity derived from the same intellectual expression generates new protection and therefore copyright of copyright.

The system created in this way that follows the dictates of the protection of creative expressions generated by the appropriation of intuition and the ideas of others is the result of analysis in the artistic and technological fields. The concept of appropriation is absolutely clear in economy in which is defined by economical rights for producer- investor comparing it to intellectual property and art r technology.

In that case is based on the return of investments as a result of appropriation delivered by earning money or receiving awards or prizes monetization of ideas, algorithms, forms, interpretation with an express reserve of rights based on the investment of time, money, passion, intellectual property.

## 2. APPROPRIATION IN ART AND TECHNOLOGY

Appropriation refers to the act of borrowing or reusing existing elements within a new work. Post-modern appropriation artists, are proud to deny the notion of 'originality'. They believe that in borrowing existing imagery or elements of imagery, they are re-contextualising or appropriating the original imagery, allowing the viewer to renegotiate the meaning of the original in a different, more relevant, or more current context.

The use and processing of works of others, technically understood as appropriation aimed at creating new artistic works, is a phenomenon known in art. Appropriating in the artistic field as well as being a current of

artistic expression that uses pre-existing paintings, artistic artifacts, images or other works of art with innovative character generated by minor changes in addition, subtraction or remodulation is a new form of equally protected art. Often to avoid copyright infringement we use the reference to the main artist in the form of a tribute or tribute to the artist.

The process and nature of appropriation has to be considered, in science and anthropology as part of the study of cultural change and cross-cultural contact.

In the United States, from pop art onwards to European references to American pop art, appropriation art was based on the new use or use of previous existing works, the innovative capacity of the recall, not even marginal, but actually expressed at the note work makes the idea nascent new work possibly used in new context or with a new social meaning. The Ready Made of Maurizio Galimberti or Bruno Donzelli's homages are opera works, part of the art system but equally protected by copyright, or copyright of copyright, following successfully the original idea of appropriation developed by Marcel Duchamp.

From such expressive forms derived from appropriation arises the problem of copyright of copyright, similar to the remastering of already known musical pieces (example on all the incipit of the Great Beauty of Paolo Sorrentino and the reference to the passage of Raffaella Carrà famous music hit).

The History of Modern and Contemporary Art in Usa contemplates different famous cases of violation as: Blanch vs Koons in 2006, Patrick Cariou vs Richard Prince in 2013 e Mattel, INC. vs Walking Mountain Productions in 2003.

In Italian Law and art history, the Court of Milan was asked to decide a case of art violation in terms of reviewing with specific reference to the artist or re-elaboration with plagiarism characteristics.

The creative elaboration differs from the counterfeiting inasmuch as, while the latter consists in the substantial reproduction of the original work, with differences of mere detail that are not the result of a creative contribution, but the masking of counterfeiting, the creative elaboration is characterized for a re-visitation, a variation, a transformation of the original work through a recognizable creative contribution.

This was the main point of decision for the Court in the case Baldessarri vs Giacometti in the opera Giacometti Variations where the opera of Baldessarri was declared to be an open case of art appropriation and therefore considerable like a parodistic work, worthy of protection as a new work of art, new creation fruit of art appropriation.

The decision was based on the independence of the new work of genius with respect to the reference work, characterized by a relationship of radical antinomy with respect to the parodied work, of which it does not respect but overturns the conceptual core.

In the appropriative art the reference to the original work has to be expressed, manifest, public and not hidden. In this sense, it would not have the extremes of plagiarism which presupposes instead a concealment, a deception and not a creative imitation.

The intimate character of these evaluations does not allow a uniform evaluation of the characteristics of the work in terms of creativity and autonomy with respect to the work it draws inspiration from.

Discerning between copyright infringement and fair use remains absolutely subjective and not easy to evaluate.

### **3. CONCLUSION**

After this analysis we have to admit the consideration of the valuation about this kind of art if it is or not a form of art, considering the frequent elaboration in technology used as new technology covered by copyright, considering what generally happen to music old and new as a sort of contamination between years and new forms of elected music composed with old music notes based on a new electronic sounds copyrighted by personal computer. The concept of appropriation is so extensive that we must consider it an art form. It is impossible to not admit the consideration of the market in appropriation art. This new forms of art are sold for millions also if these sort of appropriation is not eligible as plagiarism or new impact but it is creative, In the light of progress and creativity in art and in the recognition of new arts whose creative expression is always on

the lookout, as is the case of kitchen copyright, this form of art is obtaining the typical recognition of contemporary artistic form.

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