

# SUPPORT REAL ARTISTS, NOT RIP-OFF ARTISTS

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Planning for a June trip to Toronto, I heard about the Banksy exhibit and decided to visit. Once in Toronto, while researching the online purchase of tickets, my husband came across a *Globe & Mail* article with a shocking message: the Banksy exhibit was unauthorized by its anonymous British creator. As a copyright lawyer and creators' advocate, I found I couldn't patronize the show.

Who is Banksy and why does my boycott matter?

Banksy is the pseudonym for a prolific street artist and provocateur, the creator of world-famous images making short social and political commentary. Examples include "Laugh Now" and "Girl and Balloon." The creator has sold prints of his art to underwrite his activism (here's his official website: [banksy.co.uk/menu.asp](http://banksy.co.uk/menu.asp)).

An exhibit of 80 of Banksy's works called "The Art of Banksy" was assembled and began touring the world in 2016, with stops so far in Melbourne, Amsterdam, Tel Aviv and Auckland. For about \$35, you could buy a ticket this past summer to view the collection in a Toronto west end warehouse. It seemed like a cool and undoubtedly unique artistic outing, and in some ways, I really wish I saw it. But that would be undermining the position that we writers, as creators, have been taking for years: the unauthorized taking of creative works is stealing.

Although the exhibit organizers stress that the only works on display are loaned from

collectors who bought them legitimately, this is still a rip-off. That's because Banksy's one-time agent put the show together, and didn't get permission from the creator. Plus, Banksy is anti-consumerism. Meanwhile, it is presumed that the organizers are profiting from the tour, through admission tickets alone if not also from the sale of reproductions and other merchandise.

Whether Banksy's art is in the public domain because it is graffiti is debatable, and it would be an interesting law school moot court question. But back to real life, which is where real artists live. Assuming the man behind the pseudonym is alive and/or hasn't died within the last 50–70 years (Canada/U.S.), copyright subsists in his work and so do his moral rights. For him to assert those rights, however, would force him to breach his shroud of anonymity, the mask that enables him to continue to create his important work. For others to take advantage of his vulnerability feels familiar to creators these days. It's akin to the unlawful downloading of photos from the Internet, the pirating of new movie releases, or the unauthorized copies of writers' works made by universities and school districts who refuse to pay legally mandated tariffs to a copyright collective. How many times have we heard the following? It doesn't cost the creator anything for me to take a copy of that photo, song, movie or article. Well, we know there's a cost—it means we're not paid for a use that was obviously valuable to someone else. Those unpaid uses add up, significantly.



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In summary, our boycott meant the loss of \$70, inconsequential to the organizers of "The Art of Banksy." However, to us, it meant doing the right thing; we morally supported a real artist instead of financially supporting a rip-off artist. ■

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