

Vrijdschrift.org Foundation
Trekwei 7, 8711 GR Workum, The Netherlands
bank account: 328846694,
iban: nl51rabo0328846694, bic: rabonl2u
E: office@vrijdschrift.org
T: (+ 31) 515 54 34 34
W: http://vrijdschrift.org



Vrijdschrift response to the EU IPRED consultation 2011

Part 1: Shakespeare 2.0

From Panchatantra to hip hop, artists have always used earlier works to express themselves. Cultures have always been remix cultures. And copyright traditionally only regulated professional behavior.

Transnational corporations want to control markets worldwide. Using United States trade threats as a stick, they forced Western style enforcement of copyright and patents upon the world. The industry sells CDs worldwide for the same prices. Evidently, in many countries 90% of the people can not afford them, and turns to illegal copies. Piracy is basically a global pricing problem. [1] Without trying to solve the pricing problem, the industry uses the high piracy numbers to demand ever stronger enforcement measures. A cheap trick, but it works wonderfully on politicians.

In Europe, the industry is very late with developing new business models. The industry tries to rely on stronger enforcement. The industry now wants to invade peoples' homes to see whether they make a copy or reuse earlier works. Kids are criminalised, are heavily fined. Big Content wants communication tapped. It is an all out war against... us.

The EU legislator can give in, again. But we better force the industry to develop new business models by not giving in. Before talking about "improving" enforcement, we have to clean up our copyright. We have to reclaim our homes and our communication, our non commercial activities and remix creativity. Our breathing space.

[1] <http://infojustice.org/archives/1676>

Part 2: How to outlaw the Guernica



Louis Vuitton managed to get a court order against... a painting.

Nadia Plesner painted Darfurnica, a modern version of Picasso's Guernica. On her website she explains: "In our time, the boundaries between the editorial and advertising departments in the media are disappearing and entertainment stories about the lives of Hollywood celebrities have become breaking news. Apparently a genocide in Darfur can be happening RIGHT NOW without being important enough to make headlines. This is unacceptable and I refuse to turn the blind eye to what is happening. In Darfurnica I have mixed some of the horrible stories I have learned about Darfur over the past years with some of the Hollywood gossip stories which made headlines during the same time period." [1] An important political statement.

As she returned to Holland in the beginning of February 2011, she had received a verdict in a new court case started by Louis Vuitton: "They are very angry about the bag that the boy in the middle is carrying. They claim again that I infringe their design rights on the pattern used in their 'audra' bag and they had the court in Hague put 5000 euro penalties for each day I continue to show this painting on my website or in galleries or anywhere else. They have been counting since January 28, so at the moment the amount is higher than 300.000 euros (!)" [1]

The same court that ordered seizures of essential medicines destined for developing countries now forbids Nadia Plesner from including the image of the boy with the Louis Vuitton look-a-like bag and Paris Hilton dog in her painting Darfurnica and on her website. "Nadia believes this court order is a gross violation of her right to free speech and artistic freedom under Section 10 of the European Convention on Human Rights." [2]

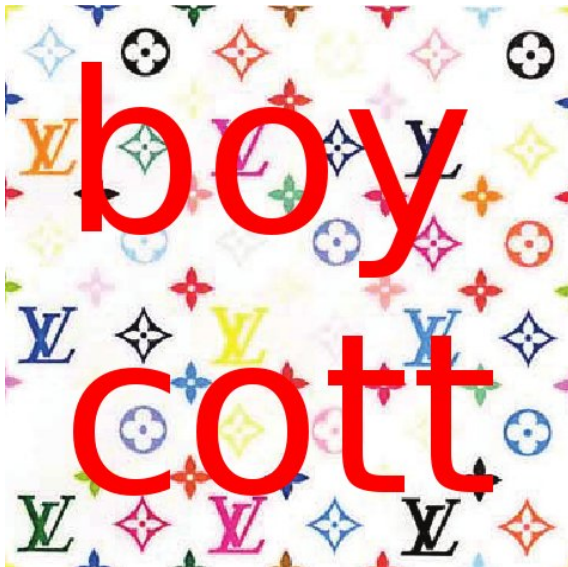
Design rights are not meant to target paintings. And IPRED's ex parte procedures, injunctions and high damages should not be used against artists.



De Goya's Shootings on Third of May is a famous political painting. Imagine that De Goya would have painted this version, including a Vuitton bag.

De Goya would have ended broke, we would not have known his painting. Neither would he have had the money to paint the Black Paintings, etc.

This version of the Guernica would have been outlawed:



And this isn't possible either as a painting that can be sold. (The non-commercial usage in this document is possible.)

In the case of seizures of essential medicines the Commission issued a statement saying that EU laws had been interpreted wrongly. Now the Commission should issue such a statement as well. Intellectual property rights should not interfere with freedom of speech.

And EU law has to be rewritten to make such awful attacks on the freedom of speech impossible.

[1] <http://www.nadiaplesner.com/Website/darfurnica.php>

[2] http://www.nadiaplesner.com/Website/Court_Order_Louis_Vuitton_vs_Plesner.PDF