

Joywar

Date : June 25, 2009

This account is taken from a site hosted by Joy Garnett:

<http://www.firstpulseprojects.com/joywar.html>.

NY artist Joy Garnett makes paintings based on found photographs gathered from the mass media [[more info](#)]. In January 2004 she had a solo exhibition of a series of paintings called "Riot," which featured the figure in extreme emotional states. One of the paintings, Molotov, was based on an uncredited image found on the web that turned out to be a fragment of a 1979 photograph by Susan Meiselas.

When Meiselas and her lawyer learned of the painting, they sent a cease-and-desist letter to Garnett accusing her of "pirating" the photo. They demanded she remove the image of Molotov from her website, and that she sign a retroactive licensing agreement that would sign over all rights to the painting to Meiselas, and to credit Meiselas on all subsequent reproductions of Molotov. Garnett offered a compromise: she agreed to give Meiselas a credit line on her website, but refused to sign a "derivative work" agreement, claiming that her painting was a transformative fair use of the Meiselas photo. Meiselas' attorney, Barbara Hoffman, turned down the offer and instead threatened Garnett with an injunction, demanding that Garnett comply with all of the demands as well as pay \$2,000 in retroactive licensing fees.

Garnett pulled the image of Molotov from her website, lest it result in the entire site being pulled

down (cf: a “Take-Down order”). She never signed over the rights to her work, but she was not pursued once the image of Molotov was removed from her site.

Before Garnett removed the image from her site, fellow artists who were following her story on Rhizome.org, (a not-for-profit organization with a website and list serve dedicated to new media art), grabbed the jpeg in solidarity. First they copied the html and created mirror pages on their own websites; then they started making anti-copyright, or “copyfight” agitprop based on the painting, resulting in many derivative works including collages, animations, etc. Several media and copyright reform blogs ran the story, and soon it spread globally, along with the images. The story was translated into Italian, Czech, Chinese, Spanish, French, and Catalan.

Two years later, (April 2006), Garnett and Meiselas were invited to speak together at the COMEDIES OF FAIR U\$E symposium at the New York Institute for the Humanities, organized by Lawrence Weschler and hosted by New York University (click [here](#) for the podcasts). They had the opportunity to meet the day before over a cup of tea and clear up some misunderstandings. They went on the next day to present their stories in tandem at the conference. Their panel presentations were then re-edited and published in Harper’s, February ‘07 (see [here](#)).

See also this video [Painting Mass Media and the Art of Fair Use](#) - about the entire controversy.

The series of websites, artistic interventions and debates is a fascinating commentary on the politics of fair use, the appropriate use of images, the power of reproduction, the weight of context, the ethics of display, and the importance of history.