

Book Review

Copyright Beyond Law: Regulating Creativity in the Graffiti Subculture

Marta Iljadica (Hart Publishing 2016)

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Graffiti is often a subject of heated debate: ‘is it vandalism or art?’ More often than not, graffiti is associated with the former due to its illegal nature of normally being painted on legally restricted space. Having said that, to quote the author, remarkably ‘graffiti writers wouldn’t tag a church or a car’. This is because there is a certain code or rule shared by them, which dictates what is permitted when creating graffiti. To what extent would this unwritten rule apply then to the graffiti subculture? Would it grant a graffiti writer some kind of rights similar to copyright? If so, why would the graffiti community need it, in replace of, or in line with copyright law?

In ‘Copyright Beyond Law: Regulating Creativity in the Graffiti Subculture’, the author endeavours to address such thought-provoking questions by identifying and explaining the existing alternative normative framework in the graffiti community. Backed by a thorough empirical exploration and analysis of graffiti subculture, the author guides readers to obtain insights into how graffiti and its creation process is regulated in the subculture. In doing so, the author brings UK copyright law into discussion to make comparisons, and thus to help readers gain a better understanding of the rules in the graffiti subculture. The book broadly comprises five parts (or more precisely five Panels, as per the author). The Panels are designed with a particular theme. In this review, they will be briefly introduced in turn in the following paragraphs.

Panel 1 provides a context in which readers can clearly understand the concept of graffiti and copyright law referred to in the book, with the introduction of research methodology adopted for empirical studies on graffiti subculture. To briefly outline the panel, the author introduces how graffiti subculture has formed over the past decades and what it entails in the first part of Panel 1, followed by a detailed account of correlation between graffiti subculture and copyright law. A particularly interesting part of Panel 1 is the overview of methodology adopted in this research. This part shows how challenging it was for the author to access graffiti writers for interviews, and how a widespread negative social perception on graffiti makes it hard for outsiders like the author to be allowed in their community.

In Panels 2, 3 and 4, the author looks into Copyright, Designs and Patents Act 1988 (CDPA 1988) and graffiti rules observed from the graffiti community. The author then compares them side by side to make an assessment of which regime would provide better protection of graffiti: or, put differently, to what extent does the current copyright regime reflect graffiti writers' needs by considering their cultural particularities? Panel 2 focuses on the *form* of graffiti, whereby the author examines the legal status of graffiti in the CDPA 1988, followed by the discussion of requirements of graffiti acknowledged as an unwritten rule in the graffiti community. The main theme of Panel 3 is *copying*; in other words, this part discusses how reproduction (or *biting*) of graffiti would be treated within the ambit of the CDPA 1988 and graffiti subculture. In Panel 4, the discussion is made regarding the applicable rules in which graffiti is modified or replaced by others, potentially harming one's *reputation or fame*.

Whilst, the two sets of rules – the CDPA 1988 and the graffiti rule – are compared and contrasted in the preceding Panels, with a focus on use of graffiti by members of the graffiti community, Panel 5 aims to extend the scope of the discussion to the use of graffiti by the general public outside the graffiti community. The discussion is quite relevant at present because graffiti seems to have become a part of our daily life, as it has been increasingly seen in very close proximity to the general public on the streets, around the train stations or even on the running trains. However, can the general public reproduce graffiti (i.e. takes a photograph of the graffiti on the wall and upload it on the Internet) within the CDPA 1988? To what extent would graffiti writers agree with the consequences of the application of the law? In addition to these examples, a number of fundamental questions that could provide significant implications for the policy makers for the future of copyright law are profoundly addressed in this Panel.

The most fascinating point about the graffiti community is revealed through the author's exploration of the graffiti rules. It is insightful to identify that the majority of graffiti writers, who generally come across as violators of law, in fact abide by their own code of conduct, which not only regulates creativity, but also allow graffiti writers themselves to perform autonomous policing and enforcement to protect their own creativity. In other words, the author succeeds in establishing that graffiti writers, who would otherwise be seen as mere violators of law, stand closely with law and order in their own way to promote the cultivation of their own culture, rather than indiscriminately obstructing peace in urban scenes. To support this, numerous interview data is incorporated in the book that allows readers to vividly learn about graffiti subculture, which makes the book invaluable. All in all, the book is a pioneering work of legal empirical studies on graffiti subculture, with extremely intriguing and informative parallel discussion of the existing regulatory and alternative normative framework.