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# APPROPRIATION ART FROM A ©OPYRIGHT PERSPECTIVE

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## DEFINITION

Appropriation art means that pre-existing objects or images are used with little or no transformation to create artworks, e.g., the use of a photograph from a magazine in a collage painting. Appropriation art can be described as a genre, but appropriation as a method can also be found in other fields of art, and appropriation art is not limited to a certain technique (painting, photography, montage, etc.). Famous appropriation artists are Marcel Duchamp, Andy Warhol, Richard Prince and Jeff Koons, among others.

## BIOGRAPHY

I am originally from Jakobstad, but I have lived in Vaasa my whole adult life. Ever since I was a child, I have had a passion for art and craft. Photography and painting are my hobbies, and a dream of mine is to have an exhibition one day.



My speciality is winter landscape photography. View of Brändö sund, Vaasa, November 2019.

I got my master's degree in law from the University of Helsinki in spring 2014. Throughout my professional career, I have worked as a doctoral researcher, a translator, an academic journal editor and as a self-employed legal consultant. My areas of expertise are intellectual property law, competition law, criminal law and procedural law.

## RESEARCH QUESTIONS

The first part of my dissertation comprises of a general overview of appropriation art in art history and in today's society. Art has always had a complex relationship with society because art serves both as a response to and as inspiration for social and cultural change. Moreover, technological development provides new tools, such as artificial intelligence and 3D printing, for creation of objects and images, which poses challenges to the concept of art.

The second part comprises of a legal analysis of appropriation art in relation to copyright infringement. The focus is on section 4, subsection 2 of the Copyright Act of Finland (404/1961) and the distinction between an adaptation or conversion of a work and a new and independent work which has been created in free association with a prior work. If a creation is regarded as a new and independent work, the copyright to the subsequent work is not subject to the right in the prior work. Therefore, the concept of originality in copyright law is analysed.

The legal analysis also includes a discussion about exceptions and limitations to copyright, especially citation, freedom of expression, parody and pastiche. The purpose of the exceptions and limitations is to strike a fair balance between rights and interests of authors or copyright owners on the one hand, and the rights and interests of users on the other hand. Copyright brings benefits to society as a whole and there is an interaction between copyright and fundamental rights.

## EXPECTED RESULTS

My research aim is to propose solutions to problems related to appropriation art and copyright infringement. The solutions will be presented in the form of guidelines for the infringement assessment, considering the need to strike a fair balance between the rights of the author or the copyright owner and artistic freedom.

The target audience for my research is not only legal practitioners, but also professional artists and art educational institutions. At conferences organised by the European Union Intellectual Property Office (EUIPO) and the World Intellectual Property Organization (WIPO), concerns have been raised regarding the awareness of intellectual property law and the rights of artists, designers and innovators, as well as the rights of indigenous people and the protection of cultural heritage. My research will contribute to the broader discussion about creativity, inspiration, transformation, artistic freedom and copyright protection.



Creative thinking or just a copycat?  
Photographer: Alicia Nylund  
Model: Esmeralda