

A few years ago, I received an e-mail from a Swedish student preparing his final report towards his degree in law school. He sent me a questionnaire on what he called then the "balancing of interests in a typical sampling-situation". He added: " I understand you work a lot with sampling pieces of old photographs in your work, and I'd like to get a feel for your attitude in this matter". He was obviously trying to establish what my criterion was around copyright issues from the perspective of an artist.

Here are a few of the Q & As.

Q- Could you start by explaining the process by which you work? (How big are the sampled fragments that you use? Do you manipulate these fragments in any way?) What is the reason behind using this method? (Efficiency, making deliberate references, etc) Do the legal aspects affect the way you work?

Let me start out by pointing out the difference between how I approach the issue of sampling and what others do. That difference relies on the fact that for most of the images that I create with the computer I use my own photography as well. Having said that, if one takes the issue of the "original" to it's full consequence, then one is faced with a lot of issues which have not yet

been dealt with appropriately by anyone (from a legal point of view).

For example: unless a particular image is solely about a landscape, (as in nature) most anything else contains man made objects and someone who can lay claim to intellectual rights over the design of the objects depicted within the image. For instance, most shopping malls in the United States stop you from taking pictures without specific permission precisely because they lay claim to the copyright of all that is within their building. No longer is the shopping mall experience the equivalent of walking down your local Main St., at least not in photographic terms.

However, in any traditional "street photograph" someone could claim that the building in the background was the creation of a certain architect; or a sculptor, if it happens to contain a piece of art; or the designer of the advertising in the billboard; or the coat of the lady walking down the street; or the shoes; or the bus; car or tram; the chair; the clock; etc. everything can always be related back to someone who created the depicted objects.

Let us take a look at the image by Henri Cartier Bresson, taken in Athens in 1953, with the two women in black walking down the street. It is obvious that the strength of the image relies on the juxtaposition of the two women with the two sculptures on the balcony of the building in the background. It is quite obvious that such an image could not be created in today's climate of everyone making all sorts of copyright claims.

Is she now mine?

Written by Pedro Meyer



If you want to explore this issue further, just take at random any set of very well known pictures, and explore how many objects you can find that would follow in this pattern of thinking. You will be astounded how we have ever made it this far without everyone making this into a legal issue. One thing that is sure is that photography will never be the same from here on in.

Returning to my own work for a moment, I would say that the fragments that I use within a

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picture have no relation to size, they are as large or small as needed, that is the only guide that matters to me. But I have to point that has to do with the fact that I am using solely my own work.

But let us explore another image by the world renowned Henri Cartier Bresson, this time the image is one from Mexico, dated 1964. Here you have the little girl carrying a very large frame towards an opening in a fence of a place we don't know where it leads to. No question in my mind that the image is anchored on that framed picture. In other words, this would be considered in today's' jargon "an appropriation". There is obviously no credit to the photographer who made the picture in the frame. But with present day copyright interpretations this might be considered a questionable practice.

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