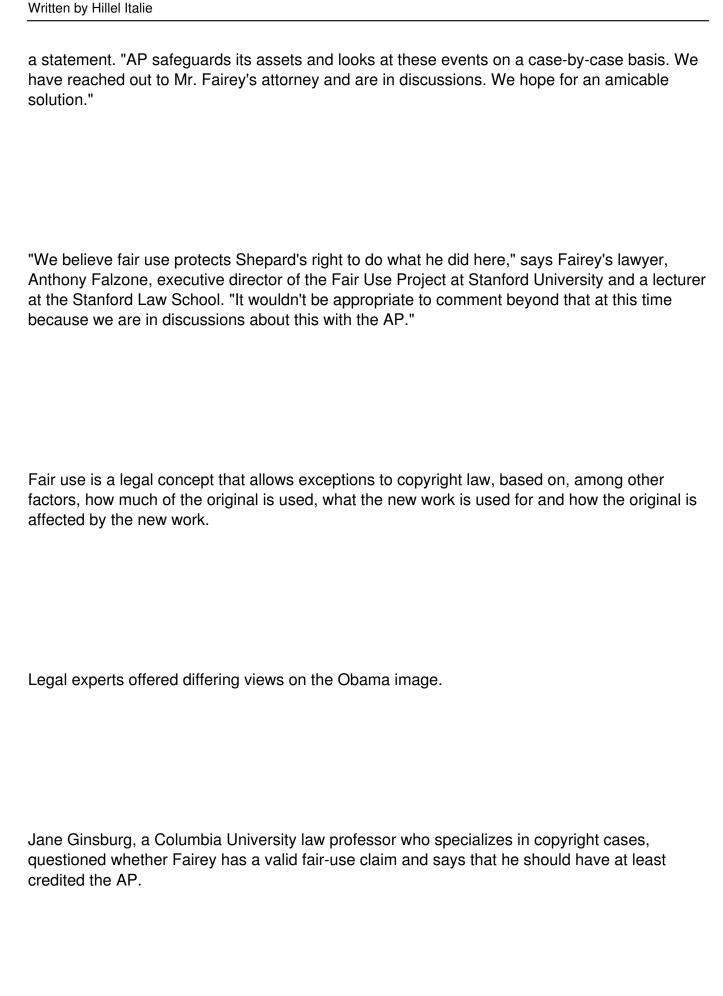


A poster of President Barack Obama, right, by artist Shepard Fairey is shown for comparison with this A

(AP Photo/Manny Garcia/ Shepard Fairey) (Manny Garcia, AP / February 4, 2009)

by Hillel Italie | AP National Writer

AP alleges copyright infringment of Obama image, seeks compensation; artist claims fair use
Written by Hillel Italie
NEW YORK (AP) — On buttons, posters and Web sites, the image was everywhere during last year's presidential campaign: a pensive Barack Obama looking upward, as if to the future, splashed in a Warholesque red, white and blue and underlined with the caption HOPE.
Designed by Shepard Fairey, a Los Angeles based street artist, the image has led to sales of hundreds of thousands of posters and stickers, and has become so much in demand that copies signed by Fairey have been purchased for thousands of dollars on eBay.
The image, Fairey has acknowledged, is based on an Associated Press photograph, taken in April 2006 by Mannie Garcia on assignment for the AP at the National Press Club in Washington.
The AP says it owns the copyright, and wants credit and compensation. Fairey disagrees.
"The Associated Press has determined that the photograph used in the poster is an AP photo and that its use required permission," the AP's director of media relations, Paul Colford, said in



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"What makes me uneasy is that it kind of suggests that anybody's photograph is fair game, even if it uses the entire image, and it remains recognizable, and it's not just used in a colla Ginsburg said. "I think that's pretty radical."	
Robin Gross, an intellectual property attorney who heads IP Justice, an international civil liberties organization, believes that Fairey had the right to use the photo, saying that he intended it for a political cause, not commercial use.	
"Fairey's purpose of the use for the photo was political or civic, and this will certainly count if favor of the poster being a fair use," said Gross, based in San Francisco. "Nor will the poster diminish the value of the photo, if anything, it has increased the original photo's value beyon measure, another factor counting heavily in favor of fair use."	er
A longtime rebel with a history of breaking rules, Fairey has said he found the photograph to Google Images. He released the image on his Web site shortly after he created it, in early 2 and made thousands of posters for the street.	-
As it caught on, supporters began downloading the image and distributing it at campaign events, while blogs and other Internet sites picked it up. Fairey has said that he did not receany of the money raised.	eive



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At first, Obama's team just encouraged him to make an image, Fairey has said. But soon after he created it, a worker involved in the campaign asked if Fairey could make an image from a photo to which the campaign had rights.
"I donated an image to them, which they used. It was the one that said "Change" underneath it. And then later on I did another one that said "Vote" underneath it, that had Obama smiling," he said in a December 2008 interview with an underground photography Web site.
Associated Press writer Philip Elliott in Washington contributed to this report.  chicagotribune.com February, 2009
Tebruary, 2009

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