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Authorship and ownership: legal and non-legal considerations in contemporary art conservation

An understanding of the extent and limits of artists' continued authorial and ownership interests in their work is key to the conservation of contemporary art. This presentation describes the legal rights and obligations of the artist and collector and locates these legal rules within a practice-based discussion of authorship and ownership. I specifically focus on the areas of copyright law and contract. I outline the application of both economic and moral rights to the field of contemporary art conservation, drawing out key differences between the approaches of civil law and common law systems. I propose that licenses and contractual agreements should be viewed not only as legal instruments which set out rights and obligations, but as social artefacts that enable and facilitate communication, constituting only one part of an ongoing relationship with artists and their estates.