

Sheppard Fairey, Annie Leibovitz and the Amen Break

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The issue of copyright has been widely discussed in relation to the [Orphan Rights](#) legislation introduced in Congress in April 2008, and the lawsuit (and countersuit) of Sheppard Fairey (info available on [Conscientious](#), [A Photo Editor](#), and [Mary Virginia Swanson](#) blogs) and now the issues associated pawning the material artworks for collateral or artist's right to the images.

In an [article published today](#) in the New York Times, [Allen Salkin](#) explores the Art Capital Group and their loan to Annie Leibovitz, which for collateral lists, "among other items... town houses she owns in Greenwich Village, a country house, and something else: the rights to all of her photographs." Leibovitz was previously in court defending those very rights against [Paramount Pictures](#), and if not paid in full, may face more litigation in the future as her contract with Art Capital Group essentially covers any image she has ever made or will ever make, until the loan is paid in full.



From Amen Break documentary

A recent post from [Amy Stein](#), [Looking for the Perfect Beat](#), explores the lawsuit against [Richard Prince by Patrick Cariou](#) as well as the Fairey case. She also includes wonderful 18-minute video about the Amen Break, a six second drum beat recorded for the B side of Grammy Award winning single *Color Him Father* by the Winstons in 1969. The break has since become one of the canonical samples in hip-hop production, and is widely credited as the foundation of the genres drum and base, and jungle. The documentary investigates the history of this 4 bar sample, it's shocking modern ubiquity and the curious evolution of it's copyright status -- ultimately the narrator concludes by quoting a recent ruling from Federal 9th Circuit court judge Alex Kozinski:

“ Overprotecting intellectual property is as harmful as underprotecting it. Culture is impossible without a rich public domain. Nothing today, likely nothing since we tamed fire, is genuinely new: Culture, like science and technology, grows by accretion, each new creator building on the works of those who came before. Overprotection stifles the very creative forces it's supposed to nurture.

For more info on case law or legal issues relating to art and photography, check out [*The Trials of Art*](#), [*The Professional Photographer's Legal Handbook*](#), [*Dear Images. Art, Copyright and Culture*](#), [*Asmp Professional Business Practices in Photography. Seventh Edition*](#) or the [PDN article from 2005](#) about 25 years of court cases.