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INTELLECTUAL PROPERTY OPINION Commissioner, don't let your artist down

In the case between the Flemish Community and artist Marie Zolamian about intellectual property, the signatories argued .

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Today a Belgian court speaks out about an ongoing conflict between artists Marie Zolamian and the Flemish community . For the renovation of the Museum of Fine Arts in Antwerp, she commissioned a new mosaic in 2017 . The core of this conflict is a dispute over the intellectual property rights of the now completed mosaic: the Flemish Community insists the craftsman of Mosaico Di Due – appointed to implement Zolamians concept in 2018 – as e some authors of the mosaic can be credited, and reduces Zolamian so to only the author of the drawings, not the finished work . The court case could become an important legal precedent that artists' copyright fundamentally changes and even denounces their employees.

Translation fight

We don't deny that intellectual property discussion is important . Is the artist by definition the only author of a work, or can dancers, models, builders and performers also be considered (mede) authors? It is a complex and potentially explosive issue: how do we avoid discrediting the conceptual and intellectual work of the artist - often underpaid and undervalued - while at the same time we bring the income of the co-workers Recognizing and appreciating rkers and executors?

This issue deserves a caring exchange between all parties at the very beginning of an art assignment. Ideally, such a conversation is mediated by an artistic expert who can help create the translation between the artist and the numerous other parties involved in an art assignment in the context of such a complex renovation: the assignment ever(s) (here both the museum and the Flemish community), the architect(s), the various Contractors and executors.

Such a dialogue is crucial to build the mutual understanding, trust and consensus that is necessary to reconcile the values and finality of the parties involved, and to the role and position of the artist - also as an author of work - in it to be explained and to be . In public spaces such as squares, hospitals, schools or other spaces that fall outside the coded exhibition space, artists are particularly vulnerable: they work with clients and contractors with no or little knowledge of it artistic field and the artistic practices, they balance the assignment and their own artistic autonomy, while they are expected to provide an efficient service or meet everyone's expectations . That's a great practical and emotional burden to bear, and requires a support system—during the entire process of an art assignment.

Full responsibility

In the case of Marie Zolamian, no artistic expert was appointed to mediate, even though in her case the client has - the Flemish Community - about a Platform Art in Assignment with valuable expertise on that .

After Manfred Sellink's resignation as director, the museum had no artistic mediators who could take on the role and was only surrounded by people who had to deal with the management of the museum or the building . The process of execution of the mosaic became increasingly tense as the wishes of the artist and craftsmen further separated . The artisans began to take the lead in the process, with the support of the . It went so far that Zolamian had no choice but to make her wishes for the realization of the mosaic through a lawyer . Eventually, she was completely banned from completing her own work .

The museum and the Flemish government take full responsibility for that escalation . It was their responsibility to carefully mediate from the beginning and throughout the entire process in terms of cooperation between the artist and the craftsmen . In addition, we expect from a client who is also a cultural institution and a department of cultural policy that is aware of the often precarious positions of artists in this kind of assignments, and that he is with people with specific knowledge and expertise on the medium of art tasks changes to help with that.

We stand by Marie Zolamian, who during this long-term process of almost five years had to handle everything alone, with not only financial but also emotional exhaustion as a result . We call on the cultural field and cultural policy makers to advocate for fairer conditions and ethical practices for arts tasks . We call on the Flemish community to recognize the artistic integrity and rights of Marie Zolamian.