

Abstract

A Study on Copyright Issues related to Conceptual Art

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Unlike traditional arts that rely on fixation in conventional media and specific physical attributes, conceptual art—characterized by its immateriality and variability—emphasizes conceptual and instructional content over physical characteristics. This shift poses significant challenges to current copyright law regarding the definition of a copyrighted work, authorship, and the scope of protection. Specifically, in conceptual art where the physical entity is mutable, the instructions or commands underlying the work often constitute the essence of the creation. However, the legal status of the instruction manual expressing these commands remains ambiguous under existing copyright frameworks, leading to a void in judicial judgment and confusion within the art market.

Accordingly, this paper examines the copyright issues associated with conceptual art—structured by the dualistic relationship between instructions and execution—and reviews the extent to which conceptual art is accommodated under current copyright laws. In particular, this study proposes an interpretive framework regarding the “Right to Integrity” as it pertains to conceptual art. To protect the identity of conceptual art, this article suggests several legal and institutional improvements: establishing a new definition of artistic works that encompasses creations expressed as a series of instructions or commands used directly or indirectly to realize the work; implementing an integrated certificate of authenticity that incorporates the instruction manual; and revising standard contracts in the arts sector to reflect the unique characteristics of conceptual art.

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Keywords

conceptual art, artistic work, moral rights, instruction manual,
certificate of authentication