

Mapping authorship and ownership in contemporary art conservation

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Impact Statement

Relevance of the Research Findings

The value of preserving cultural heritage is widely acknowledged. Contemporary artistic practices have destabilised the notion of the artwork and, as a result, the stewardship and care of contemporary artworks presents certain challenges. These challenges are especially clear in relation to artworks that are variable, generative, ephemeral, or non-material, works that depend on obsolescent technology, and works subject to rapid material degradation. In the past several decades, the field of conservation has developed new theoretical frameworks, technical capacities and institutional strategies in order to care for works of contemporary art. The societal relevance of this research lies primarily in its contribution to this body of knowledge, aimed at developing capacities and competencies to care for works of art now and into the future.

This research has been guided by contemporary art conservation in practice. In exploring how the law applies to the conservation of contemporary artworks, I address concerns, uncertainties, and questions raised by conservators regarding their legal responsibilities. The research investigates how copyright law applies to new strategies for conservation, such as reinstallation, refabrication, and emulation. It also addresses issues of moral rights, which have been frequently cited in conservation literature but not explored in depth in the context of contemporary artworks. The examination of artists' use of contracts and certificates of authenticity contextualises these documents in the theoretical and practical frameworks of contemporary art conservation. Given professional standards and codes of ethics for conservators mandate that practitioners comply with applicable laws, this research is relevant to the profession and may guide conservators in developing their own understandings of their legal responsibilities.

The theory and practice of contemporary art conservation has developed to address the rapidly evolving landscape of contemporary art making. Practitioners and researchers in the field have sought out practical strategies and theoretical tools to inform the stewardship and care of works of contemporary art. This research contributes to this discourse in several ways. The exploration of notions of the work, placed in the broader context of thinking about authenticity and identity in this field, is valuable for conservators dealing with the crucial task of identifying and describing artworks. Contemporary art conservation is now well established as a specialised field, in which reflexive practice is essential. The exploration of conservation practice from the perspective of copyright law aims to contribute to understandings of the practice of contemporary art conservation, and how it should be acknowledged and recognised. I also explore the idea of

conservation as an ‘invisible’ practice through developing the analogy between conservation and translation. These ideas of visibility and recognition feed into more concrete discussions of the value of conservation, and into ongoing debates around the remuneration and working conditions of conservators and others in the cultural heritage sector.

The changing landscape of art making involves new ideas, materials, and technologies, which pose questions about copyright law and its limits that are relevant to artists, collectors, conservators, legal scholars and art historians. By exploring how copyright applies to contemporary artworks, their acquisition, stewardship, and care, this research contributes to understandings of the boundaries of the copyright work and the rights of copyright. Understanding how copyright applies to novel categories of works that challenge traditional notions of authorship and ownership adds to understandings of how these concepts operate in copyright, and may also serve to inform practices of acquisition and ownership of contemporary art.

Intended Audience of the Research

This interdisciplinary research is intended to address both academic and practitioner audiences, including conservation practitioners, museum professionals, museum scholars, artists, art historians, and legal scholars. For conservators, this research can provide an introduction to legal considerations in the field, placed in the context of the theory and practice of conservation. My aim is that the discussions of authorship, invisibility, acknowledgement, and recognition in this research can contribute to the thinking about the nature of conservation practice, building on ideas of conservation as a knowledge generating practice, and contributing new perspectives from copyright law and translation studies. For a legal audience, the research contributes an exploration of the ontology work in copyright theory to the limited literature in this field. I hope that it also provides an introduction to a field of practice that poses novel and challenging questions to copyright theory and jurisprudence. In the coming years, contemporary art making and conservation may present further borderline cases that will both complicate and clarify notions of the work and authorship in copyright.

Dissemination of the Research Findings

This research project forms part of the New Approaches for the Conservation of Contemporary Art (NACCA) research consortium and findings of the research have been shared at NACCA-organised conferences in London (2017), Cologne (2018), and Maastricht (2019). Aspects of this research have also been presented at conferences including the American Institute for Conservation’s Annual Meeting (New England, 2019), Reshaping the Collectible: Learning

Through Change (Tate, London, 2022), and as part of the Topics in Time-Based Media Art Conservation lecture series, hosted by the Institute of Fine Arts, New York University (2021). Aspects of the research findings have formed the basis of publications including peer-reviewed journal articles (Journal of the American Institute for Conservation; ArtMatters) and a forthcoming book chapter, co-authored with Dr Anke Moerland. Beyond an academic context, I have shared the findings and knowledge generated through the course of this research with museum professionals through seminars, workshops, and discussions with individual practitioners. In particular, they were shared through seminars and informal discussions with colleagues at Tate, during my time based there as a doctoral researcher, and while working at Tate as Collection Care Research Coordinator. Further findings from this research will be shared in academic publications and presentations, and with conservation scholars and practitioners.