



IMAGES RIGHTS

PAOLO CIRIO

NOME

I M A G E S R I G H T S

P A O L O C I R I O

SEPTEMBER 13 - NOVEMBER 16, 2019

N O M E G A L L E R Y . C O M

Glogauer Str. 17 | 10999 Berlin | Germany

The ways of seeing today's images include economic, legal, and semantic aspects that are interdependent to the technology of the medium. Before and after seeing, the images are made and performed through complex systems of cultural values, resulting in new pervasive visual and behavioral languages.

Paolo Cirio

IMAGES RIGHTS

NOME presents three new series of works by Paolo Cirio. The exhibition Images Rights expands upon Cirio's concept of Internet Photography, with a particular focus on the economic, legal, and semantic values of photos circulating online.

Cirio's new works explore modes of appropriation art to address the political economy of images. Rather than authorship, these artworks problematize the ownership, liability, and social responsibility of the production and distribution of photos on the Internet.

The exhibition questions fair use rights, property rights, and consumer rights for the production, consumption, and trade of photos online. Images on the Internet aren't always free. They are instead increasingly controlled, constructed, and exploited to manipulate their economic value, monopolize their cultural capital, or monetize their viewing. The platform, archive, auction, collection, and patron become commodified and financialized, generating inequality rather than fostering the creation and exchange of art.

Cirio's artworks inquire into the need for regulations, fairness, and ethics in the economy of images, in a time when photos on the Internet drive negative social values, outrageous financial speculations, and monopolies of knowledge.

The ways of seeing images extend beyond the visual field. The images in Cirio's works are seen as constrained, performed, and bound with legal, financial, and linguistic devices that transform their value and meaning. By breaking down the semiotic, legal, and economic systems that constructs an image on the Internet, Cirio's work reveals the aesthetic and conceptual qualities of photos commonly dissimulated by their mere visual traits.

The series *Attention*, *Property*, and *Derivatives* each examine, respectively: images as currency of the attention economy, images as capital, and images as finance.

Attention

Digital prints on glass, 2019.

The series appropriated photos by influencers promoting controversial products without disclosing them as paid advertisements. The compositions with prints make use of the original photographs and enlarged body parts, expressions, poses, and products.

Property

Digital prints on glass, paper, and c-prints, 2019.

These series adopt the semantics of appropriation art with transformations of the images in compositions with color shapes and texts, which are overlaid onto the print of the original photos appropriated from Getty's websites.

Derivatives

Digital prints on canvas, 2019.

This series is composed of hundreds of images and records of artworks appropriated from Sotheby's auctions to turn them into further financial derivatives. The photos of the artworks sold for the highest price at the auctions are printed on canvas with their prices overlaying the images.

INTERNET PHOTOGRAPHY

Photography on the Internet extends to unprecedented social fields. It challenges the conventions of photography to inquire into the cultural, economic, legal, and ethical structures of photos circulating within the Internet. Capturing the Internet photographically means to position the camera inside its databases, algorithms, screens, feeds, and networks. Addressing the photography of the Internet means questioning the languages, cultures, and semiotics of online photos. Working with the Internet's photos means engaging with the legislations, economies, and ethics of online images.

Internet Photography is not about the production of new photographs, instead it interrogates the renewed role of the photographic medium and how it impacts both personal and social reality. Today, photography needs to explore the vast amount of photos on the Internet with broad social, personal, legal, political, and economic consequences. *Internet Photography* therefore addresses privacy violation, social control, free speech, economic inequalities, political spin, negative self-image, and self-expression.

These social implications re-position photography itself at the center of visual culture through artistic strategies such as figuration and abstraction, recontextualization and appropriation, image juxtaposition and deconstruction, as well as documentary and social reporting. The ethics of photography, the aesthetics of photos, and the social and political capability of photography are all redefined by the Internet.

As a society and as individuals, we face the new power of photography and its potential to affect what we accept and perceive as aesthetic, ethical, and social norms. It is the duty of art to explore all potentials, dangers, and contradictions of this new state of the photographic medium on the Internet.

Paolo Cirio

UNRAVELLING THE IMAGE WEB

Louise Wolthers

Researcher and Curator, The Hasselblad Foundation

A red thread in Paolo Cirio's artistic and activist practice is the consistent investigation of mechanisms of social control and political manipulation by state agencies and tech companies. In various media and visualisations, he analyses, appropriates, mimics or paraphrases complex and often covert information processes. The three bodies of work, *Attention*, *Property* and *Derivatives*, emerged during 2019 in accordance with the artist's conceptualisation of the term *Internet Photography*.

As Cirio points out, the networked circulation of photography across a wide field of symbolic, economic and affective contexts calls for new ethical, legal and semiotic inquiries into the photographic medium. As images enter the variable and transient mechanisms of both algorithmic and personal online dissemination, they can be grabbed by or attach themselves to powerful, popular and profitable dataflows. Viewers thus need an expanded interpretative toolbox in order to critically approach the various image uses and imagine alternative understandings. Cirio's works unfold as both critical exposures and provocative visualisations of what online imagery does — and potentially could do.

To a certain extent, *Attention*, *Property* and *Derivatives* perform as metapictures, whether by employing an almost forensic gaze, by asking potential buyers to sign a contract with the artist or by symbolically staging a legal argument around image rights. The three research based works punctuate the dreams and hopes of the internet as per se democratic, accessible and empowering, but they also represent methods of regaining agency in the political image economy.

That images are capital — and indeed that “image is everything” — was already manifest in 1980s consumerism and analogue advertising and dissected by neo-Marxist cultural theory. But the mechanisms of online image flow

drastically affect the conditions of the images' surplus value, which influencer marketing is a prime illustration of. Cirio's *Attention* dissects the attention economy that pervades personalized advertising through social media selfies and points to how followers ultimately are being deceived and manipulated by unclear product placement. Consumers become influencers, as Cirio notes, and the symbols of consumerism are carefully staged as desirable objects. In *Attention*, the influencer selfies are deconstructed by zooming in and pulling out details, which are displayed in sculptural image layers. Scrutinizing the portraits as made up by fragments is a methodological parallel to how the classical criminologist would inspect ID-photographs, which lends a forensic quality to the work. By turning the tracing of clues and evidence of the hidden advertisement into an aesthetic principle *Attention* unfolds as more than a mere iconoclast neo-Marxist dismissal of the power of the image: it is driven by the intellectual pleasure of visual analysis and forensic investigation that the viewer can engage in and continue. As part of the project, the public is encouraged to discover and report similar hidden advertisements on a continuously expanding online archive.

Images circulating on the web are not automatically accessible or fully visible. As images are capital they are regulated by copyright and to a large extent monopolised by powerful companies. An example is Getty Images Inc.'s archive acquisitions and control of stock photography, which is the subject of investigation in Cirio's two-part series *Property, J. Paul Getty* and *Property, White House*. Both visualize how cultural knowledge and political histories slip from public access into private property through aggressive claims of image ownership. Cirio shares his background research on Getty Images as gatekeeper, including incidences of photographers losing copyright of their own images and highly problematic deals with Google leading to limitations in information access. For *Property, White House* Cirio selected a series of nine historical photos of US presidents sold by Getty Images, which he then located and reprinted from public image archives. In the tradition of

art, such as Sherrie Levine's rephotography of canonical images, the work points to context-dependent questions of photographic authorship, ownership and commodification as Cirio compares identical images from two sources and displays the image with information about photographer, licence holder and his own reframing. Whereas Levine's appropriations questioned photography's role in museums and other art institutions, Cirio's point to the precarious lives of image archives in online domains. Getty Images is but one part of the family empire originating from Getty Oil, whose founder is put on display in *Property, J. Paul Getty*. Portraits of the Getty patriarch are superimposed with colour filters and text fragments from legal clauses relating to Getty Images licence agreements, creating visual obstacles that symbolize the protection of monopoly. As Cirio poignantly states: "Images are the new oil in contemporary visual capital". By surfacing the property laws and trade agreements that govern the use of archival and artistic imagery, the *Property* series points to the legal and economic obstructions we encounter when searching for and experiencing images on screens.

J. Paul Getty was not only an oil magnate but also an ardent art collector, and in *Derivatives* Cirio visualizes the financial speculation of the art market. Here reproductions of auctioned art works are displayed salon style, each superimposed with their economic value in USD printed in large numbers. As in the *Property* series the numbers literally arrest the gaze and prevent access to and from the pleasure of viewing the canonical art works. *Derivatives* illustrates how the notion of aesthetic value is entangled with institutional value as well as political and monetary power. Ultimately the numbers on the surface of the original artwork might not be disturbing to the collector and certainly not to the art market — they *are* the artwork. Cirio also probes how monetary value is ascribed to a piece of art and how dealers seek to increase it, thus pointing to the manipulation of prices at art auctions. Again, Cirio advances the legacy of appropriation art — particularly the work of Hans Haacke comes to mind — as he compels us as art viewers and cultural consumers to

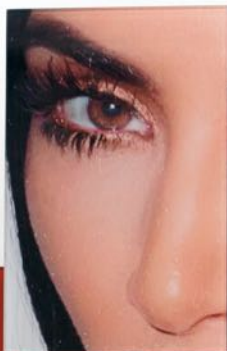
recognize ourselves in the image economy: *Derivatives* is also a performative project in which potential buyers of Cirio's works sign a financial derivative contract with him.

Attention, Property and Derivatives investigate the current conditions of negotiating ideas of value and taste through online imagery. How do economic, legal and semantic systems influence how images are made, performed and perceived? And what does that mean for our understanding of the photographic medium specifically? We are surrounded by online imagery that constantly shift between radically different contexts. With smart phones and social media, we are all photographers and publishers — but other actors and factors are in control of the dissemination, access and meaning of images. With the spirit of John Berger's *Ways of Seeing*, Cirio appeals to our critical sense and investment in understanding how the Internet redefines photography's ethics, aesthetics as well as social and political capability. This is at the core of his notion of *Internet Photography*: rather than photographing and adding to the vast amount of photos on the web, it is a strategy to visualize "privacy violation, social control, free speech, economic inequalities, political spin, negative self-image, and self-expression". Thus Paolo Cirio's *Internet Photography* offers means to produce visual evidence of the politics of networked imagery — and in *Attention, Property and Derivatives* this strategy produces an artistic forensics of online exploitative image capitalism.





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ATTENTION

This series intervenes in the attention economy of advertising by social media influencers. Particularly looking at the language of the photographic medium on Instagram, *Attention* appropriated photos by influencers who promoted controversial products without disclosing them as paid advertisements. Cirio's compositions, which comprise prints on glass, make use of the original photographs and enlarged body parts, expressions, poses, and products. The work deconstructs how Instagram influencers deploy their own particular language of advertising, and therefore interrogates the arbitrary visuals that determine the value and utility of our attention in becoming commodified. The photos are analyzed by zooming into the visual details to reveal highly constructed photography. The imagery of the narcissistic, sexualized, and idealized self is a performative language of the attention economy that became canonized, both to convey perfection and spontaneity. The image is meant to be familiar, effortless, natural in its fabrication; advertisements seamlessly appear to be authentic life. This artwork aims to break the construction and formality of this photographic language; by decoding the images, their mechanism is highlighted. As a form of public action, printed compositions are posted on walls to return the subtle online advertising to its detectable form. In addition, a website for the project allows the public to collect and report deceptive adverts by online influencers.

The future battlefield of advertising is its disappearance in everyday life — becoming invisible and yet being highly effective. While denying that it's advertising, publicity aims to enter into interpersonal communications to become the language and fabric of social relationships.

This series of photographs, appropriated from celebrities as well as micro-influencers, functions as evidence of deceptive advertising and illustrates the visual devices utilized to allure attention. The analysis of photographic language is used to point toward the legal, ethical, and economic nature of the online influencers to discuss the pervasiveness of the attention economy.

Advertising has become a sophisticated social performance. The language for seeking attention gets under our skin through normalizing proto-advertising behaviors to stage the image of the self and make it an economy. Private gestures become public spectacles, manipulated to appeal, value, and validate the image of the self, which is then defined through the visual attributes of the body and objects, rather than the intellect, spirit, and its experiences.

Diffused advertising replaced the role of the copywriter. The strategies of traditional advertising became a profusion of influencers influencing followers on endless media feeds. Meanwhile, consumers became influencers themselves, replicating the linguistic performance of this mode of advertising and its labor. The visual exposure of the language and behavior of this attention economy adopts a critical stance toward the semiotics of advertising and its relationship to advancements in media studies and the field of photography.

Some devices and aims of the publicity images on social media are similar to traditional advertising, allegory in art, and the informative function of images themselves. However, contemporary publicity on social media differs from the historical use of images in publicity. The modes and contexts in which emotions are manipulated to generate attention, excitement, belief, guilt, and envy have changed.

For instance, glamour as a primary device is enhanced by creating envy or desire in others on an interpersonal level. The appeal to the personal social condition is built with a friendly image in complicity with the directness and familiarity of the

medium. Even a clearly fabricated image is perceived by the public as spontaneous and real, a shared private moment, therefore creating a closer contact between the product and the consumer. The line between paid promotion and authentic recommendations, or just being oneself, is increasingly being blurred.

It's the design of the media that establishes the language of the medium and its cultural function. As such, these publicity images are produced by the interfaces of the platforms that manufacture the culture of sharing glamorous, playful, and appealing content. Additionally, the feed is manipulated to match content posted by other users based on the interests of the platform. The contextual environment of advertising in the feeds of social media is coordinated by the platform through algorithmic editorial selection based on profiling users, advertisers plans, and the general commercial agendas of the platform. In this context, the contradictions with other content and users are minimized to create conformity between the languages, messages, and uses of the media channel, which is ultimately driven by the platforms and their financial gains.

The potential sophistications in concealing commercial intentions, paid arrangements, and manipulations of perceptions of advanced modes of advertising are tied to the increasing technological complexity and the future of personal media. Resisting such deceptions of truth and reality goes in parallel with the future dangers posed by fake news, making it a political, educational, and philosophical challenge.

Paolo Cirio

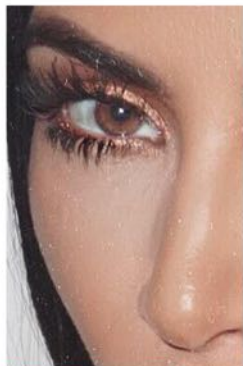
Disclaimer: Despite initial attempts at regulations through new consumer protection laws, some of which have been enacted in only a few countries, influencers still create deceptive advertising, manipulating social media in many forms to dissimulate legal compliance. To this day, regulators fail to reign in this diffuse and subtle form of advertising (See the most recent complaint letter by TINA.org to the FTC on March 4, 2019). Finally, this project highlights the responsibility of social media platforms, which take full advantage of the media attention without adhering to standards and codes of ethics in advertising for traditional broadcasting companies.

<https://influencers-watch.org/>





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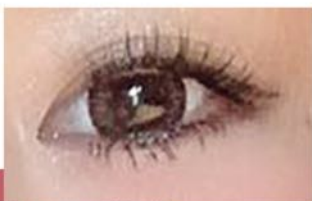


HOW SEXY



INFLUENCERS-WATCH.ORG

THE ATTENTION ECONOMY IS A PERVERSIVE
PSYCHOLOGICAL AND SOCIAL PARADIGM
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INFLUENCERS-WATCH.ORG

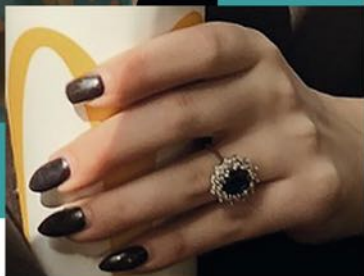
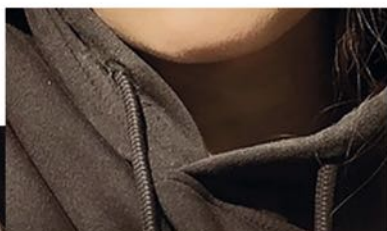
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INFLUENCERS-WATCH.ORG

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THE ATTENTION ECONOMY IS A PERVERSIVE
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DERIVATIVES

This series is composed images and records of artworks appropriated from art auctions to turn them into further financial derivatives. The photos of the artworks sold for the highest price at auction are printed on canvas with their prices overlaying the images. The final works composed by Cirio are then sold as derivatives for a fraction of the value set at the auctions. A “future” financial derivative contract is integrated in the work and signed by the buyers and the artist Cirio at the sale of the artworks. As a form of institutional critique, *Derivatives* reflects on the speculative value of images in the representation of art as a financial instrument. The aesthetics of art is often judged by the inflated prices, as such, in this work the images are seen through their financial qualities rather than their visual features and artistic merits.

In addition, the appropriated art auction records are taken to comment on the unregulated secondary art market. Cirio researched the instruments in place that manipulate prices of artworks at art auctions, which eventually generate inequality within the art world, as well as improper use of wealth and art itself.

By selling derivative works for a small fraction of the original price, the financialization of the art market is democratized and the value of the artworks is distributed to everyday investors, in doing so the project subverts the art market with its own logic.

Paolo Cirio





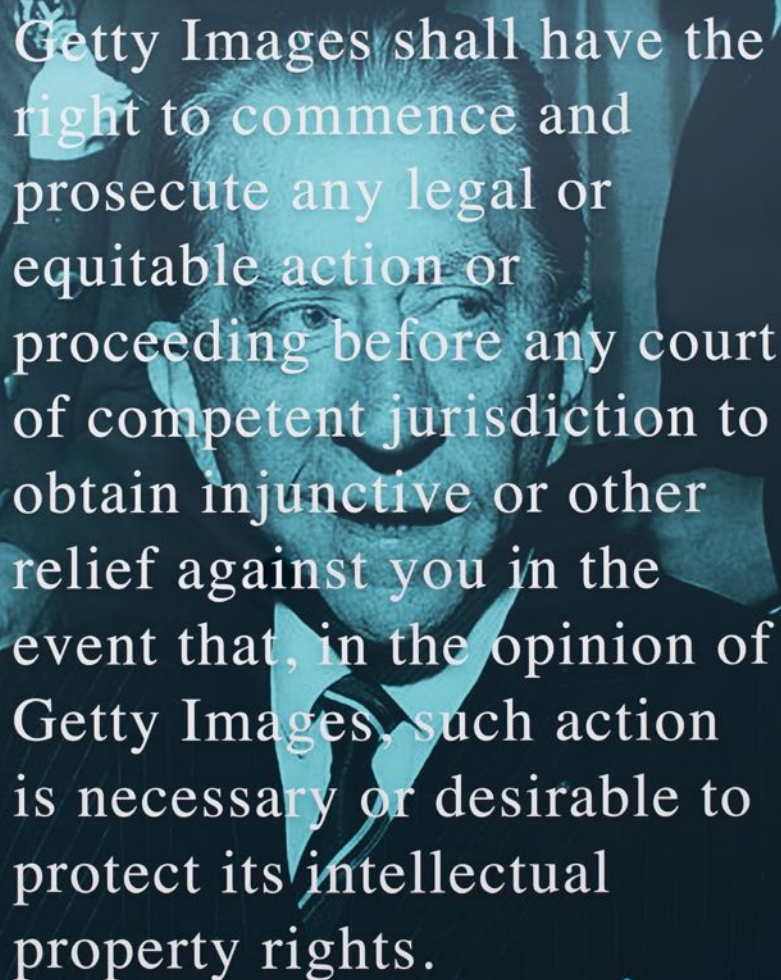
PROPERTY

These works reflect on the stock photography company Getty's dominance in the marketing, capitalization, and control of images on the Internet. The series adopts the semantics of appropriation art through transforming images into compositions of colored shapes and texts, which overlay with the prints of the original photos appropriated from Getty's websites. *Property* examines images as a form of capital accumulation, bound by intellectual property laws, trade agreements, legal contracts, and litigations. Getty aggregates images from public archives, agencies, and photographers; then it repackages them with legal terms to exclusively license and sell millions of photos. Images become an asset and a revenue stream. To dominate the economy of images at a time in which the Internet allows easy reproduction and sharing, Getty Images Inc aggressively controls and polices the use of photos through extensive legal threats and litigation. While limiting access, Getty Images Inc, acquires archives and collections by any means and strikes agreements with search engines and publishers to lure viewers to their sites. These often deceptive and aggressive business practices are necessary for Getty to gain control over the photographic market.

With the series *Property*, White House, Cirio found historical photographs of U.S. presidents in the public domain that Getty Images Inc. licenses and sells on their platform. This series questions the use, trading, and ownership of photo archives through utilizing direct evidence of Getty's deceptive marketing of public domain images. Cirio appropriated photographs of nine U.S. presidents from the White House Archive, the Library of Congress, and the National U.S. Archives, and then compared them with the identical photos marketed by Getty. The final presentation of physical photographic replicas are illustrated with the original captions, indication of the source, and conceptual reframing.


With the series *Property*, J. Paul Getty, Cirio collected photos of the founder of Getty and overlays them with legal clauses from the contract license agreements of photos sold by Getty Images Inc. By appropriating photos of the art collector himself, this work questions the role of patronage and the ownership of art. J. Paul Getty symbolically represents the accumulation and concentration of wealth in the form of the aggregation, marketing, and the sale of photos. Reminiscent of the extractive business of the oil magnate founder of the company, metaphorically, images are the new oil of the contemporary visual capital. The artworks overlay text from legal clauses pertaining to the licensing agreement on portraits of J. Paul Getty, bringing the images' legal and economic value into dialogue with its visual qualities.

Paolo Cirio



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American oil magnate, millionaire and art collector John Paul Getty (1892 - 1976) attends a Pyle's literary luncheon in London. (Photo by George W. Hales/Getty Images)



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Antennaria dioica (Anemone) is a perennial plant with white flowers and green leaves. It is a member of the Ranunculaceae family. It is a member of the Ranunculaceae family. It is a member of the Ranunculaceae family.

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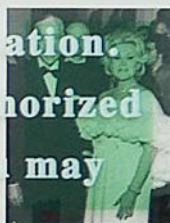
1947: Paul Getty, sitting at his desk.
 (Photo by Michael Ochs Archives/Getty Images)

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1947: Paul Getty, sitting at his desk.
 (Photo by Michael Ochs Archives/Getty Images)



1947: Paul Getty, sitting at his desk.
 (Photo by Michael Ochs Archives/Getty Images)



1947: Paul Getty, sitting at his desk.
 (Photo by Michael Ochs Archives/Getty Images)



1947: Paul Getty, sitting at his desk.
 (Photo by Michael Ochs Archives/Getty Images)

R E S E A R C H

ATTENTION

TMarch 14, 2019

BBCPanorama

Million Pound Selfie Sell Off - VIDEO DOCUMENTARY

How many followers do you have? The rise of social media has brought with it a new kind of celebrity, the digital influencer. These megastars of Instagram and YouTube have upended the advertising industry by converting their virtual followers into real-world currency.

September 14, 2019

The Verge

Instagram will restrict who can see posts about cosmetic procedures, weight loss products. Instagram will restrict people under the age of 18 from seeing posts that promote weight loss products or types of cosmetic surgery as part of a new policy that targets a rapidly growing and controversial sect of influencer marketing.

July 21, 2019

EURONEWS

License to influence: UAE law regulates social media players.

In a bid to regulate the social media marketing industry, the UAE has made licenses for commercialised influencers mandatory.

July 9, 2019

BBC

Denmark plans regulation of influencers following suicide note. The minister of children and education said influencers must, as other media, have an "editorial responsibility".

June 24, 2019

NPvR

Instagram Advertising: Do You Know It, When You See It?

June 15, 2019

The Gaurdian

I'm off to have a baby, and I'm taking no tips from the new pregnancy influencers.

Where once just not vomiting in my hair was enough, now I'm supposed to wonder how cute my bump looks in my lingerie selfies.

May 10, 2019

REUTERS

Exclusive: Philip Morris suspends social media campaign after Reuters exposes young 'influencers'. Cigarette maker Philip Morris International Inc has suspended a global social media marketing campaign in response to Reuters inquiries into the company's use of young online personalities to sell its new "heated tobacco" device, including a 21-year-old woman in Russia.

May 02, 2019

The Guardian

Instagram hiding its likes is no bad thing, but young people will find a way round it. Taking away the little red heart does little to protect users — the culture of validation is too deeply entrenched to be killed off.

April 30, 2019

The Guardian

'Instagram is like junk food': the woman out to improve our visual diet. Marine Tanguy thinks our eyes deserve more than narcissistic soft porn — so she's building a stable of talents to rival Kim Kardashian.

March 17, 2019

The Guardian

Reality check: life behind Insta-glam image of 'influencers'. Online they feature in glossy posts as the epitome of cool. But that is often worlds apart from how they live their lives. <https://www.theguardian.com/money/2019/mar/17/instagram-social-media-influencers-reality>

February 3, 2019

The Guardian

Instagram: beware of bad influencers...
The picture-sharing site and its ilk are full of celebs peddling products and not being open about what they get in return.

Will regulation help? <https://www.theguardian.com/technology/2019/feb/03/instagram-beware-bad-influencers-product-twitter-snapchat-fyre-kendall-jenner-bella-hadid>

February 01, 2019

Forbes

Paid Influencer Marketing For Luxury Watches Prompts Growing Consumer Resentment. In the age of social media marketing, almost anything goes. That is until consumers get wise on unsavory tactics used by overly ambitious marketers who are intent on buying the perceived opinions of today's most influential internet personalities.

January 25, 2019

The Guardian

Forcing social-media influencers to be clear about #ads? Good luck with that. With seemingly infinite ways for celebrities to blur posts that are adverts, authorities' efforts are a laughing stock.

January 23, 2019

The Guardian

Celebrity social media influencers pledge to change way they post. Clampdown on stars being paid for endorsing products without disclosing firm rewards them.

August 29, 2018

The Guardian

How Flat Tummy Co gamed Instagram to sell women the unattainable ideal. 'Appetite suppressant' lollipops and 'detox' teas have been promoted by the company's hand-selected celebrities and Instagram models.

August 24, 2018

The New York Times

Big Tobacco's Global Reach on Social Media.

The tobacco industry says it no longer tries to hook new generations of smokers. So what's behind the legions of beautiful young people in smoking, vaping and partying posts with the same hashtags?

August 17, 2018

The Guardian

Instagram influencers show how ads have changed. We need to catch up. If it's hard to decide what constitutes an ad now, it's because YouTube vloggers and the Kardashians changed the rules.

August 16, 2018

The Guardian

Social media celebrities under investigation by business watchdog. Concerns 'influencers' are not declaring when they have been paid to post about products.

May 16, 2018

The Guardian

Kim Kardashian West shocks fans with ad for appetite-suppressing lollipops. The star has been accused of being a 'toxic influence' but she's not the only celebrity promoting dubious diet products.

March 07, 2018

The Guardian

Glam or sham: how the big brands cash in on YouTube's beauty vloggers. As makeup 'gurus' bag swag and all-expenses-paid trips to paradise, the cosmetic companies make their presence felt.

October 05, 2017

The Guardian

Social media stars breaching rules on promoting brands, watchdog says. Rise in complaints as 'influencers' on sites such as Instagram and Twitter fail to declare that they are being paid to publicise products.

June 13, 2017

The Drum

93% of celebrity influencers don't signpost ads correctly on Instagram. Over 90% of A-list endorsements on Instagram are in violation of rules around influencer marketing.

April 19, 2017

The Fashion Law

THIS JUST IN: FTC Takes action against influencers, marketers over sponsored posts. In a landmark bout of activity, the Federal Trade Commission ("FTC") has announced that it is, in fact, watching celebrities, athletes, and other influencers on Instagram.

August 30, 2016

Yahoo

Canada's ad industry cracking down on paid endorsements on social media. Canada's advertising industry is taking long-overdue steps to curb misleading posts on blogs and social media that double as paid product endorsements in an effort to keep so-called influencers — celebrities and other individuals who have large followings online — honest.

August 22, 2016

ATTN.com

The Kardashians Could Be in Trouble Over These Instagram Posts. Truth in Advertising sent a letter (PDF) to the Kardashians notifying them that they discovered over 100 Instagram posts that should have been marked as advertisements, the post reports.

DERIVATIVES

November 18, 2014

Financial Times

Contemporary art is judged by its price tag not by aesthetics

The market has developed ways to help make sure the numbers go up — or at least appear to.

Two examples. First, if you are a dealer representing one of the relatively small number of artists who matter, you can bid (anonymously) on their works yourself, to register new “values”. You may have to buy some works back, but in a world where the only thing that matters is the most recent price, paying an auctioneer’s commission is merely marketing.

The second is the guarantor purchase. A guarantor is someone who agrees a certain (undisclosed) price for a work before a sale, and makes a profit if it sells for more. To liven things up, they are allowed to bid the work up during the sale too. But if they happen to buy it, their presale negotiation (again, undisclosed) means they will not pay anything like the “price” reported by the auction house, and nor will the new “value” of the work be representative. Almost half of the lots in Christie’s sale last week were guaranteed.

Try this in another kind of market, and there would likely be calls for a regulator to intervene.

September 19, 2015

Hyperallergic

An Illustrated Guide to Auction House Terminology

Former democrat assemblyman Richard Brodsky spent 19 years attempting to ban chandelier bidding. After his ninth bill finally passed through the Assembly in 2007, it was subsequently quashed in the Senate. Republican State Senator John Flanagan also attempted to pass a companion bill in 2007.

February 6, 2017

Artsy

Major Art Market Players Band Together to Shake Industry’s “Shady” Image

In 2015, the global value of the art market stood at \$63.8 billion,

up from \$35.9 billion in 2005, according to the 2016 TEFAF Art Market Report.

The Responsible Art Market Initiative (RAMI), launched in late January in Geneva, is a set of guidelines and best practices designed to help art businesses comply with anti-money laundering and terrorism financing regulation

April 11, 2014

Financial Times

The art world we deserve?

<https://www.ft.com/content/498f5cca-bfce-11e3-b6e8-00144feabdc0#axzz2yp8xp0Fr>

The term “art world” was coined in the mid-1960s by Arthur Coleman Danto, the influential American critic and pioneer of art theory who died in October 2013.

revolutionary ideas of socially and politically orientated “critical art” were eagerly picked up and assimilated by the art market. The art boom of the 1980s — it is claimed that there was more art sold during this decade than in all previous centuries combined — collapsed in early 1990.

boom in the art market that began in 1998, far surpassing the turnover of the 1980s. A key factor at the end of 1999 was the decision of international auction houses to include young contemporary art in their programmes.

the chance to keep the prices of young art stable by targeted bidding or, even better, driving up the prices just in time for planned openings

September 15 made history spotlighting the links between art, commerce and speculation. It was the day when Damien Hirst sold 200 works at Sotheby’s in London for the miraculous sum of £111m;

But for top art works, top prices are being paid. The art bubble is not going to burst.

Every era gets the art it deserves. We see professional dealmakers, speculators, seduced collectors and exhausted artists.

PROPERTY

What is Getty Images

Getty Images, Inc. is an American stock photo agency, with headquarters in Seattle, Washington, United States. It is a supplier of stock images for business and consumers with an archive of 80 million still images and illustrations and more than 50,000 hours of stock film footage. It targets three markets — creative professionals (advertising and graphic design), the media (print and online publishing), and corporate (in-house design, marketing and communication departments).

Getty has distribution offices around the world and capitalizes on the Internet and CD-ROM collections for distribution. As Getty has acquired other older photo agencies and archives, it has digitized their collections, enabling online distribution. Getty Images now operates a large commercial website which allows clients to search and browse for images, purchase usage rights and download images. Costs of images vary according to the chosen resolution and type of rights associated with each image, with the cost-per-image typically being around US\$500. The company also offers custom photo services for corporate clients.¹

The Case of Google Images

December, 2012: Google Drive Blog announced that “5,000 new photos of nature, weather, animals, sports, food, education, technology, music and 8 other categories are now available for your use in Docs, Sheets, and Slides” with no mention to how they were acquired or what type of license they come with.²

¹ Wikipedia. “Getty Images,” https://en.wikipedia.org/wiki/Getty_Images (July 27, 2018).

² Google Drive Blog, “5,000 new stock images in Google Drive, thanks to you,” <https://drive.googleblog.com/2012/12/5000-new-stock-images-in-google-drive.html> (December 6, 2012).

Getty Hands Google Users Free Commercial Images, Photographers Get \$12.³

January 2013: Google changed its presentation of imagery by displaying high res large-format content through Google Images, where previously low res thumbnails that clicked-through to source sites were displayed. This format has diverted users away from source sites and siphoned traffic from Getty Images, other media organizations and image creators. Google Images' current format also promotes "right click" piracy by making hi res imagery easily available, with no requirement for the user to go to the source site to find out how they might legally license or seek permission to use the image in question. Google's practices involve presenting content in such a way that it deters users from engaging with content creators; this impacts artists' ability to monetize users' interest and thereby reduces the level of reinvestment available for the creation of new content. By creating its own captive, image-rich environment and cutting off user traffic to competing websites, Google is able to maintain and reinforce its dominance in search. It does this without making any contribution to the costs of creating the very images upon which it relies to attract and maintain users.

Google's proposed solution was no solution at all: accept its presentation of images in high-res format, or opt-out of image search. This would mean allowing the harm to continue, or becoming invisible on the Internet, making it even more difficult for users to legitimately source and license images.⁴

June, 2015: Getty Images joins as a third party in support of the European Commission's existing investigation into Google's anti-competitive business practices.⁵

3 aPhotoEditor. "Getty Hands Google Users Free Commercial Images, Photographers Get \$12," <http://aphotoeditor.com/2013/01/16/getty-hands-google-users-free-commercial-images-photographers-get-12> (January 16, 2013).

4 Getty Images. "Getty Images to file competition law complaint against Google," <http://press.gettyimages.com/getty-images-files-competition-law-complaint-against-google> (April 26, 2016)

5 Idem.

April 27, 2016: Getty Images files antitrust charges against Google over image scraping

“Getty Images’ complaint focuses specifically on changes made in 2013 to Google Images, the image search functionality of Google, which has not only impacted Getty Images’ image licensing business, but content creators around the world, by creating captivating galleries of high-resolution, copyrighted content.

Because image consumption is immediate, once an image is displayed in high-resolution, large format, there is little impetus to view the image on the original source site. These changes have allowed Google to reinforce its role as the Internet’s dominant search engine, maintaining monopoly over site traffic, engagement data and advertising spend.

This has also promoted piracy, resulting in widespread copyright infringement, turning users into accidental pirates.”⁶

February 9, 2018: Getty Images and Google announce a new partnership

Getty Images, a world leader in visual communication, and Google today announced an agreement that includes a multi-year global licensing partnership, enabling Google to use Getty Images’ content within its various products and services.⁷

February 15, 2018: Google removes the “View Image” button from their Image Search. Google Search Liaison, Danny Sullivan, announced it on Twitter

<https://twitter.com/searchliaisonstatus/964226180776845312>

Later Sullivan admitted that “these changes came about in part

⁶ ArsTechnica. “Getty Images files antitrust charges against Google over image scraping,” <https://arstechnica.com/tech-policy/2016/04/google-eu-antitrust-getty-images-complaint/> (April 27, 2016).

⁷ Getty Images. “Getty Images and Google announce a new partnership,” <http://press.gettyimages.com/getty-images-and-google-announce-a-new-partnership> (February 9, 2018).

due to our settlement with Getty Images this week“ and that “they are designed to strike a balance between serving user needs and publisher concerns, both stakeholders we value.”⁸

Actions from the Public

Make Google Image Search Great Again

Web extension that restores the “View Image” button. <https://github.com/devunt/make-gis-great-again>

Highsmith Vs Getty Images

December 2015: Highsmith received a threat via License Compliance Services (LCS) on behalf of Alamy, another Getty-affiliated company.

“We have seen that an image or images represented by Alamy has been used for online use by your company. According to Alamy’s records your company doesn’t have a valid license for use of the images!”.

The image in question was one of her own. It was among thousands of other images she previously donated to the Library of Congress and made available to the public to reproduce and display for free. Highsmith subsequently discovered that Getty and its affiliates were making available more than 18,000 of her other photographs too.

The company demanded \$120 to settle the dispute.⁹

July 25, 2016: Highsmith responded with a \$1bn lawsuit. “Nowhere on its website does Getty identify Ms. Highsmith as

8 ArsTechnica. “Internet rages after Google removes ‘view image’ button, bowing to Getty,” <https://arstechnica.com/gadgets/2018/02/internet-rages-after-google-removes-view-image-button-bowing-to-getty/> (February 16, 2018)

9 TorrentFreak. “Photographer files \$1bn copyright claim against Getty Images,” <https://torrentfreak.com/photographer-files-1bn-copyright-claim-against-getty-images-160728/> (July 28, 2016).

the sole author of the Highsmith Photos. Likewise, nowhere on its website does Getty identify Ms. Highsmith as the copyright owner of the work¹⁰.

October 28, 2016: US District Court Judge Jed S. Rakoff dismissed each of Carol Highsmith's federal copyright claims.¹¹

The terms of the final settlement with Highsmith were not disclosed, but they surrounded only a New York State law regarding deceptive business practices—nothing to do with copyright.¹²

Morel Vs Getty Images

2010: AFP filed the lawsuit against Morel, seeking a declaration that it had not infringed on his copyrights, after Morel accused it of improper use. Morel then filed his own counterclaims.

AFP had initially argued that Twitter's terms of service permitted the use of the photos. But Nathan found in January that the company's policies allowed posting and "retweeting" of images but did not grant the right to use them commercially.¹³

November 2013: A federal jury on Friday ordered two media companies to pay \$1.2 million to a freelance photojournalist for their unauthorized use of photographs he posted to Twitter.

10 TorrentFreak. "Photographer files \$1bn copyright claim against Getty Images," <https://torrentfreak.com/photographer-files-1bn-copyright-claim-against-getty-images-160728/> (July 28, 2016).

11 TorrentFreak. "\$1bn Getty Images public domain photograph dispute is over," <https://torrentfreak.com/1bn-getty-images-public-domain-photograph-dispute-is-over-161125/> (November 25, 2016).

12 PetaPixel. "\$1 Billion Getty Images lawsuits ends not with a bang, but a whimper," <https://petapixel.com/2016/11/22/1-billion-getty-images-lawsuit-ends-not-bang-whimper/> (November 22, 2016).

13 Reuters. "Photographer wins \$1.2 million from companies that took pictures off Twitter," <https://www.reuters.com/article/us-media-copy-right-twitter/photographer-wins-1-2-million-from-companies-that-took-pictures-off-twitter-idUSBRE9AL16F20131122> (November 22, 2013).

The jury found that Agence France-Presse and Getty Images willfully violated the Copyright Act when they used photos Daniel Morel took in his native Haiti after the 2010 earthquake that killed more than 250,000 people.

An editor at AFP discovered Morel's photos through another Twitter user's account and provided them to Getty. The photos were then widely disseminated to Getty's clients, including several television networks and the Washington Post.

Other Cases

- Zuma Press, Inc. v. Getty Images (US), Inc., No. 1:2016cv06110 - Document 33 (S.D.N.Y. 2017)

Zuma Press alleges that beginning in April 2016, Getty improperly copied at least 47,048 of their Sports photographs, displayed them on the Getty website, and made them available for licensing and sale. Getty's motion to dismiss plaintiff's first amended complaint is granted in part and denied in part.

- Getty Images Inc v. Motamedi, No. 2:2016cv01892 - Document 20 (W.D. Wash. 2016)

"GETTY IMAGES has sufficiently shown that unless a temporary restraining order is granted that requires Defendant to return GETTY IMAGES's trade secrets and confidential information and restrains Defendant from unfairly competing with Getty using its trade secrets and confidential information, Defendant will likely continue to engage in conduct violating GETTY IMAGES's rights. GETTY IMAGES has sufficiently shown that such conduct is likely to cause GETTY IMAGES irreparable injury."

- Nolan v. Getty Images (US), Inc. 2014

The New York State Division of Human Rights (DHR), in a free, daily local newspaper AM NY displayed a full color image of Avril Nolan. DHR licensed Nolan's image from Getty, which obtained the image from a photographer named Jena Cumbo. Cumbo had no written model release from Nolan to use or sell her image. The motion to dismiss the case by Getty was denied.

- Getty Images (US), Inc. v. Virtual Clinics et al, No. 2:2013cv00626 - Document 53 (W.D. Wash. 2014)

Getty brought a single claim for copyright infringement against “The Camps” (website design company run by Kendra Ryan and Ronald Camp) in April 2013,² alleging that the Camps used pictures of cats and dogs exclusively licensed to Getty in designing websites for veterinarians. the court GRANTS Getty’s motion for attorney’s fees (Dkt. # 50) and awards attorney’s fees in the amount of \$276,680.23.

- Getty Images (US), Inc. v. Microsoft Corporation, No. 1:2014cv07114 - Document 68 (S.D.N.Y. 2014)

“On or about August 22, 2014, Microsoft launched a “beta” or test version of the Bing Image Widget (“Widget”). The Widget enables web developers to link to Microsoft Bing Image Search results and display those results on their webpages. Getty brought suit on September 4 seeking injunctive relief, and statutory and actual damages. On October 3, Microsoft filed this motion to dismiss Getty’s amended complaint (“Amended Complaint”), filed on September 24. The motion to dismiss was denied.”

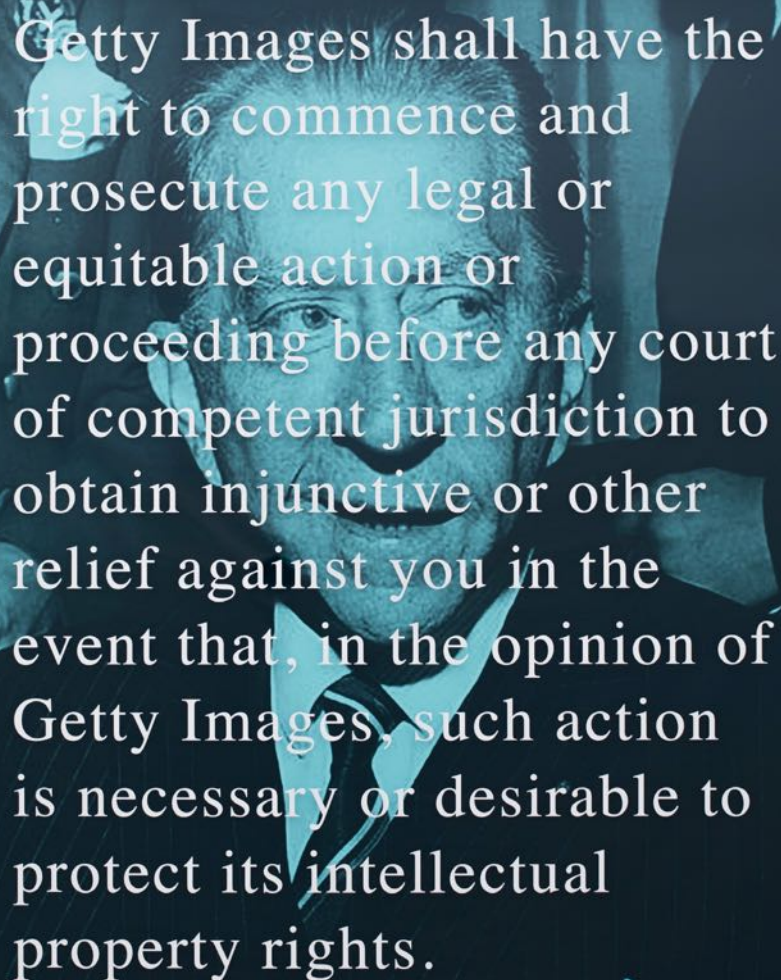
- ArtCapitalGroup,LLCvGettyImages,Inc. 2009

“This dispute arises out of a proposed sale of the photographic archive of the world-renowned photographer Annie Leibovitz (Leibovitz). Plaintiffs Art Capital Group, LLC (ACG) and Art Capital Group, Inc. (ACGI), Leibovitz’s exclusive agent for the sale, allege that defendants Getty Images, Inc. (Getty) and Getty Images (U.S.), Inc. (Getty U.S.) breached a confidentiality agreement relating to the proposed transaction, and then used that information to structure a deal with Leibovitz. ORDERED that the motion (sequence number 002) of defendants Getty Images, Inc. and Getty Images (U.S.), Inc. to dismiss is granted to the extent of dismissing the causes of action for fraud (second cause of action) and tortious interference with prospective business advantage (fourth cause of action), and is otherwise denied.”

A R T W O R K S

*PROPERTY, J. PAUL GETTY, CONTENT LICENSE
2019*

Inkjet print on glass and paper
138 x 98 x 4 cm



Getty Images shall have the right to commence and prosecute any legal or equitable action or proceeding before any court of competent jurisdiction to obtain injunctive or other relief against you in the event that, in the opinion of Getty Images, such action is necessary or desirable to protect its intellectual property rights.

American oil magnate, millionaire and art collector John Paul Getty (1892 - 1976) attends a Poyde's literary luncheon in London. (Photo by George W. Hales/Getty Images)

***PROPERTY, J. PAUL GETTY, NO STANDALONE FILE USE
2019***

Inkjet print on glass and paper
102 x 102 x 4 cm



American-born industrialist J. Paul Getty (1892-1976).
Member of the Getty Center. Courtesy, Getty Center.
Waiting for a party of 120. 8. 1976. 8. 1976. 8. 1976.
House built near Getty Center. 8. 1976. 8. 1976.
(Photo by Getty Images/Getty Images)



England, in January 1973, industrialist Paul Getty home. Sixteenth century.
Sutton Place, 40 km from London. Portrait painting, in the yard of his property.
(Photo by Michael Litvak/Paris Match via Getty Images)



Paul Getty, an industrialist, not one person, in company of
several others, in the company of
(Photo by Francesco Pagni/Paris Match via Getty Images)



England, in January 1973, industrialist Paul Getty home, sitting
in an armchair in his study of the sixteenth century.
Sutton Place, 40 km from London.
(Photo by Michael Litvak/Paris Match via Getty Images)



Oil multi-millionaire and art collector, John Paul Getty
(1892 - 1976) with a glass of wine.
(Photo by Robert Scheraga/Getty Images)

*PROPERTY, J. PAUL GETTY, NO ALTERATION OF CONTENT
2019*

Inkjet print on glass and paper
102 x 102 x 4 cm



17th March 1965. Two of the richest men, Nelson Rockefeller and John Paul Getty (left), are at a Pirelli literary lunch in New York. (Photo by Getty Images)



The American oil discoverer, multi-millionaire and art collector, John Paul Getty (left), poses with the former heavyweight champion, Jack Dempsey, 1967. (Photo by Halton Dewar/Getty Images)



Hours After Oil Deal with Russia. New York: John Paul Getty, Los Angeles oil publisher, is shown as he arrived on the Italian liner S.S. Conte Di Savoia today from Europe. He revealed that he has been working on a big oil deal with Soviet Russia, which, if it goes through, calls for sale of at least 1,000,000 barrels of oil by Getty's company to the Soviets.



John Paul Getty (left) and another man, looking at each other. (Photo by Halton Dewar/Getty Images)



American oil magnate John Paul Getty points on the scene of Al Wafrah on a map of southern Kuwait to King Faisal bin Abdul Aziz of Saudi Arabia. (Photo by Halton Dewar/Getty Images)

***PROPERTY, J. PAUL GETTY, NO METADATA EXPLOITATION
2019***

Inkjet print on glass and paper
102 x 102 x 4 cm



American multimillionaire Jean Paul Getty (center) leading Jeanette Maxwell into dinner.
(Photo by Mark Kaufman/The LIFE Picture Collection/Getty Images)



16th May 1972: John Paul Getty American oil executive, multi-millionaire and art collector, with Zsa Zsa Gabor, exotic international Hungarian leading lady.
(Photo by Evening Standard/Getty Images)



American multimillionaire Jean Paul Getty dancing with Madeline Hedges in Long Gallery.
(Photo by Mark Kaufman/The LIFE Picture Collection/Getty Images)



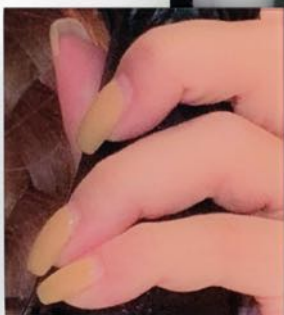
American industrialist J. Paul Getty at Annabel's with Mrs Dina De Ponte and others.
Lally Baskerville, the Baron De Ponte's coming-out party, London, 15th November 1968.
(Photo by John Newsum/Express/Photo Archives/Getty Images)



American oil executive, multi-millionaire and art collector John Paul Getty attends a private viewing of the Royal Academy Summer Exhibition in London, with his secretary Robinia Lord.
(Photo by McKinnon/Express/Getty Images)

*ATTENTION, @RIO19891015
2019*

inkjet Print on Glass
Approx 80 x 70 x 10 cm



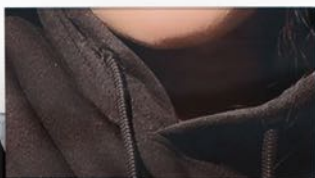
ATTENTION, @KIMKARDASHIAN
2019

inkjet Print on Glass
Approx 80 x 70 x 10 cm



*ATTENTION, @VANDAJANDA
2019*

inkjet Print on Glass
Approx 80 x 70 x 10 cm



ATTENTION, @CAMEONISTAS
2019

inkjet Print on Glass
Approx 80 x 70 x 10 cm



ATTENTION, @ROBERTOCARLOMX
2019

inkjet Print on Glass
Approx 80 x 70 x 10 cm



***ATTENTION, @ALINA_TAPILINA
2019***

inkjet Print on Glass
Approx 80 x 70 x 10 cm



*ATTENTION, @CLASSANDFASHION_OFFICIAL
2019*

inkjet Print on Glass
Approx 80 x 70 x 10 cm



***PROPERTY, WHITE HOUSE, DONALD J. TRUMP
2019***

Digital C-Print
28 x 38,5 x 3 cm



President Donald J. Trump and Kim Jong-un, Chairman of the State Affairs Commission of the Democratic People's Republic of Korea meet for a social dinner, Wednesday, Feb. 27, 2019. (PD photo from the Official White House, photographer Joyce N. Boghosian, licensed by Getty Images, reframed by Paolo Cirio)

***PROPERTY, WHITE HOUSE, BARACK OBAMA
2019***

Digital C-Print
28 x 38,5 x 3 cm



President Barack Obama shoots clay targets on the range at Camp David, Md., Saturday, Aug. 4, 2012.
(PD photo from the Official White House, photographer Pete Souza, licensed by Getty Images, reframed by Paolo Cirio)

***PROPERTY, WHITE HOUSE, GEORGE W. BUSH
2019***

Digital C-Print
28 x 38,5 x 3 cm



911: President George W. Bush Meets with National Security Council at Camp David, 09/15/2001.
(PD photo from the U.S. National Archives, licensed by Getty Images, reframed by Paolo Cirio)

***PROPERTY, WHITE HOUSE, BILL CLINTON
2019***

Digital C-Print
28 x 38,5 x 3 cm



Photograph of President William J. Clinton Delivering the Weekly Radio Address in the Oval Office, 11/06/1993.
(PD photo from the U.S. National Archives, photographer Barbara Kinney, licensed by Getty Images, reframed by Paolo Cirio)

PROPERTY, WHITE HOUSE, GEORGE H. W. BUSH
2019

Digital C-Print
28 x 38,5 x 3 cm



President Bush is Presented with a Piece of the Berlin Wall by West German Foreign Minister Hans-Dietrich Genscher in the Oval Office, 11/21/1989.
(PD photo from the U.S. National Archives, photographer Susan Biddle, licensed by Getty Images, reframed by Paolo Cirio)

PROPERTY, WHITE HOUSE, RICHARD NIXON
2019

Digital C-Print
28 x 38,5 x 3 cm



President Richard Nixon meets with Elvis Presley at the White House, December 21, 1970.
(PD photo from the U.S. National Archives, licensed by Getty Images, reframed by Paolo Cirio)

***PROPERTY, WHITE HOUSE, RONALD REAGAN
2019***

Digital C-Print
28 x 39,5 x 3 cm



The Reagans and Michael Jackson at the White House Ceremony to Launch the Campaign Against Drunk Driving, 05/14/1984.
(PD photo from the U.S. National Archives, licensed by Getty Images, reframed by Paolo Cirio)

PROPERTY, WHITE HOUSE, JOHN F. KENNEDY
2019

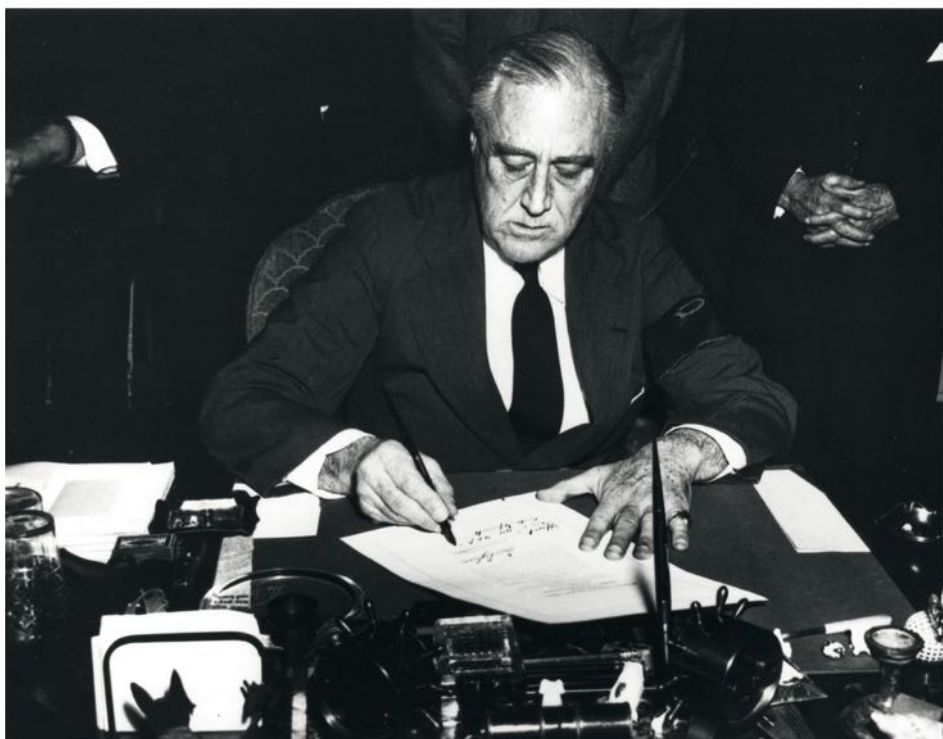
Digital C-Print
28 x 38,5 x 3 cm



John F. Kennedy motorcade, Dallas, Texas USA. Close-up view of President and Mrs Kennedy and Texas Governor John Connally and his wife, 22 November 1963.
(PD photo from the Library of Congress, photographer Victor Hugo King, licensed by Getty Images, reframed by Paolo Cirio)

PROPERTY, WHITE HOUSE, FRANKLIN D. ROOSEVELT
2019

Digital C-Print
28 x 32 x 3 cm



Photograph of President Franklin D. Roosevelt Signing the Declaration of War Against Japan, 12/8/1941.
(PD photo from the Library of Congress, licensed by Getty Images, reframed by Paolo Cirio)

*DERIVATIVES, SOTHEBY'S 100 WORKS OVER A \$1000000
2019*

100 inkjet prints on canvas
Dimensions variable



















Content is not

millionaire and art collector,
with the former
ey, 1967.
(Corbis via Getty Images)

, but you must
wise alter the

content

A black and white photograph of John Paul Getty, an American oil magnate, pointing at a map. The photograph is partially covered by a yellow rectangular overlay. The text 'Content is not' is at the top, and 'wise alter the' and 'content' are also visible, suggesting a larger phrase like 'Content is not king, but you must wisely alter the content'.

American oil magnate John Paul Getty points out the town
on a map of southern Kuwait to King Saud bin Abdul Azi
(Photo by Hulton Archive/Getty Images)

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z of Saudi Arabia




Paul Getty, an oilman, created an oil pipeline in Saudi Arabia
in 1948. The pipeline was built by the company
(Photo by Francis Ngerezi/Photo: Getty Images)

just the content file itself,
separate from the project on

event that, in the
Getty Images, such
is necessary or des
protect its intellect
property rights.

• American oil magnate
collector John Paul Getty
a Foyle's literary
(Photo by George V)

In action irable to ual



ate, millionaire and art
y (1892 - 1976) attends
ry luncheon in London.
W. Hales/Getty Images)





IMAGES RIGHTS

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