

Copyright Infringement is Unlawful, Right?

by Joan Altabe



Not if you can get away with it, it seems.

The Boston Globe reports a Chicago attorney's reaction to a Roy Lichtenstein exhibition of his signature blow-ups of newspaper comics. Mark Weissburg said he was surprised that the Pop artist had never been sued for copyright infringement. "Under copyright law if you copy a protected work without permission you are breaking the law." And not just copying, mind you. Weissburg added, "The Copyright Act also prohibits what are called 'derivative works.' These are works that play off of or incorporate or embellish another work. Virtually every one of Lichtenstein's paintings was either an out and out copy or at least a derivative work."

Case in point, er, dot: A Buck Rogers panel drawn by George Tuska became Benday dot for Benday dot "Emeralds" by Lichtenstein, which Sotheby's sold for \$1.6 million.

Art teacher David Barsalou has been cataloging comics that Lichtenstein enlarged on canvas and sold with high price tags. You can check out his effort here: [Deconstructing Roy Lichtenstein](#). Are you getting this? Here's Lichtenstein, whose work hangs in most every

museum on the planet, and his work consists of newspaper comics enlargements, down to the printing press-process look (Benday dots).

DON'T TRY THIS AT HOME, FOLKS.

Lichtenstein admitted being "anti-contemplative, anti-nuance . . . anti-mystery." His creative process went like this. Using an opaque projector, he would magnify comics onto his studio wall where his blank canvas hung, transferring the drawing to it.

This passivity in paint, this copycatting the printing-press process, was bad enough. But the fact that he kept it up his whole career, that he made a career out of it, is worse. If only he had kept up the sketching he did for his painting. Now that was something. I first saw them in a 1989 show at the Museum of Modern Art in New York: small, casual, pale drawings in colored pencil. They weren't smooth. They looked like they were made by a man rather than a machine. And rather than dots seen in mechanically processed images, Lichtenstein used clusters of diagonal lines, a sketching technique that artists use to suggest shade and tonal shifts.

I liked these drawings a lot.



Sleeping Girl.

Original comic image by Tony Abruzzo (left), Roy Lichtenstein's painting (right) from David Barsalout, 2000, *Deconstructing Roy Lichtenstein*.

It's not that I don't understand how he came up with the newspaper-cartoon look in his painting. As a parent, I sympathized when one of his children accused him of not being able to draw as well as a cartoonist and he took up the challenge by painting Mickey Mouse.

Been there. Done that. But I can't understand making a career out of it. I can't understand making a painter's life out of copying comics. .

NATIONAL MILLENNIUM PROJECT

Which is why I question the decision of the National Millennium Project of the White House. Two hundred works of American art were placed in U.S. embassies and ambassadorial residences at the turn of the 21st century and Lichtenstein's work was included.

Granted the work was a donation to the project. But should we take stuff just because it's free? Why pick a work that amounts to an

oversized cartoon? Why pick an artist who extolled the idea of reproduced things, and by doing that, extolled the vicarious life? Is such a thing worthy of export?

When Lichtenstein died, the Washington Post wrote that he made stupid images into art. How does blowing up stupid images get to be art?

A San Francisco Chronicle's obituary recalled that Lichtenstein's early ambition was to make a painting "so despicable it would defy appreciation." Was his imitation of comics supposed to be an improvement? 🐦

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