THE CHALLENGES RELATIONSHIP BETWEEN CONTEMPORARY ART AND INTELLECTUAL PROPERTY

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ABSTRACT

The goal of leaders practicing transformational leadership is to encourage and enable their teams to realize their maximum potential. Increased employee engagement, productivity, and work happiness are just some of the positive outcomes that have been linked to this style of leadership. Among the most significant effects of transformational leadership on organisational behaviour is the development of a common sense of mission and values among workers. Transformative leaders motivate their teams to achieve shared goals by laying forth the organization's purpose and guiding principles. Individual growth is also emphasized heavily in transformational leadership.

INTRODUCTION

Intellectual property and contemporary art have long had a tense relationship. The original intent of copyright and other intellectual property laws was to safeguard creators against piracy and plagiarism (Schneider & Wright, 2020). However, in today's digital world, these restrictions have grown increasingly complex and difficult to manage, particularly with regards to modern and contemporary art. The idea of fair use has become one of the most divisive topics in this partnership. While copyright rules are in place to safeguard an author's creative output, fair use safeguards some uses of copyrighted works, such as commentary and criticism, from repercussions (Schneider & Wright, 2020). However, it may be challenging to ascertain what is considered fair usage. The legality of stealing artwork is another concern. Appropriation artists create new pieces by reusing elements from other works. This begs the question of who actually owns the original work, and whether or not the new artwork qualifies as sufficiently different from the original to circumvent copyright violations. Last but not least, piracy is a new problem that has arisen because of digital art (Mazzone & Elgammal, 2019). Due to the ease with which digital assets may be copied and shared online, it is often difficult for creators to prevent their work from being pirated or used without their consent.

PROBLEM STATEMENT

The tension between preserving works of art and fostering new forms of expression and invention in modern art is highlighted by these difficulties. The most important parts of intellectual property law with regards to modern art are copyright and fair use (Schneider & Wright, 2020). The law recognises the author's right to limit the work's reproduction and dissemination as "copyright." These privileges cover things like duplication, dissemination, exhibition, performance, and adaptation (Mazzone & Elgammal, 2019). The goal of copyright legislation is to safeguard the author's financial stake in his or her creation by barring others from making unauthorised commercial use of it. However, "fair use" is a theory that enables limited use of copyrighted content without permission from the copyright owner for purposes such as criticism, commentary, news reporting, teaching (including multiple copies for classroom use), scholarship, and research. Its goal is to promote creativity and innovation while also protecting the rights of creators to their work. Many works of contemporary art question established ideas of authorship and property rights in the context of intellectual property law. For instance, in appropriation art, found materials or pictures from outside sources are used to create something new (Mazzone & Elgammal, 2019). Some artists claim that their work is protected under fair use since they are re-creating something that already exists, even if this may be deemed copyright infringement under standard legal interpretation. The "Untitled (Cowboy)" series by Richard Prince is a well-known example of this style; the pictures in this series are taken from actual Marlboro cigarette ads and then have text superimposed on top. In 2013, photographer Patrick Carious filed a lawsuit against Prince for copyright infringement, saying that Prince had exploited Caribou's images without his consent. The court, however, sided with Prince, finding that his work was sufficiently innovative to warrant a finding of fair use (Schneider & Wright, 2020).

Another issue with modern art and IP is how digital technologies have altered the ways in which works of creativity are consumed and disseminated online. Anyone may make material that repurposes photographs and videos from other sources because to the accessibility of digital tools like Photoshop and social media platforms like Instagram and TikTok. This has sparked discussions about whether or not copyright protection should be extended to digital collages and who should have ownership rights to them. Some claim these works are sufficiently innovative to fall under the umbrella of fair use, while others see them as nothing more than derivative works that violate the rights of the authors of the original works (Mazzone & Elgammal, 2019).

LITERATURE REVIEW

The issues of copyright and fair use pose serious problems for today's creative industries. It's crucial to find a balance between preserving the economic interests of artists and encouraging creativity and innovation in society, especially given that old legal interpretations may not necessarily apply to emerging forms of artistic expression (Tsilika & Vardopoulos, (2022).

APPROPRIATION ART AND OWNERSHIP

The debate over who should own works of appropriation art is at the heart of many legal and ethical questions surrounding intellectual property in the context of modern art. Appropriation artists make new works of art by repurposing found materials, such as photographs or items. Digital technology has made it simpler for artists to edit and remix previous works, leading to a surge in interest in this form of art in recent years (Tsilika & Vardopoulos, (2022). When an artist makes unauthorised use of another person's copyrighted work, questions of ownership naturally arise. Copyright holders may seek redress in court if they believe their rights have been violated. Fair use, which permits limited use of copyrighted material without permission, is a defence used by many appropriation artists. Richard Prince's "Untitled (Cowboy)" series, which consists of pictures copied from Marlboro cigarette advertising, is a well-known example of appropriation art (Tsilika & Vardopoulos, (2022). By cropping the photos and adding his own comments, Prince provided a new perspective on American masculinity and consumer society. The original photographer filed a copyright infringement suit against Prince, but the case was eventually dropped due to fair usage. Shepard Fairey's "Hope" poster of Barack Obama from his 2008 presidential campaign is another contentious example. Without attribution or permission, Fairey based his artwork on a shot by Associated Press photographer Mannie Garcia (Bonastra & Jové, 2022). Garcia had originally sued Fairey in court for copyright infringement, but the two finally reached a settlement. Others defend appropriation artists by saying their work pushes limits and questions conventional ideas of authorship and ownership, while critics say they are just stealing. It has been argued that appropriation might function as a tribute to the original creator of the work or work of art (Tsilika & Vardopoulos, (2022).

However, the power dynamics at play in appropriation art raise certain ethical problems, especially when artists of privilege take from oppressed populations without giving credit or financial compensation. As a result, there have been calls for a higher standard of ethics and transparency in appropriation art. The complicated nature of modern art's connection with intellectual property is brought into sharp focus by the appropriation art and ownership

question (Bonastra & Jové, 2022). Some people think it's great since it's an expression of creativity, while others consider it stealing. It's conceivable that this discussion will persist for as long as technology develops and as long as artists push the envelope.

DIGITAL ART AND PIRACY

The theft of digital artworks is a serious problem in the field of modern art and intellectual property. There is a greater chance of digital art being pirated as technology advances. Piracy is defined as the illegal copying or distribution of another person's work. Copying and distributing digital artwork without properly crediting or paying the original creator is a common practise (Bonastra & Jové, 2022). This has sparked a discussion about the best way to safeguard digital works of art without restricting access to them. Watermarking works is one method artists have used to prevent piracy. Images can be "watermarked" by having a mark placed on them, either plainly apparent or undetectable. Because of the increased difficulty of stealing an artist's work, this might serve as a deterrent. Watermarks may help reduce piracy, but they can also diminish the aesthetic value of an artwork. Legal protection for writers' works, including digital works of art, is another option. Artists have the right to prevent their work from being copied or distributed without their permission under copyright rules. However, due to the anonymity offered by the internet, enforcing copyright rules online may be difficult (Bonastra & Jové, 2022).

Some people think that instead of trying to stop piracy, creators should welcome it since it gives their work more attention. Artists benefit from increased exposure and the possibility of making sales when their work may be freely shared online. The strategy encourages creatives to create workarounds for the problem of piracy, while acknowledging that its ultimate elimination is unlikely (Bonastra & Jové, 2022). Digital art and piracy ultimately provide difficult issues for both modern artists and intellectual property law. Watermarking and copyright regulations are two methods that can help safeguard an artist's work from being stolen online, but they are far from infallible. Instead, in today's fast-paced electronic environment, it may be more useful to develop ways to combine safety with accessibility. The problems that digital art and piracy provide for modern artists and intellectual property law are serious. While several methods exist, none of them are guaranteed to prevent identity theft when using the internet. It is crucial that creatives and governments be diligent in developing innovative ways to safeguard unique works while keeping them available to the public as technology advances (Bonastra & Jové, 2022).

For decades, there has been heated debate concerning the correct role of intellectual property in connection to modern and contemporary art. Copyright rules, ownership of artwork, and fair use all present new difficulties in today's rapidly changing and more technological art world. Copyright laws and their effects on modern art are one of the key points of discussion. The purpose of copyright legislation is to prevent the unauthorised duplication of creative works. The proliferation of social media and other online sharing platforms, however, has made it harder than ever to strictly enforce such regulations. This has created a hazy region in which creatives can infringe on the copyrights of others, either accidentally or on purpose. The idea of artwork as intellectual property is a related subtopic. As intellectual property, many artists demand payment if their work is copied or used in any way without their permission. However, this kind of thinking often runs counter to the idea of fair usage in the creative industries (Bonastra & Jové, 2022). The concept of fair usage also has to be considered. As long as the work is transformed or used for anything other than what it was originally intended, you don't need the author's permission to use it in a restricted way. Understanding what constitutes fair usage in the context of modern art can be complicated because of the subjective nature of what is deemed transformative. In sum, it's crucial to have a firm grasp on these ancillary areas if one is to appreciate the complexities inherent in any discussion of modern art and intellectual property rights (Bonastra & Jové, 2022).

COPYRIGHT LAWS AND CONTEMPORARY ART

Modern art has struggled mightily against copyright rules. Using copyrighted material in artwork was once very easy for artists, but with the growth of intellectual property rights, this is no longer the case. Many modern artists make social or cultural commentary through the use of copyrighted imagery and other media. Legal problems and objections to the validity of the artwork may result from such acts. The "Hope" poster by Shepard Fairey, made for Barack Obama's 2008 presidential campaign, is one such example. Underneath Obama's likeness on the poster is the word "Hope" in large, bold letters. Photographer Mannie Garcia of the Associated Press shot the image featured on the poster (AP). After using the photo without AP's consent, Fairey was hit with a copyright infringement lawsuit. Fairey claimed that his use of the photograph was protected by fair use regulations, but he nonetheless reached a \$1.6 million out-of-court settlement with AP. The "Untitled (Cowboy)" series by Richard Prince is another example of copyright issue in modern art. Prince reshot photos from Marlboro cigarette ads with his own twists, such as painting over unwanted features or changing the composition. Prince was accused of copyright infringement by Marlboro, but he

successfully defended his actions as "fair use" under the law. These examples illustrate the difficulties modern artists confront when attempting to include copyrighted content into their works. Fair use regulations aim to safeguard creatives who utilize copyrighted materials to create something new and unique; nevertheless, defining fair use is notoriously tricky and sometimes results in expensive legal fights (Bonastra & Jové, 2022).

Copyright rules not only provide legal hurdles, but also threaten artistic freedom and originality (Hübscher et al., 2022). There are others who believe that the stringent enforcement of copyright rules discourages creativity and innovation by leading artists to either self-censor or avoid tackling particular topics. In general, today's artists have a great deal of difficulty due to copyright regulations. While fair use regulations exist to safeguard creative works, they are often at the center of legal conflicts due to the difficulty in identifying what exactly qualifies as fair use. Further, the purity of modern art is at danger when copyright rules are strictly enforced, since they might stifle artistic freedom and inventiveness (Hübscher et al., 2022).

ART AS INTELLECTUAL PROPERTY

Intellectual property is a hotly debated topic in the visual arts community. The concept of an artist's right to prevent unauthorized duplication or plagiarism of their work is well-established. However, numerous issues about the ownership and management of creative works have been brought to light as a result of the application of intellectual property regulations in the art business (Hübscher et al., 2022). Artists are afforded the same protections under the law as the owners of other forms of intellectual property under copyright legislation. This includes the freedom to share and exhibit their work. But there are many who worry that such regulations stifle innovation. Many modern artists, for instance, provide social commentary or show their individuality by incorporating pre-existing cultural symbols and allusions into their work. It might be tricky for creatives to utilize these signs without risking legal action because they may be trademarked or subject to copyright protection. And there are many who claim that major firms utilize IP laws to suppress competition and protect their monopolies. This has raised some worries about the impact of these restrictions on independent musicians who may lack the financial or legal means to comply with them (Bonastra & Jové, 2022).

The concept of fair usage is also up for discussion in the art world. In some cases, such as criticism, commentary, or parody, individuals are allowed to utilize copyrighted materials

without authorization. However, it may be tricky and subjective to figure out what exactly qualifies as fair use (Bonastra & Jové, 2022). Questions of ownership and authorship within collaborative works of art, such as installations or performances, where numerous individuals contribute ideas and labour, are additional difficulties concerning copyright law and intellectual property rights in art. There is currently no simple answer to the tangled web that is the interaction between modern art and intellectual property. It's crucial that we find a middle ground between safeguarding artistic freedom and enabling innovation in our creative sectors to ensure that artists' works are protected from unauthorized use. Legislators in all areas need to reevaluate intellectual property laws in light of the specifics of the modern art market to prevent undue restrictions on artistic freedom while yet providing necessary legal safeguards for creators (Bonastra & Jové, 2022).

FAIR USE IN THE ART WORLD

In the United States, there is a legal principle known as "fair use" that permits for the unauthorized use of privately owned works under certain conditions. Fair use is a fundamental principle in the arts because it frees creators from the threat of having their work deemed an unauthorized derivative. Fair use is a common concept in the art world, although defining it may be difficult and lead to legal conflict (Whitaker, 2019). Many modern artists test the limits of fair use, which is one of the key causes of tensions between the art world and the world of intellectual property. The line between creativity and appropriation is sometimes blurred when they take preexisting works and rework them. The image of President Barack Obama on the iconic "Hope" poster by Shepard Fairey was first shot by Associated Press photographer Mannie Garcia. Despite Fairey's claims that his modification of Garcia's image resulted in a new and unique work of art, AP pursued legal action against him for copyright infringement. A mutual agreement was reached to end the litigation. In the art industry, figuring out how much of an existing work may be utilised without infringing on copyrights is another difficulty related to fair use. A work may be considered fair use if the artist utilizes only a tiny part of it or modifies it so much that it is no longer identifiable. However, legal action may be taken against an artist who plagiarizes too heavily or whose work is too similar to that of another (Whitaker, 2019).

Another difficulty with fair use in modern and contemporary art is the lack of consensus on what constitutes a sufficiently transformative or unique usage to be considered fair use. Because of this grey area, problems may arise when creators' interpretations conflict with

those of the owners of the copyright (Abdulaziz, 2022). However, the subjective nature of fair use and the absence of clear rules for what is transformative or creative enough to belong under this doctrine make it a difficult topic in modern art, despite its importance. Therefore, being careful, being inventive, and having a strong awareness of the legal system are all necessities while negotiating the link between modern art and intellectual property in order to prevent legal issues (Whitaker, 2019).

METHODOLOGY

Analyzing previously published materials is known as "secondary data analysis." As an example of qualitative research methodology, it describes the practice of analyzing a previously published book or diary. A literature paper that incorporates previously published critical theory is an example of this (Abdulaziz, 2022). Quantitative methods may also be included, such as when scholars examine historical financial reports to judge the efficacy of previous approaches to accounting. Because of its low cost, this research strategy is frequently employed in academic articles, theses, and dissertations. It's also a quick method of research because a visit to a university or public library might provide many different findings. However, some people may find it more challenging to maintain objectivity and remain on topic while employing this knowledge.

ANALYSIS

The proliferation of digital art forms has presented a fresh challenge to the protection of creative works. Due to the ethereal nature of digital art, the question of who owns it has grown more complicated. Copyright infringement is a growing worry with digital art since it may be quickly duplicated and distributed without the artist's permission. The fact that digital artworks are easily modified further complicates issues of ownership. Blockchain technology is one way to fix this issue. Through its distributed ledger technology, blockchain makes it impossible for any single entity to tamper with or falsify data. Non-Fungible Tokens (NFTs) are a kind of digital identification that have been used by certain artists as a means of securing their digital works of art. Artists are able to keep their intellectual property rights using these NFTs as proof of ownership and validity. Still, NFTs and blockchain technology have obstacles that must be overcome. Most nations do not have laws that control ownership rights in connection to blockchain-based assets like NFTs, therefore there is still worked to be done on the subject of legal recognition. This presents challenges for creators who employ this technology to prevent piracy of their work (Zhang et al., 2022).

However, while blockchain might potentially prohibit the unauthorised duplication and dissemination of digital artwork, it does not prevent others from making derivative works based on the artist's original creation, which presents a unique set of challenges. The subject of whether or not derivative works constitute copyright infringement or are permitted by fair use restrictions is raised (Abdulaziz, 2022). Digital art ownership is a tricky topic that calls for creative responses that take into account the needs of both creators and buyers (Zhang et al., 2022). While NFTs on the blockchain present promising answers, they need the legal backing and oversight required to become successful instruments for preserving intellectual property rights in the digital era. For a full comprehension of ownership in this scenario, talks on the limits of fair use and derivative works in connection to digital art are also required. We must develop solutions to safeguard artists' rights, foster creativity, and promote access and innovation as the world continues its march towards digitization (Bently et al., 2022).

PIRACY AND COPYRIGHT INFRINGEMENT

One of the most significant problems that modern art and intellectual property have to confront in businesses is piracy and copyright infringement (Schneider & Wright, 2020). Copyright infringement is the use of copyrighted work without permission or due payment, whereas piracy is the unlawful reproduction or distribution of copyrighted information. These issues have multiplied in the Internet age since information travels quickly and freely. Firm profits dependent on intellectual property are especially vulnerable to piracy and copyright infringement (Bently et al., 2022). Copyright protection is essential for industries such as the music industry, the film industry, and the software industry. People who download movies and music without paying for them are effectively stealing from legitimate businesses. This may lead to fewer sales, lower income, and eventually the elimination of jobs (Bently et al., 2022). The incentive for artists to create new works is weakened as a result of piracy and copyright violation. When artists' efforts are stolen or infringed upon without payment or recognition as the original producers, they may lose interest in creating new works or perhaps stop creating altogether. Users may now readily download movies illegally for free rather than paying for a subscription service, thanks in large part to the proliferation of streaming services like Netflix. The same holds true for music streaming services such as Spotify, where users may have access to millions of songs at no cost so long as they are willing to share their accounts with others (Schneider & Wright, 2020).

Governments throughout the globe need to enforce tighter laws against piracy and copyright infringement and promote innovation through fair use regulations that safeguard artists' rights

and satisfy consumers' demands for an effective response to these problems. In addition, firms should spend extensively on security measures, such as encryption techniques, that safeguard their intellectual property from theft. Modern art has significant challenges, including piracy and copyright violation (Zhang et al., 2022). They are a serious danger to the bottom lines of businesses and the inspiration of artists alike. Governments, corporations, and individuals will need to work together to properly solve these issues. By doing so, we can create an environment that encourages innovation and creativity while safeguarding the rights of creators everywhere (Schneider & Wright, 2020).

LEGAL IMPLICATIONS FOR ART COMPANIES

When discussing the difficulties of the connection between modern art and intellectual property, the legal ramifications for art businesses are substantial. Companies dealing in works of art should safeguard their ownership of those items by registering them with the necessary authorities. This is because they cannot defend themselves against infringement if they are not properly registered. They should also avoid infringing on the intellectual property rights of others, which might result in costly lawsuits and protracted legal battles. The copyright system has significant legal ramifications for the creative industries. Visual works, such as paintings, sculptures, photos, and other kinds of visual art, are protected by copyright law. Companies in the art industry must verify that they either own or have the appropriate licences to utilise any copyrighted works included in their offerings. The risk of allegations of copyright infringement and subsequent damages increases if this is not done. Trademark law is another crucial area of IP law that has an impact on the creative industries. Brands and logos connected with a product or service can be protected with a trademark. Trademarks can be used by businesses in the art industry to distinguish themselves and their wares from competitors. When developing new offerings, they should be careful not to infringe on someone else's trademarks. In some circumstances, art businesses may also need to consider patent law. New methods and tools for making art are protected by patents. A firm, for instance, may invent a novel printing process that allows for inexpensive yet highquality art reproductions. To prevent rivals from stealing these developments, patent protection may be required (Schneider & Wright, 2021).

The intersection of modern artwork and intellectual property raises a number of legal considerations for galleries and museums. Copyright law, trademark law, and patent law are all examples of such regulations. Art businesses need to take precautions to safeguard their own intellectual property rights and to avoid infringing on the rights of others. A company's

reputation and bottom line might take a serious hit if it is sued for not following these regulations. As a result, creative businesses need to consider the potential consequences of their acts and take precautions to safeguard their operations and intellectual property (Schneider & Wright, 2021).

RECOMMENDATIONS AND DISCUSSIONS

Recent years have seen a dramatic shift in the contemporary art market as a result of the proliferation of digital tools (Zhang et al., 2022). The rise of digital art has posed new difficulties in the connection between modern artwork and corporate intellectual property. Questions of digital art ownership, copyright infringement, and the legal ramifications for the art industry have emerged as artists and businesses try to adapt to the new environment. This article will begin by discussing who owns digital artwork. Artists are increasingly producing works that are optimised for digital distribution due to the proliferation of digital media. This has led to inquiries as to the rightful owners of these works and the best means of preventing their misuse. Piracy and other forms of copyright infringement make up the second subtopic. As digital artworks become more widely available, unauthorised copies will become more common. This has raised questions regarding how to best guarantee that creatives are compensated fairly for their efforts (Schneider & Wright, 2021).

This essay concludes with a discussion of the intellectual property rights law and its consequences for the art business. Intellectual property challenges relating to artwork present challenging legal frameworks for businesses to negotiate, including licencing agreements, copyright laws, and trademark protections. This article aims to examine the issues surrounding intellectual property rights in modern art as a whole. By digging further into these basic themes, we may better grasp how businesses and creative individuals can cooperate to safeguard intellectual property in the face of rapid technological change (Schneider & Wright, 2021).

CONCLUSION

In conclusion, there is much to think about when discussing the issues of the link between modern art and intellectual property. Some of the most pressing concerns in this field have been brought to light by the subthemes of copyright and fair use, appropriation art and ownership, and digital art and piracy. There needs to be a balance between the rights of the artist and the fair use of their work by others, which is why copyright laws were created. The ambiguity of intellectual property rights is further complicated by appropriation art. Piracy is

a huge issue that has arisen as a result of the rise of digital art. It is challenging for creators to safeguard their work in the digital age due to the simplicity with which it may be duplicated and shared (Roh et al., 2022).

The protection of artists' rights must be balanced with the freedom to explore new avenues of expression and innovation. To guarantee that intellectual property laws continue to develop in tandem with technological changes, it is crucial that policymakers, artists, collectors, galleries, institutions, and society at large engage in regular conversations about these concerns (Ballardini et al., 2022). This way, we can protect the rights of artists without compromising the vitality of modern visual culture. Finally, for several reasons, the traditional understanding of how intellectual property relates to modern art has been called into question. The difficulty of producing new works that don't infringe on existing copyrights has put contemporary artists at clash with copyright regulations. Some people think art should be open to the public with no restrictions, while others support stringent copyright rules to safeguard the rights of artists (Ballardini et al., 2022).

Fair use is a hotly debated topic in the art world, and the copyright laws need to do a better job of defining and regulating it. Fair use is a legal loophole that lets creatives utilise copyrighted materials, but the exact parameters of what counts as fair use are sometimes up for debate. This poses problems for creators who wish to use pre-existing content without risking legal action (Ballardini et al., 2022). In the end, it's obvious that the modern art industry needs to strike a balance between securing intellectual property and encouraging new forms of expression. Artists should be allowed to make works that are derivative of other works so long as they pay homage to the original authors (Lynch, 2022). In addition, artists should be able to create new works without worrying about being sued, therefore copyright rules should elaborate on what constitutes fair usage in the creative sector. Finding this middle ground will guarantee that both IP rights and free expression are respected and preserved in the field of modern art (Ito & O'Dair, 2019).

In conclusion, there are many factors to consider when predicting the future of the connection between modern artwork and corporate intellectual property. Some of the problems that will need to be solved in the future include those related to digital art ownership, copyright infringement, and the legal ramifications for art businesses (Ito & O'Dair, 2019). Despite the difficulties, the creative sector stands to benefit from these obstacles. As the rate of technological development increases, the question of who owns digital works of art persists. In order to survive, businesses involved in the arts must adopt novel structures of ownership

and distribution. The theft of intellectual property is a big issue for creators and businesses alike. Even if rules exist to safeguard intellectual property, implementing them in today's increasingly digital society can be challenging (Ito & O'Dair, 2019). Failure to secure intellectual property can have serious legal consequences for creative businesses. Copyright registration, internet monitoring, and legal action are all vital preventative measures for businesses to take to safeguard their intellectual property (Lynch, 2022).

The industry may face difficulties, but it also has room for development and progress. In addition to increasing transparency for collectors, new technologies like blockchain may help solve problems related to the ownership of digital works of art (Lynch, 2022). In conclusion, there will be a continual need for adjustments and care on the part of all parties engaged in managing the link between modern art and intellectual property (Ito & O'Dair, 2019). We can keep artists' work safe and promote a healthy creative economy by welcoming new technology while staying alert against piracy.

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