



**Building a Fair Art Market in a Sharing
Economy: The Teaching Institute for Art &
Law**



What happens when we turn a part of the law that has become sacrosanct across the world — the economic rights of IP producers — against its intended purpose?

What if IP producers reclaim the legal and economic scaffolding surrounding their individual creative works to protect social actions, be in solidarity with workers in supply chains, or highlight the absurdity of maximalist intangible property?

As the art industry is undergoing significant transformation with the rise of web3 technologies and decentralized governance models, we are building a cyber-commons that unites artists in changing the terms upon which our art enters the economy. Our experiment utilizes the legal technology of copyright, which gives an artist the right to exclude others from using their art on whatever terms the artist includes in a copyright license. The morals clause is a space inside of a contract between the artist and the rest of the world, where the artist can create new economic imaginaries with real-world economic effect.

Although copyright has long been used to restrict widespread distribution of art, our experiment turns this logic on its head. Our cyber-commons uses copyright to make clear that our art is made freely available for everyone, except for those who reify the structural inequities of our economy. In other words, our copyright license is intended to exclude the excluders, those who stand in opposition to a decolonized, liberated, and diverse economy.

We empower artists to exclude the excluders by asking each participant in our commons to create a morals clause, which details the ways in which an artist wants their art to *not* be used. We then combine all of these morals clauses into a copyright license that governs our commons.

Can a work of art possess direct political agency, not merely through its aesthetic or content, but through artists reclaiming the legal and economic scaffolding surrounding it?

The Teaching Institute for Art & Law trains artists and intellectual property producers to understand the social power of the IP they create and to pool their IP into a commons where it can be collectively monetized, and where profits are equitably redistributed to everyone in the commons. This is a new business model for artists who are otherwise almost entirely dependent upon grants and sales to sustain their art practice. The morals clause is a space inside of a contract between the artist and the rest of the world, where the artist can create new economic imaginaries with real-world economic effect.

The Teaching Institute for Art & Law DAO is intended to embrace the anarchy of any diverging morals between and among artists. As such, the platform is designed to transform points of conflict into co-created art and to bring healing attention to the alienation that exists between artists and the commercialization of art. As praxis of 'recognition,' Performing the Commons IP licensing enables artists to define their own 'terms of creation,' while simultaneously contributing to the collective power of the commons. The constellation of licenses is stitched together to create a governing constitution of the commons reflecting the morals clauses of each artist.

The curriculum of The Teaching Institute for Art & Law will be distributed to the DAO members in the form of sequencing kits and the crypto-currency connected to this project will be fractionalized so that the members can co-own their collectively produced intellectual property, including curriculum, pedagogy, performance, and art (including ideas, objects, or concepts).

If artists are willing to strategically activate the terms upon which their art enters the market, could we relocate the political agency of Art?

By recording a regular signature combined with an IP morals clause, we create a registry that artists can use to tag their art with their morals. These tools empower artists to wield their IP, individually or collectively, in solidarity actions (or “performances”). IP can be used powerfully in protest against gentrification and surveillance. They also easily enable solidarity actions with IP producers across the globe.

The idea is to really expand the field of who is considered an Artist and allow everyday life-art and all kinds of creators to unite and create a sustainable economy through the innovative PPAC Art License. [Performing Pro Arts COMMONS \(PPAC\)](#) transmedia performance script is a copyright license and experimentation in using the law as a medium for building an Activist Art machine and practicing community self-defense and care, through the act of occupying intellectual property. [Dadais Americanus](#) is a pseudonym used for Art made in the COMMONS that was registered with the US Copyright Office in 2020. Any creator can assume this name for a DaDA performance under the PPAC copyright license, and for artistic transgressions that defy the systems of power.

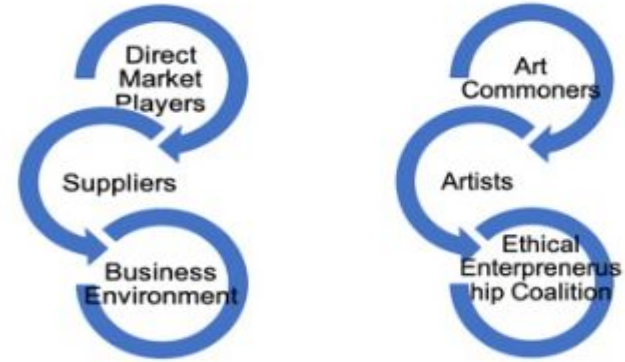
PPAC Art License Script is the White Papers for Teaching Institute for Art & Law DAO. The prerequisite reading is the Reframing Essay written by Natalia Ivanova, annotated by Chris Byrnes, both founders of the Institute and the Dadais Americanus collective. Monthly royalties are generated for investors in the idea. The Dadais Americanus token is issued every month from pulled monetary proceeds from IPs as well as individual performances IPs that contribute to the network worth. The power lies in the collective power of aggregated IPs. Which leads to the abolishment of IPs incidentally - since the power of many cancels the power of few. We bring balance.

Why is value important to discuss in the context of art, art labor and production?

Since the value of art within the context of the traditional art market system is directly linked to labor and capital, we need to create an alternative to the system that recognizes broader value contributions.

We can start by replacing the ‘**direct market players**’ (producers, buyers, consumers) with ‘**art commoners**’ (art professionals, funders, and the public). The art commoners are engaged in the co-production of value, social and public goods, and the replication of local and global material and immaterial art and culture commons.

Secondly, we can replace the ‘**suppliers**’ from the traditional market system with ‘artists,’ who will mutualize their labor and production, co-creating new relationships with their peers and the public, and thereby dispersing the power associated with their skill, knowledge, experience and position in the art world, in the name of empowering others.



Lastly, we will replace the ‘entities that influence the business environment’ (government, infrastructure providers, industry associations) with a body that we refer to as the ‘**Ethical Entrepreneurship Coalition.**’ This body will invest in the infrastructure and sustainable growth of a sharing art economy; the just and fair distribution of profit and rewards; and the mobilization of social capital and community. **Global affinity groups** will contribute in the co-creation of an international commons-centric art world, which operates parallel yet autonomously to the official, International art market.

A new currency for the art world

If we are creating a new art market, it follows that we will reconsider what constitutes fair labor and how the value of art is appraised. We will create an alternative currency that builds community assets and social capital, as well as solidarity among all participants, and private and public partners. By linking art to IP-defined Art, an alternative currency used for the exchange of art could be backed by IP. The value of IP is already recognized within the world of fiat currency, which would enable the alternative currency to have immediate and recognized value within the current economy

An IP-backed alternative currency could have real potential to compete alongside fiat currency, and at least theoretically (IP is deemed to constitute upwards of 84% of the value of Fortune 500 companies), replace fiat currency. By linking the availability of the alternative currency to compliance with the morals clauses that exist inside the IP licenses used by the commons, the morals clauses could function as the means for reconfiguration of the capitalist structures.

If we sufficiently expand the commons to incorporate as many artists as possible who wish to participate in a world of basic income and profit sharing (e.g., including artists like inventors who create high-value industrial art), the commons could become a self-sustaining vehicle for self-governance and equitable redistribution, co-created by all commoners. The sense of self and purpose that could arise from a group of Art commoners, all creating and producing art for the purpose of collective liberation, could be an explosive source of creative inspiration. Such inspiration may create positive feedback loops for creating more and more inspired Art.

The Teaching Institute for Art & Law (TIAL) is a groundbreaking initiative aiming to revolutionize intellectual property (IP) licenses through decentralized structures, leadership, and governance.

- **Empowering Artists:** We are committed to educating artists on utilizing intellectual property and patent law as tools to redefine the value of their creative endeavors and labor within the framework of a collaborative sharing economy.
- **Restoring Connections:** We strive to mend the fractured relationships between artists and their communities, fellow artists, and the sites and means of production, fostering a culture of collaboration, collectivism, and mutual support.
- **Open Knowledge Platform:** Our institute serves as an open-source platform for artistic research, exchange, and pedagogy, nurturing a digital commons where knowledge flows freely to advance the open knowledge economy.
- **Critical Exploration:** We aim to sustain critical inquiry, textual exploration, and artistic expression at the intersection of art, law, and economics, pushing the boundaries of our understanding of creativity.
- **Innovating Pedagogy:** Through the development of pedagogical materials, curricula, and performance art, we embody the principles of commoning in art, law, and economics, inspiring a paradigm shift in the way we perceive and engage with intellectual property.

The Teaching Institute for Art & Law makes money by selling or licensing art through the Commons and then redistributing the funds to the commoners. Our returns are entirely dependent upon the demand for the art that we have inside of the commons. Because we intentionally include inventors as “artists” creating patentable “art”, PPAC can theoretically hold a diverse portfolio of copyright and patented works. Through certain, known monetization practices for IP portfolios, we estimate that TIAL can make hundreds of thousands of dollars per year.

Background & Vision:

We have been laying the groundwork for The Teaching Institute for Art & Law, a project born from the visionary alternative economy model of [Pro Arts Gallery & COMMONS](#) in Oakland, CA for the last five years. We are on a mission to transcend conventional notions of value creation within the art world, seeking to mend the fractured bonds between artists, communities, and institutions.

At the heart of our vision lies a radical reconceptualization of the value of art and labor within a legal framework. We position intellectual labor as a valuable trading output of the artist's service to the social whole, aligning with solidarity labor and union movements of free culture and knowledge. Our approach not only aims for efficient monetization through pooling intellectual property but also introduces unprecedented elements such as morals clauses and equitable redistribution.

Achievements:

Since our inception, we've achieved significant milestones. We launched the PPAC Art License and the Dadais Americanus collective in 2020, followed by the [PPAC Incubator for Social Impact](#). In 2021, we established the [PPAC Seed Fund](#), commissioning transmedia works under the pseudonym of Dadais Americanus to transform points of conflict into co-created IP Art.

International Impact:

Our initiatives have resonated globally. Natalia Ivanova directed The Teaching Institute for Art & Law in Berlin, Germany, fostering connections with individuals, collectives, and institutions. Meanwhile, Chris Byrnes and his collective OccupyIP in Madrid, Spain, have been instrumental in developing the architecture for The Teaching Institute for Art & Law DAO, exploring mechanisms for morals clauses and artist empowerment.

Teaching Institute for Art & LAW: OBJECTIVES

Develop Governance and Methodologies for IP Licensing:

- Create a framework for intellectual property (IP) licensing that prioritizes transparency, fairness, and accessibility.
- Develop methodologies for artists to navigate the complexities of IP law, ensuring their rights are protected while fostering a culture of collaboration and innovation.

Develop Architecture, Pedagogy, and Curriculum for The Teaching Institute for Art & Law DAO:

- Design the infrastructure and governance model for The Teaching Institute for Art & Law DAO, ensuring it operates efficiently and transparently.
- Develop a pedagogical approach that integrates legal theory, practical skills, and real-world application to empower artists, scholars, and activists.
- Create a comprehensive curriculum that addresses key issues at the intersection of art, law, and economy, providing participants with the knowledge and tools they need to effect change.

Establish an International Network:

- Forge partnerships with artists, educators, lawyers, economists, and cultural institutions worldwide to create a robust network of collaborators.
- Establish physical and virtual hubs for collaboration, knowledge exchange, and resource sharing.
- Facilitate cross-cultural dialogue and collaboration to foster diversity, inclusivity, and global solidarity within the arts community.

Establish Collaborative Economic Models:

- Develop and implement collaborative economic models within the arts community that prioritize mutual support and equitable distribution of resources.
- Introduce contractually binding morals clauses into the commercial terms of art sales to promote ethical practices and social responsibility.
- Pool art into a portfolio for equitable redistribution of royalties, ensuring artists receive fair compensation for their work while promoting a more just distribution of creative resources.

Monetize the Art Portfolio through Blockchain and Alternative Currency:

- Utilize blockchain technology and alternative currencies to monetize the art portfolio in a transparent and decentralized manner.
- Implement smart contracts to automate royalty distribution and ensure funds are redistributed to commoners and artists according to predefined criteria.
- Promote financial inclusion and empower individuals to participate in the art economy, regardless of their background or financial status.

[Pro Arts Gallery & COMMONS](#) is a collectively-held space in Oakland, California that blurs the line between art, debate, experimentation, and collaboration. Through the sharing of material and immaterial resources, we reflect Oakland's existing artistic and cultural fabric, while creating future landscape of other commonscentric spaces that encourage the economic and cultural power of the community. Our collaborative activities are rooted in these mutual values and principles.

Pro Arts COMMONS Project is a global, peer-to-peer networked community, spearheading a movement towards a post-capitalist art economy. Working together, commoners and affinity groups aim to reframe the value of art and art labor in the context of a sharing economy. We disrupt the logic of capital through sustaining those commons-centric spaces, practices, and value production models that rewire the broken connections between artist, community, and everyday life.

AbolishIP makes art out of intellectual property (IP), utilizing law, Art, and economic supply chains as new media for political action. We empower IP producers — artists, writers, scholars, inventors, anyone producing creative works — to activate the terms upon which their art enters the market in harmony with their radical politics. **AbolishIP** currently consists of two meta-projects. “The People’s Guide to Intellectual Property” is a pedagogical exercise in 3-parts: (1) theory, critical essays on the origins and political economy of IP today; (2) tools, practical guides on how Artists can activate morals clauses in licensing or employment contracts, how IP can be used for commoning, and how to make art out of the law; and (3) tutorials, because no one should need a law degree to understand how their art enters the market. “Occupations” is occupyIP in praxis; experiments, laboratories, actions, performance.

Building a fair art market in a sharing economy

The economics of the art market are broken. To fix them, we need to reevaluate the way we value and fund the labor required to produce art.

The political economy of creative works is organized primarily around the intellectual property economy. Intellectual property provides the means for enforcing exclusivity around art, which in turn drives the economics of scarcity that have created a market failure in the art market. Works protected by intellectual property can be referred to as "Art," with a capital A (see Art. 1, Sec. 8, Clause 8 of US Constitution, which provides the Constitutional basis for IP laws in the United States).

Efforts to resuscitate the market have produced brilliant research in cultural theory and art theory but most of this work is largely inaccessible to anyone but academics. Recently, there has been a concerted effort to include unrepresented voices and marginalized communities in the discussion, but I argue we cannot talk about equity in the arts if we don't address the underlying structures of fair labor, intrinsically connected to the value we attribute to art and art production. How can we build a new art market when those with power continue to propagate a system that is based in competition, scarcity, and individualism that primarily benefits them?

The intellectual property system is a primary tool wielded by those with power to drive competition, scarcity, and individualism. The system has been propagated around the world through colonial enterprise, imposed upon non-Western countries through trade agreements. IP creates competition within countries through rights to exclude that are national in scope. At the international level, competition is created by blocking imports of Art that infringe national-level IP. Scarcity is created through the right to exclude, which prevents people from freely copying and disseminating Art. Individualism is inherent to the IP system, which fails to recognize collective authorship. Instead, IP laws generally force artists to identify themselves as individuals in order to receive IP protection.

When funding mechanisms break, individuals and organizations depend more on mutual production, cooperation, reciprocity and collaboration. Since the value of art in the traditional market system is directly linked to labor and capital, we need an alternative that recognizes broader value contributions and avoid the consequences of other failing economic

1. Operate on the basis of perpetual scarcity in order to create monopolies;

Although IP purports to provide rights to exclude for only limited times, as a matter of practice, IP is the tool for perpetual scarcity. Over the past 230 years, copyright terms have been consistently expanded from ~28 years to ~120 years. Patent terms have expanded from 17 years to 20 years and many businesses try to "evergreen" patents by patenting different pieces that are necessary to practice a particular invention. Trademarks have no expiration and last so long as they are used in commerce.

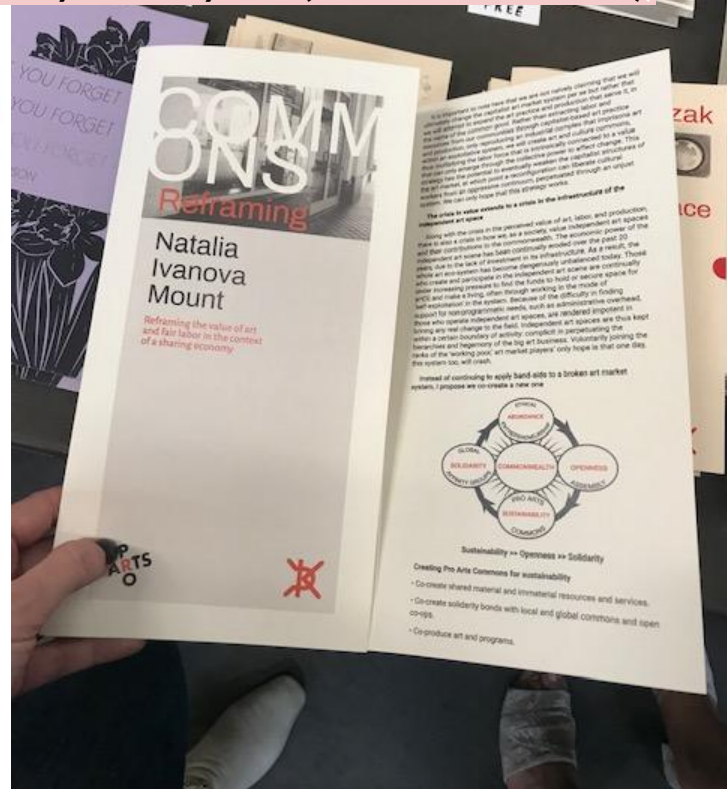
2. Assure profits are held by the top 1 percent of the population through privileged market access, tax laws, and systemic racism;

The complexity of the IP system and the cost of utilizing it creates a remarkably effective means of extracting wealth from the 99% and redistributing it to the 1%. Property systems as a whole are inseparable from systemic racism and the IP system is arguably a modern-day ethereal chimera that advances the systemic racism known across real property systems into the world of intangible property.

3. Homogenize and commodify culture, turning a producer society into a consumer society.

IP is the primary way in which culture, intangible and non-rival, is rendered into a tangible and rival commodity. However, IP laws have rights for IP producers that can be reevaluated and reorganized to create a new culture of collective-producer empowerment, focusing the homogenizing effect of the IP system into a laser-like tool that can be wielded by an empowered collective.

Read [REFRAMING](#) essay by Natalia Ivanova, annotated by Chris Byrnes (Dadais Americanus)



https://www.youtube.com/watch?v=CJrHHYrEtzA&embeds_referring_euri=https%3A%2F%2Fwww.proartscommons.org%2F&source_ve_path=Mjg2NjY&feature=emb_logo&themeRefresh=1



Artists' Round Table about the effects of Covid on the Bay Area local art, media and performance scene, 3rd i board member Anuj Vaidya interviews media artist/scholar Praba Pilar and Pro Arts Gallery & Commons media curator/gallery director Natalia Ivanova. The conversation covers wide ground including the need for collective visioning in these troubled times, and the importance of art and community participation as we wonder about the future.



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For a background on the foundations of Intellectual Property & trademarks; share alike & controversies of copyleft; ethics & morals clauses; and how this relates to the Teaching Institute of Art & Law, please check out *Episode 235: Chris Byrnes, Esq.: Intellectual Property as Trauma/IP Licensing and Morals Clauses/IP Commoning*, an **End of the Road** podcast recorded on August 22, 2022.

<https://podcasts.apple.com/sk/podcast/episode-235-chris-byrnes-esq-intellectual-property/id1269885389?i=1000577839802>

