

CFP - ASTR/TLA 2011

Intellectual Property and Performance: Negotiating Intangible Mediums of Expression

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Intellectual property stands at one corner of the intersection of art and capitalism. Artists' ability to generate income from artistic works and performances often depends on their ability to exert legal control over those "properties." Copyright law provides the foundation for the official structure within which artists negotiate this kind of ownership, yet the relationship between copyright law and performance is, to say the least, fraught. After the first copyright laws appeared, protecting the reproduction of physical copies of texts, it took decades of litigation and legislation before the notion of intellectual property expanded to include even the performance of dramatic texts. To this day, un-notated choreography, unwritten jokes, a director's staging, or an actor's execution of a role are excluded from copyright statutes that protect only works "fixed in a tangible medium of expression." As this conference attends to "Economies of Theater," we will consider how performance becomes commodified in a capitalist economy and the variety of positions that different performance practices assume within that economy through the mediation of copyright law and other forms of intellectual proprietorship. This working session will explore legal conceptions of performance, the history and theory of performance's legal inclusion and exclusion, the benefits and drawbacks of performance's legal visibility, and the possible futures of performance in the law.

Possible topics include:

- Liveness, documentation, and the ownership of performance
- The definition of performance in a digital environment
- Intellectual property rights of stage directors
- Collaboration, dramaturgy, and joint-ownership
- The right to one's "persona"
- The history of performance in the law
- Rationales for defining performance as intellectual property
- Comparing performance as intellectual property in theater, dance, and music

Selected participants will share brief papers (10-15 pages) on these or other topics in copyright and performance by August 15th. We will then respond to these papers on a blog, with each participant submitting at least one post by October 1st. In mid-October, we will select three or four legal cases, chosen to reflect questions raised in pre-circulated papers and discussion, to address during the session. Working in small groups, we will devise five-minute presentations about each case that will introduce seminar participants and audience members to the facts of the case and set the agenda for the ensuing conversation about each case's most pressing theoretical issues.

Please email a 250-word abstract and a brief bio in Word or pdf format to Oliver Gerland (gerland@colorado.edu) and Derek Miller (dkmiller@stanford.edu) by May 30, 2011.

For more information about ASTR/TLA working sessions, visit
<http://www.astr.org/conference/working-sessions-guidelines>