
Contributors

Jonathan Barrett teaches commercial law at the Victoria Business School, Wellington, New Zealand. His PhD studies concerned human dignity, distributive justice and proportionality. He is developing a body of research which applies those concepts to the arts and intellectual property rights. He has written journal articles and chapters on short passages of text, *droit de suite*, rewarding artists, freedom of panorama, tapu art, and graffiti and personhood. Jonathan is also a tax researcher, and occasionally writes on art and tax. He is New Zealand's member of the Association Littéraire Et Artistique Internationale.

Michael Blakeney is a Professor of Law at The University of Western Australia Law School and Visiting Professor of Intellectual Property Law at Queen Mary University of London. He has held academic positions at a number of universities in Australia and the UK and formerly worked in the Asia Pacific Bureau of the World Intellectual Property Organization. He is an arbitrator with the International Court of Arbitration.

Enrico Bonadio is Senior Lecturer in Law at City, University of London (The City Law School), where he teaches various modules on intellectual property (IP) law. His current research agenda focuses on copyright protection of non-traditional forms of art. He recently co-edited two books: *Non-Conventional Copyright – Do New and Non-Traditional Works Deserve Protection?* (Edward Elgar, 2018) and *The Cambridge Handbook of Copyright in Street Art and Graffiti* (Cambridge University Press, 2019). Enrico is a member of the Editorial Board of NUART Journal, which publishes provocative and critical writings on a range of topics relating to street art practices and urban art cultures.

Nicolas J Bullot is a Lecturer in Philosophy and Codirector of ARTLab at the College of Indigenous Futures, Arts and Society, Charles Darwin University. His work in philosophy of science, aesthetics, and social philosophy aims to integrate explanations developed in cognitive science with contextualist models proposed in philosophy and the social sciences. He holds a PhD in Cognitive Science from the EHESS in Paris and a PhD in Philosophy from the University of Alberta in Edmonton, Canada. He has edited three volumes and published more than 30 peer-reviewed publications on the science of art, person identification, and social cognition.

Shane Burke is a Lecturer in Intellectual Property Law at Cardiff University. His research interests lie in the area of the intellectual property and legal regulation of the arts. His doctoral research was entitled 'Dematerialisation and Dissonance: Conceptual Art Practices, Art World Strategies and the Role of Copyright Law' and was undertaken at Queen Mary, University of London. This inter-disciplinary study examines the nature of conceptual art and considers the issues associated with the privileging of ideas over form, judicial strategies for the definition of art and the role of documentation in the artistic process with a focus on the UK and US legal regimes. This research also involved interviews with artists, gallerists, legal practitioners, collecting societies and archivists in both

London and New York conducted throughout 2014–15. The awarding of the Modern Law Review Scholarship supported this research in 2014–15 and 2015–16. Shane previously graduated from Queen Mary, University of London with an LL.M in Intellectual Property where he was awarded the Draper's Company prize for academic achievement and the QMUL School of Law prize for first place in the LL.M in Intellectual Property Law. He also graduated from the National University of Ireland Galway with a first class honours LL.B and Trinity College Dublin with an M.Sc in Multimedia Systems. He is also the Book Reviews Editor for the *Queen Mary Journal of Intellectual Property*.

Gregory Dale is completing a doctorate at Monash University that examines the role of emotions in statutory proceeds of crime regimes. He is an Associate Lecturer in the TC Beirne School of Law at the University of Queensland. He is admitted to practice in the Supreme Courts of New South Wales and Queensland. He worked as the Associate to the Chief Justice of Western Australia for two years. Later he worked as a Senior Legislation Officer and Assistant Parliamentary Counsel within Queensland Government and as a Legal Officer on the Queensland Child Protection Commission of Inquiry.

Emma Denby qualified in Western Australia with multidisciplinary degrees in Cognitive Science, Design, Education and Law. She has been an academic at various universities whilst studying for her doctorate. As the current Chairperson of the Colour Society of Australia WA, and one of its founding members, she maintains an active life in colour and related issues. Early in her career, she received an award of excellence for innovative use of colour in oxidised titanium. More recently, she has been exploring colour in artificial intelligence, and the use of technologies for generating colour palettes.

Chris Dent is an Associate Professor at Murdoch's School of Law, where a significant part of his research looks at the regulation of expression and creativity. Prior to that, he had a research-focused position at Melbourne Law School, mostly at the Intellectual Property Research Institute of Australia. Much of his work there focused on the history and theory of IP. Before IPRIA, he worked in defamation law at the Centre for Media and Communications Law. His underlying critical approach arose while undertaking, initially in Murdoch's School of Politics, his PhD – an application of Foucault's archaeological method to a history of law.

Paul Green-Armytage was born in England where he studied architecture. He worked for ten years as a practising designer in architecture, exhibition design and set design for television before settling in Perth to teach the fundamentals of design at Curtin University. He developed a research interest in colour and was awarded his PhD in 2005. He has contributed papers at many national and international conferences and served as vice president of the International Colour Association and president of the Colour Society of Australia. He is now an associate of Curtin University and remains active as a researcher and writer.

Lee Harrop is an occasional lecturer and PhD candidate in Visual Arts at the College of Indigenous Futures, Arts and Society, Charles Darwin University, Australia. She has a Master of Fine Arts, First Class Honours, from Whitecliffe College of Arts and Design, New Zealand, on how violence is perpetrated through the structure of language. Lee has a diploma of policing and a 15-year Long Service Medal from the New Zealand Police.

She spent the last five years of her police career as a forensic photographer; an experience that has significantly contributed to her art practice.

Ruth Herz studied law in Geneva, Munich and Cologne where she earned her doctorate in law. She has been a judge at the court of Cologne, Germany since 1974. She introduced the ‘victim offender mediation and reparation’ to the German legal system as an alternative sanction for juvenile offenders, for which she received the Medal of Merit (Bundesverdienstkreuz am Bande) of the Federal Republic of Germany in 1998. From 2001–2005, while on leave from her judicial position, she played the part of the judge in a daily fictional court series on German television. She has taught at the University of Toronto and at the Hebrew University of Jerusalem. From 2006–10 she was Associate Researcher at the Centre for Criminology of the University of Oxford and was a visiting fellow at Princeton University in 2010–11. She is currently a visiting professor at Birkbeck College. She is interested in law and popular culture especially in law and images. She has published extensively. Her latest book *The Art of Justice: The Judge’s Perspective* has just been published by Hart Publishing, Oxford.

Marta Iljadica is Lecturer in Intellectual Property at the University of Glasgow. She is the author of *Copyright Beyond Law: Regulating Creativity in the Graffiti Subculture* (Hart 2016) on copyright protection for graffiti and the copyright-like social norms adopted by graffiti writers. She has also authored contributions to journals and edited collections on copyright and moral rights for graffiti writers and street artists, freedom of panorama and the intersection between intellectual property and land law.

Natalie Linda Jones is an interdisciplinary academic and practising artist, based in the Centre for the History of Medicine, at the University of Warwick, UK. Her academic work employs critical theory to think through questions such as the transformative potential of art and the relationship between ethics and aesthetics, while her visual work explores similar questions through different materials and processes, including drawing, painting, textiles-based sculpture and multimedia installations (www.natalielindajones.com), and also includes artwork produced as part of a ‘partner collective’ with Dr Natalie Hart. Following a PhD that explored the use of analogy and rhetoric in bioethics and jurisprudence, leading to the possibility of reconceptualising abortion as a literary ‘trope’ (‘The Abortion Trope: A Study in Contemporary Criticism’), her current research now considers the exploration of the NHS in literature and art, questioning the impact of such representations. Forthcoming publications include ‘The 1967 Abortion Act and Representational Politics’ – a co-authored chapter for the Women’s Legal Landmarks project, ‘Statism and Subversion: NHS Street Art’, and a ‘Creative Reflections’ piece for the *Feminist Legal Studies* journal (the latter reflects on a visual installation piece, *Hanging On*, based on the Abortion Act 1967, produced for the Feminist Legal Studies Zine, 2016).

Sarah Joseph is a Professor of Human Rights Law at Monash University, Melbourne, and the Director of its Castan Centre for Human Rights Law. Her research covers numerous aspects of human rights, including human rights institutions, freedom of expression, and economic globalisation and human rights. She has a new interest in art and human rights, having a blog at artandhumanrights.tumblr.com, and having acted as a rapporteur on the issue for the European Fundamental Rights Agency at a workshop in 2017.

Sonia K Katyal joined the Berkeley Law faculty in fall 2015 from Fordham Law School, where she served as the associate dean for research and the Joseph M. McLaughlin Professor of Law. Her scholarly work focuses on intellectual property, civil rights (including gender, race and sexuality) and technology. Her past projects have studied the relationship between copyright enforcement and informational privacy; the impact of artistic activism on brands and advertising; and the intersection between copyright law and gender with respect to fan-generated works. Katyal also works on issues relating to cultural property and art, with a special focus on new media and the role of museums in the United States and abroad. Her current projects focus on the intersection between internet access and civil/human rights, with a special focus on the right to information; algorithmic transparency and discrimination; and a variety of projects on the intersection between gender, sexuality, and the commons. Professor Katyal is the co-author of *Property Outlaws* (Yale University Press, 2010) (with Eduardo M. Peñalver), which studies the intersection between civil disobedience and innovation in property and intellectual property frameworks. Professor Katyal has won several awards for her work, including an honourable mention in the American Association of Law Schools Scholarly Papers Competition, a Yale Cybercrime Award, and a Dukeminier Award from the Williams Project at UCLA. She has published with a variety of law reviews, including the *Yale Law Journal*, *University of Pennsylvania Law Review*, *Washington Law Review*, *Texas Law Review*, and *UCLA Law Review*, in addition to a variety of other publications, including the *New York Times*, the *Brooklyn Rail*, *Washington Post*, CNN, *Boston Globe's* Ideas section, *Los Angeles Times*, *Slate*, *Findlaw*, and the *National Law Journal*. Professor Katyal is also the first law professor to receive a grant through The Creative Capital/Warhol Foundation for her forthcoming book, *Contrabrand*, which studies the relationship between art, advertising and trademark and copyright law.

Alana Kushnir is the founder and director of Guest Work Agency, an art advisory and law firm for artists, collectors, commercial galleries and arts organisations based in Australia and internationally. She also lectures in subjects on curating, contemporary art and arts law at the University of Melbourne and is a Director of the Lyon Foundation. Alana has presented her research and writing in a wide range of contemporary art forums including lectures and public talks in Osaka, Amsterdam, London and around Australia. She has curated exhibitions in Australia and internationally, including at the ICA, London, Zabłudowicz Collection, London, the Sherman Contemporary Art Foundation, Sydney and at the IMA, Brisbane.

Jade Lindley is a criminologist at The University of Western Australia Law School, specialising in transnational organised crime, with an interest in emerging technology to prevent crime.

Desmond Manderson is jointly appointed in the ANU Colleges of Law and of Arts and Social Sciences at the Australian National University, where he is Director of the Centre for Law, Arts and the Humanities. He is an international leader in inter-disciplinary legal scholarship and his books include *From Mr Sin to Mr Big* (1993); *Songs Without Music: Aesthetic dimensions of law and justice* (2000); *Proximity, Levinas, and the Soul of Law* (2006); and *Kangaroo Courts and the Rule of Law* (2012). With the support of an ARC Future Fellowship, his recent work includes *Law and the Visual: Representations,*

Technologies and Critique (2018); and *Danse Macabre: Temporalities of Law in the Visual Arts* (2019).

Jani McCutcheon is an Associate Professor at The University of Western Australia Law School, where she teaches Intellectual Property law, Creative Expression and the Law, and Marketing law, and is the Deputy Head of School (Teaching and Learning). Jani has also practised as an intellectual property law solicitor, and worked as a legal research officer for a Member of Parliament. Jani has a Master of Laws by research, writing her major thesis on the 'new signs' under the Australian Trade Marks Act. She has published numerous articles in respected Australian and international journals and has presented at Australian and international conferences and seminars on intellectual property law issues. She has been a visiting scholar at Berkeley Law School (2016). Jani is currently writing a book titled *Literary Characters in Intellectual Property Law* (Edward Elgar). Her research traverses a number of issues concerning the interface between copyright, moral rights and literature, the nature of the work in copyright law, the copyright doctrines of originality, authorship and fixation, the interface between law and art, and disability exceptions in copyright and moral rights law for artistic works. Jani convened the Art in Law in Art conference hosted by the University of Western Australia Law School at the Art Gallery of Western Australia in July 2017, and the Art After Death Symposium at the Lawrence Wilson Art Gallery in 2013.

Fiona McGaughey is a Senior Lecturer at The University of Western Australia Law School. She teaches in the Master of International Law and the Law and Society Major. Her PhD was on international human rights law with a particular focus on United Nations human rights mechanisms and the role of Non-governmental Organisations. She has a Master of Human Rights from Curtin University and has also published on minority rights, women's rights and disability rights, generally using empirical, socio-legal research methods. She grew up in Northern Ireland and completed her Bachelor of Laws (Honours) at the Queen's University of Belfast during the Troubles and the dawn of the peace process. She has a particular interest in the role of civil society and the use of art in expressing and oppressing human rights.

Nicholas Modrzewski is a barrister and artist. He has exhibited locally and internationally at spaces including The Institute of Contemporary Arts (Singapore); Spring 1888 (Sydney); Fort Delta (Melbourne); Blindside (Melbourne); the Australian High Commission (Singapore) and First Draft (Sydney).

Dan Mossenson has been in private practice as a lawyer since 1970. Since the early 1990s, he has had considerable involvement in the visual arts as a gallerist, art collector and publisher of artist monographs. In the course of so doing he has managed and assisted the art practices of many Indigenous artists Australia wide. Dan is co-founding sponsor member of Art Collective WA Inc and chairman of the Mossenson Art Foundation. Dan is currently undertaking PhD research with the Victorian College of the Arts, Melbourne University, on the topic of 'Problematic Artwork in Australia'.

Julian R Murphy is a lawyer and PhD student at the University of Melbourne, School of Law. His writing on art and law has appeared in the *Columbia Journal of Race & Law*, the *Harvard Journal on Legislation, Art & Australia*, and *Gallery Magazine*.

Alice Palmer is a Senior Fellow teaching at the Melbourne Law School. Her chapter in this volume draws on her PhD research at the University of Melbourne on images of aesthetic value in international environmental law, for which she received an Australian Government Research Training Program Scholarship. Alice was previously the Director of the Foundation for International Environmental Law and Development (FIELD), a not-for-profit organisation in the UK. She also practised law in Victoria, Australia, and in New York, USA. Alice has an LL.M degree from New York University and BA and LL.B (Hons) degrees from the University of Melbourne.

Amanda Scardamaglia is an Associate Professor and Department Chair of the Swinburne Law School. Amanda's area of research is intellectual property law with a special focus on empirical and historical studies in trade mark law, branding, advertising and the consumer. Amanda was a State Library of Victoria Creative Fellow in 2015–16 and was awarded a residential fellowship at the Centre for Intellectual Property Policy & Management at Bournemouth University in 2017. She is the author of the book *Colonial Australian Trade Mark Law: Narratives in Lawmaking, People, Power and Place* (Australian Scholarly Publishing, 2015).

Eva E Subotnik is an Associate Professor of Law at St. John's University School of Law, where she teaches intellectual property and trusts and estates courses. Her research focuses on artistic intent in the context of copyright law and policy. She has written, among other things, about the intersection of authorship and testamentary intent and about intellectual property issues relating to photography. Professor Subotnik was an IP Fellow at the Kernochan Center for Law, Media and the Arts at Columbia Law School, and she practised law at Debevoise & Plimpton LLP. She received her BA and JD from Columbia University.

Ben Wardle (PhD, LL.B (Hons), BBus) is a Lecturer in Law at the University of the Sunshine Coast, Australia. Ben has previously taught law at Griffith University and the University of Queensland. His research combines Lacanian psychoanalysis, critical legal theory and continental philosophy to reveal ways that contemporary legal norms and practices sustain relations of social domination and oppression.