



IMAGES, COPYRIGHT, AND THE PUBLIC DOMAIN IN THE 19TH CENTURY

MARCH 29–30, 2018

Why did copyright law protect engraved reproductions but not paintings or sculptures for most of the 19th century? As the industrial revolution made images more readily available than ever before, what rights belonged to their creators, purchasers, or publishers? Was it legal or culturally acceptable to reproduce or transform a picture into other forms? Did individuals have ownership in their own likeness? Was photography responsible for the elaboration of our modern legal framework for artistic authorship?

Join historians of material culture, art, law, and literature for a series of focused talks and debates about the relationship between copyright law and the cultural, economic, and technological factors that transformed the pictorial landscape of the 19th century. Copyright policies had, and continue to have, a profound impact on the creation and circulation of creative works. This Winterthur conference invites you to explore a formative moment in the history of law and the visual arts in America.

Registration opens February 13, 2018

For information and registration, please call 800.448.3883 or visit winterthur.org/conferences.

LARCA
Laboratoire de Recherches sur les Cultures Anglophones - CNRS UMR 8275

TERRA
FOUNDATION FOR AMERICAN ART

In partnership with LARCA (Laboratoire de recherche sur les cultures anglophones), Université Paris Diderot and with the generous support of the Terra Foundation for American Art

Look for all future conference notifications to arrive via e-mail.

For questions or to receive information on upcoming Winterthur conferences, please e-mail conferences@winterthur.org.

WINTERTHUR CONFERENCE

Unless otherwise noted, all lectures are held in the Copeland Lecture Hall in the Visitor Center.

THURSDAY, MARCH 29

8:00 am

Registration and Coffee

8:45 am

Welcome and Introductory Remarks

Stéphanie Delamaire, Associate Curator and Affiliated Assistant Professor in the Winterthur Program in American Material Culture, Winterthur, and **Will Slaughter**, Associate Professor, LARCA, Université Paris Diderot

9:00 am

Session 1: The Status of Images and the Boundaries of Copyright

Session Chair: **Georgia B. Barnhill**, Curator of Graphic Arts Emerita, American Antiquarian Society

The First Copyright Case under the 1735 Engravers' Act: The Germination of Visual Copyright?

Isabella Alexander, Associate Professor in the Faculty of Law, University of Technology Sydney, and **Cristina S. Martinez**, Adjunct Professor, University of Ottawa

Artistic Copyright and Derivative Rights in Nineteenth-Century England

Simon Stern, Associate Professor of Law and Co-Director of the Center for Innovation Law and Policy, University of Toronto

"Photographs and the negatives thereof which shall hereafter be made"

Mazie M. Harris, Assistant Curator, J. Paul Getty Museum

10:30 am

Coffee break

11:00 am

Session 2: Originals and Reproductions: Interdisciplinary Perspectives

Session Chair: **Anne McCauley**, David Hunter McAlpin Professor of the History of Photography and Modern Art, Princeton University

Neither Copy, Nor Original: The Meanings of Illustration in Nineteenth-Century American Print Culture

Christopher J. Lukasik, Associate Professor of English and American Studies, Purdue University

Photography, Stenography, and Copyright for News

Will Slaughter, Associate Professor, LARCA, Université Paris Diderot

12:30–2:15 pm

Lunch

2:15 pm

Session 3: Artists, Entrepreneurs, and Publishers

Session Chair: **Anne Verplanck**, Associate Professor, American Studies and Heritage Studies, Pennsylvania

State University, Harrisburg

The Frame Maker/Picture Dealer: The Hybrid Entrepreneur of the 19th-Century Popular Print Market

Erika Piola, Associate Curator, Print and Photograph Department, Library Company of Philadelphia

Did Patent Confusion Dim the Ambrotype?

Shannon Perich, Curator of the Photographic History Collection, Smithsonian's National Museum of American History

3:00–3:15 pm

Break

3:15 pm

Session 4: Stretching the Print-Based Model of Copyright

Session Chair: **Jessica Silbey**, Professor of Law, Northeastern University School of Law

Painting as Intellectual Property in 19th-Century America

Stéphanie Delamaire, Associate Curator and Affiliated Assistant Professor in the Winterthur Program in American Material Culture, Winterthur

Honorable Emulation Versus Dishonorable Appropriation: Copying, Piracy, and Copyright in Late 19th-Century Typography

Michael Knies, Special Collections Librarian and Associate Professor, Weinberg Memorial Library, University of Scranton

Before a Picture Was Worth a Thousand Words: Ben-Hur in Court

Oren Bracha, Howrey LLP and Arnold, White & Durkee Centennial Professor, University of Texas School of Law

5:00 pm

Reception

FRIDAY, MARCH 30

8:30 am

Coffee

9:00 am

Session 5: Ownership, Appropriation, and Political Sovereignty

Session Chair: **Peter Jaszi**, Professor Emeritus of Law, American University

Maps, Borders, and the Image of Geographic Copyright in Early America

Nora Slonimsky, Gardiner Assistant Professor of History, Iona College/Institute for Thomas Paine Studies

Reconsidering Native Indian Design: Angel De Cora's Book Art and Illustrations

Kathleen Washburn, Assistant Professor of English, University of New Mexico

Protecting the Photograph: New Zealand's Fine Arts Copyright Act 1877

Jill Haley, Curator of Human History, Canterbury Museum, Christchurch

10:30 am

Coffee break

11:00 am

Session 6: Transnational Publishing and Printed Illustrations

Session Chair: **Will Slauter**, Associate Professor, LARCA, Université Paris Diderot

Creating a Magazine Worth Buying: Ownership and Attribution of Images and Texts in the Godey's Lady's Book, 1830s–1850s

Amy Sopcak-Joseph, Ph.D. Candidate, University of Connecticut

Transculturation in Production Practices and Image Appropriation: Argentina and England, First Half of the Nineteenth Century

Sandra M. Szir, Associate Professor, Universidad Nacional de San Martín and University of Buenos Aires, and María Lía Munilla Lacasa, Associate Professor, Universidad de San Andrés

Piracy, Copyright, and the Transnational Trade in Illustrations of the News in the Mid-Nineteenth Century

Thomas Smits, Ph.D. Candidate, Radboud University, Nijmegen

12:30–2:00 pm

Lunch

2:00 pm

Session 7: Privacy, Publicity, and Obscenity

Session Chair: **Jason Hill**, Assistant Professor of Art History, University of Delaware

State v. Charles Conroy: New York Photographers' Battle for Free Speech in the Tangled Web of Late 19th-Century English and American Law

Amy Werbel, Associate Professor of Art History, State University of New York, Fashion Institute of Technology

The Kodak Camera and Privacy v. Copyright: the (Gendered) Fight for Rights in a Photographic Image in Late 19th-Century and Early 20th-Century America

Jessica Lake, Lecturer in Law, Swinburne Law School

3:00–3:15 pm

Afternoon Break

3:15 pm

Session 8: Photographers, the Press, and the Law

Session Chair: **Eva E. Subotnik**, Associate Professor of Law, St. John's University School of Law

Photography vs. The Press: Benjamin J. Falk and the Value of Studio Photography in the Halftone Era

Katherine Mintie, Post-doctoral Scholar and Assistant Professor of Art and Art History, DePauw University

Florence Vandamm: Captions, Credits, and the 1911 Copyright Act

Barbara Cohen-Stratyner, Rosenberg Curator of Exhibitions (retired), New York Public Library for the Performing Arts

4:15–5:15 pm

Final Discussion

Concluding Round Table with **Georgia B. Barnhill**, Curator of Graphic Arts Emerita, American Antiquarian Society, **Peter Jaszi**, Professor Emeritus of Law, American University, and **Anne McCauley**, David Hunter McAlpin Professor of the History of Photography and Modern Art, Princeton University

5:15 pm

Farewell

*IMAGES, COPYRIGHT, AND THE PUBLIC DOMAIN
IN THE 19TH CENTURY*
MARCH 29–30, 2018

REGISTRATION FORM

3 WAYS TO REGISTER

Registration opens February 13, 2018.

- Print, complete form, and mail with payment to Winterthur Information and Tours Office, 5105 Kennett Pike, Winterthur, Delaware 19735.
- Print, complete form, and fax to 302.888.4953.
- Call 800.448.3883.

REGISTRATION FEE INCLUDES:

- Thursday and Friday lectures, lunches, and coffee breaks
- Thursday evening reception
- Attendee affiliated with an educational institution\$150
- Winterthur Members and professionals working for nonprofit organizations.....\$300
Member number _____; professionals, please include business card.
- Nonmembers\$375
- Students & graduates within past 5 years (include copy of valid ID)*\$150
- I (We) would like to make a gift to the Winterthur Scholarship Fund*\$ _____
- TOTAL ENCLOSED**\$ _____

REGISTRATION PAYMENT

- Check enclosed, payable to **Winterthur Museum**
- Charge my Visa MasterCard American Express Discover

Account number _____ Exp. date _____

Cardholder name _____

Signature _____

Name (as you would like it to appear on your name tag and the participant list) _____

Address _____

City _____ State _____ Zip _____

Daytime telephone _____

E-mail _____

INFORMATION

All lectures will be held in Copeland Lecture Hall (located in the Visitor Center).

Fee Includes

Thursday and Friday lectures, lunches, and coffee breaks; Thursday evening reception

CANCELLATION POLICY

Winterthur reserves the right to cancel the conference or tours. Should Winterthur cancel, participants will be issued a full refund. Participants who cancel by March 20, regardless of the reason, will be issued a full refund minus a **\$50 handling fee. No refunds after March 20.**

LODGING

Lodging is the responsibility of the registrant. Winterthur will provide a list of local accommodations upon request. Please ask when you call to register.

* The Scholarship Fund provides conference registration fees for students and young professionals in the decorative arts field and related studies. Your gift is tax deductible. Please direct inquiries to 302.888.4996 or jmccuskey@winterthur.org.

For more information, please call 800.448.3883 or visit winterthur.org/conferences.

Winterthur Museum, Garden & Library • 5105 Kennett Pike • Winterthur, Delaware 19735