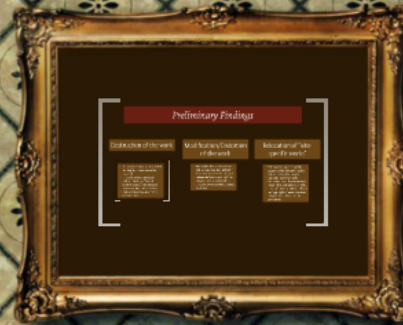


Trying to find a balance
between moral rights and
material property



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between moral rights and
material property

Destruction of an original work

Waveluck (Argentina) 1993



Mural La Coruña (Spain) 2006



Sehgal case (India) 2005



Destruction

Waveluck (Argentina) 1993



Prezi



Prezi





2 of an original

Mural La Coruña (Spain) 2006





Prezi

ORK

Sehgal case (India) 2005





Preliminary Findings

Destruction of the work

- Destruction = violates moral right to integrity = \$ compensation awarded
- Limits to owner's conduct = Cultural Heritage, "Overall creative corpus", restitution of original work to the author
- Public interest reasons = no \$ compensation

Modification/Distortion of the work

- Artistic/Architectural works in public space may be modified = improvements in public interest
- Balance between moral right to integrity and collective rights.
- Limits to owner conduct: creator's reputation

Relocation of "site-specific works"

- "Site-specific works" in public space may be relocated = public interest (urbanistic design)
- Damages may be awarded
- Relocation may affect individual moral rights and collective rights.
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Jatin Das (India) 2012 (2014?)



Zubizuri Calatrava Bridge (España) 2009



Arquitectural Project (Colombia) 2010



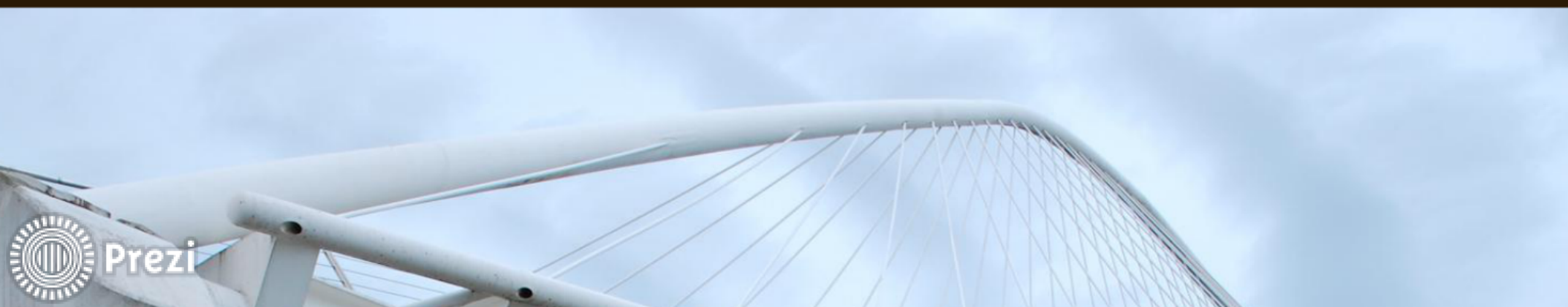
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 **FLIGHT OF STEEL** renamed as **"MURGA CHOWK"** in 1996 (Photo by Raghu Rai)

Zubizuri Calatrava Bridge (España) 2009





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Justin Das (India) 2012



Nagel's "Patata" (Spain) 2013



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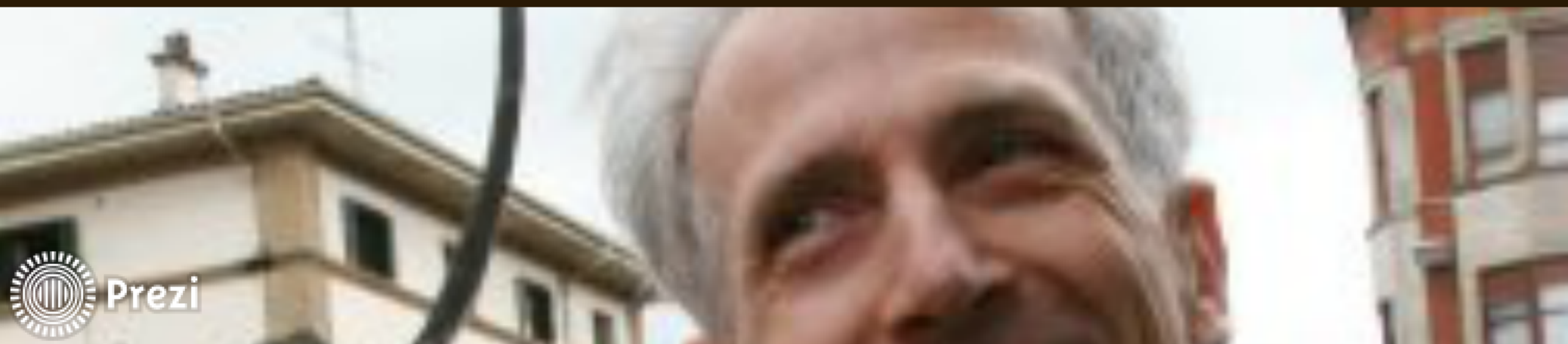




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Final remarks

- There is no opposition between moral rights and material property rights (rights content and scope)
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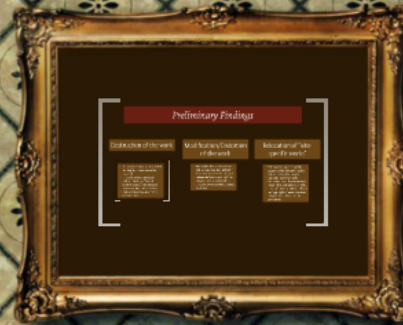
Final remarks

- There is no opposition between moral rights and material property rights (rights content and scope)
- There is no opposition between individual moral rights and collective rights (right to integrity entails protection of cultural heritage, access to culture and knowledge)
- Public interest does not necessarily derogate author's rights. Public interest may justify legitimate owner's conduct, at the same time it leads new author's rights: \$ compensation, recovery of artistic work, waiver of paternity rights, right to obtain copies of the work.
- Ultimate limit to owner's conduct: human rights: reputation, right to participate in the cultural life of community

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