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2015-12-15

http://hdl.handle.net/10539/19314

Rizk, N. (2015). Revolution, graffiti and copyright: The cases of Egypt and Tunisia. The African Journal of Information and Communication (AJIC), 16, 48-59. https://doi.org/10.23962/10539/19314

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REVOLUTION, GRAFFITI AND COPYRIGHT: THE CASES OF EGYPT AND TUNISIA

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ABSTRACT
During and after the Arab uprisings in 2011, there was an outburst of creative production in Egypt and Tunisia, serving as a means to counter state-controlled media and to document alternative narratives of the revolutions. One of the most prominent modes of creative output was graffiti.

Within an access to knowledge (A2K) framework that views graffiti as an important knowledge good, this article outlines the author's findings from research into perspectives towards revolutionary graffiti held by graffiti artists and graffiti consumers in Egypt and Tunisia. The main quest of this work is to identify a copyright regime best suited to the priorities of both the revolutionary graffiti artists and the consumers of this art, cognisant also of the possibilities offered by increasingly widespread use of, and access to, online digital platforms. The research looked at how artists and consumers relate to the revolutionary graffiti, how they feel about its commercialisation, and how they feel about the idea of protecting it with copyright. Based on the research findings, the author concludes that an A2K-enabling approach to preservation and dissemination of the revolutionary graffiti – and an approach that would best cater to the needs of both the artists and the consumers – is provided by the Creative Commons (CC) suite of flexible copyright licences.

KEYWORDS
graffiti, Egypt, Tunisia, revolutionary art, public goods, access to knowledge (A2K), copyright, intellectual property, Creative Commons

INTRODUCTION: REVOLUTIONARY GRAFFITI IN EGYPT AND TUNISIA

Art and creative expression were at the heart of the revolutions in Egypt and Tunisia in 2011. Songs accompanied the poetic chants against the regimes. Some artists gave spontaneous theatre performances while others documented their experiences with paint. This opened up a tsunami of creative expression of various art forms, enabled by a period of political, social, and artistic openness following the depositions of Hosni Mubarak in Egypt and Zine El Abidine Ben Ali in Tunisia. This vibrant wave of creativity was arguably a reflection of a flaring revolutionary passion, in part reviving previously prohibited art forms that touched on sensitive socio-political issues.

Among these art forms, the graffiti art that sprang up in Egypt and Tunisia during and after the revolutions stood out as the most visible and durable. By virtue of its display on public walls around cities, the graffiti was, and has continued to be, accessible to the public, providing a counter-narrative to those propagated by mainstream media and the state. Graffiti has enabled artists, activists, and the public to commemorate and remember the fallen heroes of the revolution. Not surprisingly, graffiti has also provoked some of the most severe responses from the authorities.

Given its central social, cultural and political role at the historic junctures in 2011 in Egypt and Tunisia, and its importance as a knowledge good, graffiti has captured the attention of commercial ventures in both countries. Graffiti images have been displayed on the walls of galleries, pages of books, and fronts of T-shirts. Parallel to these for-profit ventures, digital platforms such as social media and independent blogs have helped document the graffiti and increase its visibility and access, without necessarily commodifying it. The main quest of this work is to identify a copyright regime best suited to the priorities of both the revolutionary graffiti artists and the consumers of this art, cognisant also of the possibilities offered by increasingly widespread use of, and access to, online digital platforms. In the course of the work, I raise a few questions. Is graffiti a public good? Can it be, or should it be, subject to copyright protection? Given its importance as a knowledge good, how can access to graffiti be provided in a manner consistent with the objectives of the access to knowledge (A2K) movement?

Guided by these questions, the research outlined in this article sought to examine the dynamics of both production and consumption of revolutionary graffiti in Egypt and Tunisia, and to get a sense of how copyright provisions could interact with these dynamics. Based on these research findings, I generate recommendations for a graffiti dissemination method – via online channels, under Creative Commons (CC) flexible copyright licences – that would seem to be best suited to A2K objectives and to the objectives of the graffiti artists and their consumers. The next section of this article outlines the research methodology, followed by a section providing the conceptual framework and research context. I then report on and analyse the research findings, followed by a section outlining my recommended use of CC licensing of online graffiti images as a suitable way forward. The concluding section provides an overview of the main findings and the core recommendation.

1 Research for this article was undertaken as part of the Open African Innovation Research (Open AIR) project, with the aid of a grant from the International Development Research Centre, Ottawa, Canada, and financial support from the German Federal Ministry for Economic Cooperation and Development (BMZ), in cooperation with Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ). The author acknowledges the participation of the following institutions and individuals in carrying out the research: the research team at the Access to Knowledge for Development Center (A2K4D) composed of Lina Attalah, Nagham El Houssamy, Youssef El Shazli, Stefanie Felsberger and Safeya Zeitoun; Marc Michael and members of El Amouri Research Institute for their contribution to the fieldwork in Egypt and Tunisia, respectively; A2K4D affiliate Bassem Awad for providing the review of the Egyptian Intellectual Property Rights Law (EIPRL) used in this article, and Hala Essalmawi from Bibliotheca Alexandrina for help with updates on Creative Commons Egypt.

THE RESEARCH

Despite the fact that there was a great deal of analysis of the Egyptian and Tunisian graffiti that emerged during the revolution of 2011, the majority of articles published at the time focused on the political messages of the artists. Very little was known about the actual graffiti scene and its operations, e.g., about the artists who were engaged in the production of graffiti pieces such as murals, stencils and tags; how they produced their art; and how they negotiated between the illegality of their form of expression and the need to sustain a living. Similarly, not enough attention has been accorded to consumers' perception of revolutionary graffiti during politically charged eras like the ones experienced in Egypt and Tunisia.

Accordingly, fieldwork for this research proceeded on two tracks – a public survey of consumers of art; and a series of semi-structured, in-depth interviews with artists and other stakeholders – with the two sets of fieldwork activities running in parallel in Egypt and Tunisia. A series of questions was developed to guide both the public survey and the interviews. These were grouped into three sets. The first set of questions enquired about how people, both consumers and artists, relate to revolutionary graffiti. The second set of questions addressed graffiti as a source of income for the artists and probed consumers' willingness to pay. The third set of questions revolved around the issue of copyright: whether it was relevant to graffiti artists; what role it played in their art; and how they felt about their art being shared. This set also included questions about consumers' views on copyright.

Fieldwork was conducted between 2012 and 2014, with the help of research teams in Egypt and Tunisia. The research was part of a larger project looking at "revolutionary creativity" – and intersections between this creativity and copyright modalities – in Egypt and Tunisia during and after the uprisings.[2]

EGYPT FIELDWORK

In Egypt, the research was carried out by a team based at the Access to Knowledge for Development Center (A2K4D) at The American University in Cairo (AUC). The sample for the public survey consisted of 600 art consumers in Cairo. The survey was conducted at a series of venues representing some of the most important institutions in Cairo's alternative art scene.[3] Research was carried out at these art spaces because the population consuming art was concentrated there, allowing researchers to avoid high rates of negative responses and to survey a larger sample of art consumers in a cost-effective way. The questions in the survey asked participants about their levels of interest, spending patterns, and copyright outlooks for various types of creative expression. For this article, insights are taken from the answers to questions regarding graffiti and copyright.

The in-depth, semi-structured interviews with artists and other relevant stakeholders were carried out in Cairo primarily between March and June 2012, with one additional interview in March 2014. Four Egyptian graffiti artists were chosen for the interviews, based on their visibility on the streets and their prominence in the art scene. Interviews were also conducted with other arts sector stakeholders, including one blogger, one policymaker, one union lawyer, one Egyptian copyright expert, one expert on freedom of expression, and two directors of cultural centres.[4]

TUNISIA FIELDWORK

In Tunisia, the fieldwork followed the same logic, questions and methodology as those followed in Egypt. On-the-ground implementation was conducted by a research team based at the Tunis office of the El Amouri Institute. The Tunisian public survey was conducted in June 2012 in Greater Tunis, Sfax, and Sousse. Altogether 606 individuals were surveyed. As with the Egyptian survey, all the Tunisian survey respondents were consumers of art.

The interviews with Tunisian artists and other relevant stakeholders were carried out between July and October 2012. According to the same methodology and logic as in Egypt, five graffiti artists were chosen for the interviews.[5] Among the other stakeholders interviewed were three legislators, five producers, seven outlet owners, three managers of cultural centres, one trade unionist, one web radio presenter and five art distributors.

CONCEPTUAL FRAMEWORK AND RESEARCH CONTEXT

WHAT IS GRAFFITI?

The term "graffiti" is mainly used to refer to unauthorised application of brush paint, spray paint or other marking/writing material on a fixed surface in such a way that the appearance of private or public property is changed (Kimvall, 2007). Graffiti can thus include everything from writing one's name on a bathroom wall to painting an elaborate mural (Young, 2012). This heterogeneous nature renders a clear-cut definition of graffiti difficult.

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2 In addition to graffiti, the larger research endeavour looked at music, poetry, parody and theatre. Findings on the output of independent Egyptian musicians are outlined in Rizk (2014).

3 The venues were the Cairo Opera House, Darb 1718, El Sawy (Culture Wheel), Makan, Townhouse Gallery, Rawabet Theatre, El Genaina Theatre, Beit El Harawi, After Eight, Bikya and Cairo Jazz Club.

4 The four Egyptian graffiti artists requested to remain anonymous. The blogger was Soraya Morayef (aka Suzee, for her blog, titled "Suzee in the City"). The policymaker was Hossam Loutfi, the copyright expert was Hala Essalmawi from Biliotheca Alexandrina, the union lawyer was Mohamed El Ayat from the Underground Music Federation, and the freedom of expression expert was Emad Mubarak, who is a lawyer and founder of the Association for Freedom of Thought and Expression (AFTE). The cultural directors were Moataz Nasr El Din (of Darb 1718) and William Wells (of Townhouse Gallery and Rawabet Gallery).

5 The five Tunisian graffiti artists requested to remain anonymous.

While both the name on the bathroom wall and the mural are illegal, the latter has the potential to be publicly appreciated and treated as art (Young, 2012).

Some cities have dedicated walls for graffiti artists, and have commissioned artists to paint murals on public buildings (Young, 2012, p. 4). Graffiti as an art form has also found its way into renowned galleries and museums (Art Radar, 2010). Graffiti images produced by Egyptians and Tunisians during and after their countries' uprisings have become popular both in their home countries and beyond. For the purposes of the research and this article, I did not adopt the broader potential definition of graffiti as "street art", i.e., graffiti as any form of artistic expression in urban space, including light installations, guerrilla gardening, and stickers (Lerman, 2013, pp. 298-99). Rather, I focused on graffiti images that were produced as works of art that convey specific political and socioeconomic messages.

Recent developments – particularly graffiti finding its way into mainstream galleries and museums – are raising questions about the nature of graffiti itself. Its fundamentals as an art form are essentially anti-authority (usually done without permission), anti-capitalist (graffiti artists are not typically remunerated for their activities), and inclusive (graffiti art usually takes place in public and can thus be seen by everybody). Displaying graffiti in a museum or a gallery challenges these features, as the pieces need to be vetted and paid for by the curators, and access to the exhibition spaces will often be restricted to visitors willing and able to pay a fee or having a social stature that affords them access to such spaces (Art Radar, 2010). Such developments have also taken place in the Egyptian context, for example, where pictures of revolutionary graffiti displayed on public walls were commodified and sold as part of a book by a third party.

Also requiring interrogation is the fact that graffiti apparently no longer neatly fits our customary dichotomies of legality versus illegality, art versus vandalism (Young, 2012). Young (2012) points to the fact that despite its huge popularity in many regions worldwide, graffiti is still mostly seen, in the eyes of authorities, as mere vandalism. Most governments regard graffiti as illegal activity that requires significant public funds for removal. And agitating to many authorities is graffiti's often political messages, providing a means to express ideas that might otherwise have no platform. In the United States, for instance, youth have used graffiti to express themselves in society and to reclaim public space from which they have systematically been excluded (Ferrell, 1995). An Egyptian example is the way in which the graffiti in Cairo's Mohammed Mahmoud Street has served as a space to commemorate the victims of police violence (Abaza, 2013).

Meanwhile, citizens tend to have a more varied response. In general, they seem to be accepting of graffiti art; yet, at the same time, they are overwhelmingly disapproving of mindless tagging and random scrawls (Campbell, 2008). For some, graffiti artists, by illegally writing or painting on someone else's property, question the very notion of property ownership and are "flouting cultural norms that valorise property ownership and the supposedly inviolable legal boundaries around places drawn by the title deeds of ownership" (Young, 2012, p. 15).

Regardless of how various sections of society perceive graffiti, there can be little doubt that the act of creating graffiti establishes a connection between artists and the city, with the artists leaving their mark upon the city's surface, and with the artists often taking a substantial risk (Young, 2013). The Egyptian and Tunisian graffiti scenes during and after the 2011 revolutions provided strong examples of the power of graffiti. In highly controlled urban spaces, these images provided outlets for political and social commentary during and after the protest movements against autocratic rulers.

GRAFFITI AS QUASI-PUBLIC GOOD

Graffiti, as a knowledge good, has public-good characteristics. By definition, a typical public good is non-rival and non-excludable. Non-rivalry means that one person's enjoyment of the good does not take away from or curtail its enjoyment by another. Non-excludability means that no one can be denied access to the good. A classic example of a public good is a lighthouse: enjoyed by all, accessible to everyone.

The marginal cost of producing a public good is zero, meaning that the production of every additional unit of the good comes at no additional cost. As such, efficiency entails offering public goods in the "market" at the price of zero. But who wants to produce a good whose price is zero? This lack of incentive for private entities to produce public goods results in their underproduction. This problem, commonly known as the "public goods problem", is mitigated when government involves itself as the producer – or as regulator of alternative forms and models of production.

Graffiti is non-rival because one person's enjoyment of a graffiti image does not "use it up" for others; inspiration from graffiti is infinite and non-segmentable. An endless number of people can see graffiti in one location without increasing its cost of production. As well, one can argue that graffiti art is non-excludable. By virtue of its creation and display in public spaces, no one can be excluded from seeing, enjoying or benefiting from it. Unless a wall is built to hide it, or the image is erased, a graffiti image painted on a wall is out there for everyone to view. Graffiti thus fits the definition of a public good.

Things become more complex, however, when graffiti images are "bundled" in books, merchandise, or museum exhibits. In these scenarios, graffiti images are being "packaged" together with a good (a book, a T-shirt, or museum space) that has potentially rivalrous characteristics. There, rivalry and exclusion are likely. One may argue that, in these contexts, graffiti becomes a quasi-public good: the image itself is non-rival, but it is offered in a medium or context that may be rival and is excludable, through the price of the book or T-shirt, or the cost of the museum

entry fee. This is a similar logic to Romer's depiction of music (Romer, 2002, p. 213), where the music piece (a public good) is recorded and packaged in a compact disc (a private good) – an argument I have used in analysing Egypt's independent music industry (Rizk, 2014).

But graffiti is not music. The very nature and soul of graffiti come from its placement on walls, proactively reaching out to us, as opposed to us having to look for it. Graffiti images speak to us through our surroundings. They confront us; and through them we confront ourselves. Still, like music, the graffiti wall image is a public product, the birth child of a creative artist or artists; replicas and derivatives are then built and packaged into a private medium, and most often commercialised. The message may be one and the same, but the medium and mode of delivery have now been fundamentally altered. And, as explained above, changes in medium and mode of delivery, and commercialisation, can result in non-public-good characteristics. A trade-off emerges, between maximising public welfare by expanding access and maximising private incentives by limiting access. Nevertheless, at the same time, these ventures may have the potential to disseminate graffiti to a wider audience, by preserving the transient street art and making it accessible to those who are not in close proximity to the walls where it was created.

Graffiti can also be offered through digital platforms. Digital images of graffiti, like their physical versions, can be characterised as quasi-public goods. While all free online content is, in principle, also non-excludable, that is not always the case, as those who do not have access to digital technologies (e.g., computers and mobile devices) and/or the Internet are effectively excluded from viewing this content.

Beyond the public and private good characteristics of packaged graffiti, in physical or some digital media, commodification also potentially affects the nature of the graffiti movement, and may not necessarily align with the artists' motivations. Because graffiti is a form of "revolutionary" art with explicitly political messages, commodifying graffiti and using it for financial gain may collide with its original intentionality. As will be discussed later in the "Research findings and analysis" section of this article, most of the artists interviewed in the research agreed that they did not intend to use graffiti as a source of income.

THE GRAFFITI SCENE IN EGYPT AND TUNISIA

In Egypt, graffiti existed before the 2011 uprising but consisted mostly of dispersed individual pieces – especially in Alexandria, via the work of artist Aya Tarek (Morayef, 2014; Nagy, 2011), but also in Cairo, where artists faced criticism and defamation in the media (Maslamani, 2013). In Tunisia, in contrast, I could not find a record of a significant graffiti movement before the uprising.

Graffiti offers a political message that counters the state narrative. In Egypt, during and after the uprising in 2011, state-controlled media – mainly the Egyptian Radio and Television Union (ERTU) and state-owned newspapers such as Al-Ahram – strictly followed the state's account of events and not only omitted mention of the crimes of the state but also slandered demonstrators or omitted mention of their existence (Alexander & Aouragh, 2014). In Tunisia during the revolution, Tunisian media experienced tight controls by the government (El-Issawi, 2012). State-run television channels such as Tunis 7 and Channel 21, practised "systematic and organised silence, placing a blackout" on reporting about the demonstrations in January (Miladi, 2011, p. 11).

Excluded from official discourses, Egyptian and Tunisian artists used their works not only to document their versions of events, which were receiving distorted coverage by state media, but also to express themselves and their positions with respect to these occurrences. This led to an outburst of artistic creativity in the form of music, poetry, photography, comedy, street theatre and graffiti. Graffiti exploded onto the streets and became intimately linked to the revolutions, serving both as a way to commemorate those killed during the revolution and as a powerful counter-narrative to the official version of events (Abaza, 2013). In post-January 2011 Egypt and Tunisia, graffiti remained one of the only visible reminders of the revolutions (Lau, 2012-2013; Biel, 2011).

The claim that graffiti represents an alternative platform for a certain group of people does not, however, preclude the fact that there were still large percentages of Egyptians and Tunisians who regarded graffiti more as a nuisance or as vandalism than as art, or that there are many graffiti practitioners in each country who care less about their messages than about the act of doing graffiti (Elansary, 2014).

At the state level in Egypt, graffiti was met with control. In 2011, there were unsuccessful attempts by Egypt's Ministry of Culture to co-opt and confine the art form (Nagy, 2011). In November 2013, the interim Egyptian government secretly drafted a bill that criminalised "abusive graffiti" on walls of public and private buildings. General Adel Labib, the Local Development Minister at the time, announced in a press conference that the bill criminalising graffiti included punishments of prison sentences up to four-years and fines amounting to EGP100,000 (roughly USD14,000), in addition to confiscation of the tools used in painting the graffiti (Gulhane, 2013). The anti-graffiti law was received with much criticism from members of civil society and the art community, who saw it as a tool to limit freedom of expression. Luckily, amid the political turmoil in the country and absence of parliament, the anti-graffiti bill was never enacted.

GRAFFITI AND COPYRIGHT

In Egypt, intellectual property is governed by Law No. 82 of 2002 on the Protection of Intellectual Property Rights (Arab Republic of Egypt, 2002). Copyright and related rights are addressed in Book Three of the Law (Articles 138-188 of the Law),

within which Article 140 clearly offers protection to drawings, illustrations and works of applied art. In Tunisia, copyright and related rights are governed by Law No. 94-36 of 24 February 1994 on Literary and Artistic Property, as amended and supplemented by Law No. 2009-33 of 23 June 2009 (Republic of Tunisia, 1994, 2009). Article 1 of the Tunisian Law offers protection to "works executed by painting, drawing" to "drawings and graphic and three-dimensional reproductions of a scientific or artistic nature", and to "tapestries and articles of artistic handwork, including both the drawings or models and the work itself" (Republic of Tunisia, 1994, 2009).

In both countries, copyright protection is automatic and does not require any formalities or registration. Also in both countries, the copyright provisions provide economic rights that allow rights-holders to extract economic value from utilisation of their works, while moral rights allow authors to claim authorship and protect the integrity of their works. In Egypt (Article 141 of Law No. 82 of 2002)[6] as well as in Tunisia (Article 1 of Law No. 2009-33), copyright protection is contingent on the work being created in a fixed tangible medium; and the respective copyright laws in both countries do not protect ideas. Both the Egyptian and Tunisian laws offer a general copyright protection term of 50 years after the death of the author.[7]

Thus, works of art are protected by the copyright laws in both countries. Some may ask, however, is *illegal* art, such as graffiti, protected? There is no case law addressing this question in either Egypt or Tunisia. But my view is that graffiti is covered by copyright in these countries, because I find the work of Lerman (2013) and Davies (2012), analysing the US context, persuasive. These authors find that copyright law is neutral towards works created by illegal means, i.e., copyright is a right over the tangible, fixed aspect of the work only, and does not exclude works created by illegal means. Davies draws similarities to obscene and fraudulent works, which have been deemed protectable by copyright in court (Davies, 2012, pp. 31-35). Also supporting the view that graffiti is protected by copyright are experts such as Bonadio (2014), Seay (2012, pp. 6-7), Howell (2011) and Scassa (2013), as well as bloggers such as Fruit Pastiche (2011) and those writing for the Points of Law blog of the Incorporated Council of Law Reporting for England & Wales (ICLR, 2013).

Another important aspect of many copyright laws, including those of Egypt and Tunisia, is regulation of moral rights. Generally speaking, moral rights refer to the author's right to claim authorship and to protect the integrity (i.e., to object to distortion) of a work. Unlike economic rights, in both laws there is no fixed duration after which moral rights expire, and typically they are inalienable (i.e., they cannot be sold or transferred). Article 145 of the Egyptian Law states that "[a]ny disposal of any moral rights stipulated in Articles 143 and 144 shall be considered null and void" (Arab Republic of Egypt, 2002). In Tunisia, the Law allows for transmission of moral rights only by way of inheritance, making no provision for any other kind of disposal (Republic of Tunisia, 1994, 2009).

It is clear, in my view, that graffiti works are covered by copyright in Egypt and Tunisia. However, there is ambiguity about the extent to which the powerful messages of graffiti are fulfilled when graffiti artists exercise all the copyrights available to them. Graffiti has a very public nature, and as I outline below, the Egyptian and Tunisian graffiti creators and consumers have expressed a desire to have wide dissemination of, and access to, graffiti. Thus in my analysis, the ideal would be for Egyptian and Tunisian graffiti artists to forgo some of the rights provided to them by copyright law, so as to ensure wide distribution of their works.

Lethem (2007, p. 66) quotes Hyde's (1983) convincing argument that art "that matters to us – which moves the heart, or revives the soul, or delights the senses, or offers courage for living, however we choose to describe the experience – is received as a gift is received". Receiving such a gift, Lethem continues, establishes an emotional bond between the creators and receivers of such art, which is qualitatively different from the relationship between people engaged in commercial activity. Art that is a gift to society, according to Lethem, is harmed by copyright protection, because such protection has the potential to prevent society's full access to it. While Lethem's critique of the effects of copyright protection is made for art in general, I argue that the critique is especially relevant to graffiti.

Graffiti speaks to us in an unmitigated, direct way. It confronts us with no middleman. It infiltrates our daily lives. It faces us, giving voice to people who find no other platform for their expression and who consciously choose a public outlet, the street, to express themselves. By painting their graffiti on the city's walls, these artists establish a bond with us and between them, their surroundings, and society – often by putting themselves at risk from the authorities. This bond is not only a visible marker of the struggles fought, lost, and won, during the revolutions, but also a historical testament of the revolutions in Tunisia and Egypt – in the form of art. Additionally, art in general, and graffiti in particular, is most meaningful when it builds on notions, ideas, and images, that already carry meaning in our society – when it challenges our preconceived notions of the world in which we live. As such, I argue that graffiti is indeed a gift to society, and hence, would be harmed if its creators chose to retain all the rights granted to them by copyright protection, i.e., rights that would prevent society's full access and/or the ability of others to build on it.

Having said that, there can be some cases where graffiti creators could find some of their copyrights useful as a means to protect their works against unauthorised use and reproduction. Examples of unauthorised use and reproduction include the book *Tattooed Walls* (Rosenstein & Madden, 2006), which includes numerous pictures taken by Peter Rosenstein of the work of a group of graffiti artists referred to as Tats Cru and others. Rosenstein did not seek the permission of the graffiti artists to use photographs of their graffiti art in his book, as he deemed it "fair use". Nevertheless, due to the complaint of the artists, the book publisher removed the book from its catalogue one month after

6 The text of the Egyptian article reads: "Protection shall not cover mere ideas [i.e., facts], procedures, systems, operational methods, concepts, principles, discoveries and data, even when expressed, described, illustrated or included in a work."

7 For works of photography in Tunisia, the 50-year term is calculated from the date of publication as opposed to the date of the author's death.

its release in 2006 (Gonzalez, 2006). There have also been cases involving the display of photos of graffiti art in galleries without the permission, or remuneration, of the artists (Lerman, 2013), and there have been instances where graffiti from Arab uprisings was commercialised without the artists' permission. In one instance, a prominent store in Egypt used graffiti images as the design of its cup coasters without the artists' permission (Egyptian artist, pers. comm., June 2012).

ALTERNATIVE LICENSING

A useful, middle ground – retaining some elements of copyright protection while avoiding the potential negative impacts of full protection – is offered by alternative models of copyright licensing. Alternative licensing of copyright materials has sparked some limited interest in Egypt. In June 2007, Bibliotheca Alexandrina signed a memorandum of understanding with Creative Commons (CC) to translate CC licences into Arabic and adapt them where necessary in accordance with Egyptian law. Through the use of CC licences, creators of copyrighted works are able to grant users certain permission-free uses, including the right to copy, distribute, and even, under some of the CC licences, adapt and/or make commercial use of the works. CC licences eliminate the need for negotiation of usage rights between the licensor (copyright owner) and the licensee (user), providing standardised licences for various re-use cases that do not require any commercial compensation for the copyright owner. Thus, instead of falling under a typical copyright protection umbrella of "all rights reserved", CC alternative licences follow a "some rights reserved" approach, seeking to create "a balance between the reality of the Internet and the reality of copyright laws" (Creative Commons, n.d.1). These alternative licences allow creators to decide which rights they reserve and which rights they waive, so that users and other creators use, share, distribute and build upon the original works.

Bibliotheca Alexandrina translated the CC licences into Arabic and coordinated a process through which these "unported" (not linked to a specific jurisdiction) versions of the licences were reviewed and amended to ensure compatibility with Egyptian law. The finalised CC licences have been available since October 2013, and are the first set of Arabic-language CC licences (Essalmawi, 2014). The newer versions 4.0 of the CC unported licences, which aim at being international and ready to use around the world, thus not requiring any porting, are currently being translated into the Arabic language. There is no documented use of the ported Egyptian CC licences. Nevertheless, an example of use of the unported CC licence is Egyptian news website *Al Masry Al Youm*, and its English version *Egypt Independent*, which use 3.0 unported CC licences for their video and caricature content online.[8]

There is no official Creative Commons presence, or CC affiliate, in Tunisia. However, there have been small-scale endeavours to adopt CC licences in the Tunisian blogosphere. Notably, the Tunisian blogging platform Nawaat.org has long been operating under a CC licence. In addition, Nawaat.org participated in organising the Third Creative Commons Arab Regional Meeting and Concert in Tunis in 2011, launching discussions on open licensing matters in the country (Ratta, 2011).

Most of the CC licences allow the user to make "derivative works" i.e., to make alterations. It must be pointed out that depending on their nature, such alterations could also affect moral rights. We saw above that Egyptian Law does not allow a rights holder to engage in "disposal" of a moral right, and the Tunisian Law only allows transmission of moral rights via inheritance of moral rights). Cognisant of this potential difficulty presented by national moral rights provisions of the sort present in Egypt, Tunisia and other countries, the legal code for the aforementioned 4.0 international versions of CC licences states that

> [m]oral rights, such as the right of integrity, are not licensed under this Public License, nor are publicity, privacy, and/or other similar personality rights; however, to the extent possible, the Licensor waives and/or agrees not to assert any such rights held by the Licensor to the limited extent necessary to allow You to exercise the Licensed Rights, but not otherwise". (Creative Commons, n.d.2)

This licence wording specifies that the copyright-holder, in terms of the licences, "waives and/or agrees not to assert" moral rights – e.g., the right to control the making of derivative works – that are not "personality rights". Thus, the CC 4.0 licence sidesteps the (debatable) argument that to "waive" rights is to "dispose" of them. With this wording, the licensor using a CC licence agrees "not to assert" any non-personality rights that cannot be waived in terms of the national law.

RESEARCH FINDINGS AND ANALYSIS

As outlined above, the fieldwork (public surveys and semi-structured interviews) revolved around three sets of questions, namely: how art consumers and graffiti artists (1) relate to revolutionary graffiti; (2) feel about artist remuneration for graffiti works; and (3) view matters of copyright in relation to graffiti. The research findings are now presented according to those three focus areas.

RELATING TO REVOLUTIONARY GRAFFITI

Graffiti artists in both Egypt and Tunisia said they were motivated primarily by a desire for political expression. As revolutionary artists, they perceived that their creativity was their best means of getting a message across to the government, reaching out to citizens, spreading awareness and narrating the country's current state of affairs. One Tunisian graffiti artist explained, "Our purpose is to get the messages out through images, ideally in a public place so that it might draw the pedestrians' attention, so as to be able to transmit our messages and our ideology" (Tunisian artist, pers. comm., July 2012).

8 The following link provides more information on the types of CC licences they use: http://www.egyptindependent.com/node/70

Ganzeer, an Egyptian artist who contributed to the graffiti scene in Egypt and is now living in the United States, called his graffiti an "alternative media campaign" to counteract propaganda from official news outlets" (Ganzeer, in Pollack, 2014). As an Egyptian artist interviewed for this research stated:

> The media wasn't with you […]. So, your only means of expression were the streets. They're your canvas. You'll draw on it and present your message. (Egyptian artist, pers. comm., April 2012).

Only two of the four Egyptian artists and two out of the five Tunisian artists interviewed had produced art – any kind of art – before the revolution, and even these previously active artists said that they had expressed themselves more actively through the events surrounding the uprisings than they had before. The political events surrounding the uprisings in both countries impelled artists (both experienced artists and newcomers) to express themselves with graffiti. One of the Tunisian artists emphasised how it was "essentially the present state of the country, which has pushed me to do graffiti" (Tunisian artist, pers. comm., July 2012).

The driving role of political realities was also highlighted in the Egyptian public survey responses. When asked how they developed their interest in graffiti, 59% of Egyptian public survey respondents who said they liked graffiti listed "political events" as the main driver – as opposed to being encouraged in this interest by family, friends, advertising, Facebook, television or radio.

The fieldwork also showed that Egyptian graffiti artists were aware of the role of their art as a component of knowledge development and dissemination, i.e., art's role in building on and challenging notions, ideas, and images that already carry meaning in society. Graffiti artists interviewed spoke of incorporating Egyptian cultural icons into their works, from famous actors and singers to well-known proverbs and quotes. Similarly, Tunisian graffiti artists spoke of making use of the poems of Tunisian icons, such as Aboul Kasem al-Chabbi, in order to add a further layer of meaning to their art (*Al-Akhbar*, n.d.). Here we see the graffiti artists seeming to correspond to Lethem's (2007, p. 65) conception of the "next generation of creators", who sample, satirise and reframe culture and art – in this case with graffiti.

GRAFFITI AS SOURCE OF INCOME

None of the graffiti artists interviewed in Egypt or Tunisia said they drew their main income from art. Apart from one Tunisian artist, the artists did not consider graffiti a valid source of income, even though they were artists by profession. In Egypt, the artists' perception was that since their source of inspiration was communal events, they should not impose price barriers (e.g., by commercialising their art and selling it in galleries, or in the form of consumer goods such as T-shirts) for bringing these realities back to the community in a creative form.

The artists also displayed negativity towards commercialising or commodifying art that is of a revolutionary nature. All interviewed artists in Egypt and Tunisia stated in strong terms their refusal to earn money from their revolutionary graffiti art. As a tool for political expression and participation, the revolutionary graffiti could not retain its integrity if it needed to sell to survive. Its political nature required some independence from the laws of the market. In the words of one interviewed Tunisian artist, "[graffiti] art must be free, we just want our message to be transmitted to the Tunisians, we don't need any money" (Tunisian artist, pers. comm., July 2012). The reputations of those who did opt to commercialise had become significantly tainted, as they were regarded as trying to profit from a revolution and its martyrs (Egyptian artist, pers. comm. May 2012). However, some Tunisian artists felt a distinction could be made between revolutionary and commercial (non-revolutionary) graffiti, and did not object to being remunerated for commercial graffiti art, with one such artist stating that "[e]verything has got a price; we could engage in commercial art" (Tunisian artist, pers. comm., July 2012).

The majority of respondents to the public consumer surveys in Egypt and Tunisia (96% and 64% respectively) believed that graffiti should be provided free.

PERCEPTIONS ON GRAFFITI AND COPYRIGHT

Most of the graffiti artists interviewed in Egypt and Tunisia knew of the existence of copyright, but at the same time felt that it was of no use and inappropriate. In Egypt, distrust of the copyright system was based on perceptions that the law protects the powerful, that judges and courts do not care about art and that copyrights serve industry more than content creators. Indicating the irrelevance of copyright to his daily work, one Egyptian graffiti artist stated that "in graffiti, there's no such thing as copyrights or [other forms of] intellectual property" (Egyptian artist, pers. comm., May 2012). Another Egyptian graffiti artist said: "I don't understand anything about copyrights. And what I do, I find stuff on Facebook or I see it somewhere and I reuse it for stencils. How could I claim copyrights [in my works]?" (Egyptian artist, pers. comm., June 2012). Similarly, the Tunisian artists did not believe that copyright was relevant to their work.

A majority of the respondents (consumers and artists alike) in both countries felt that graffiti art should be a public good, i.e., a shared public resource. "I think art is a public good for people to see, and not for people to own," said one Egyptian graffiti artist (Egyptian artist, pers. comm., June 2012). In that spirit, none of the interviewed graffiti artists in Egypt or Tunisia said they minded if their work was shared. "I don't care if they steal my stencils and sell them. Let them make money. Don't I produce this for the street?" said one Egyptian graffiti artist (Egyptian artist, pers. comm., June 2012).

In some cases, and to some extent because of graffiti's close link to political activism and the revolution, it was found that artists did not even claim ownership of their graffiti once it had appeared in a public space (Egyptian artist, pers. comm., April 2012). Some interviewed artists, in both Egypt and Tunisia, said they were more concerned with getting their message across than receiving credit for their art. Egyptian artist Amr Nazeer underlined that it did not matter to him if people reproduced his pieces without mentioning his name, because "[i]ssues such as copyrights don't matter at all in the case of the revolution" (A. Nazeer, pers. comm., April 2012).

Graffiti artists themselves apply a very similar logic to that of Lessig (2004, 2009) – who argues for the importance of distinguishing between merely copying someone's work and building on it, with the latter activity being a fundamental element of creativity and cultural production – in the way they evaluate new creations and copies. It was found that in the graffiti scenes of Egypt and Tunisia, it is commonplace for a second artist to draw over someone's work, or add something new to an existing piece. This is regarded as the natural, and even desired, development of graffiti, part of its ephemeral nature of illegal art on the streets (Egyptian artist, pers. comm., May 2012; Abaza, 2013). As one Tunisian artist explained, "There's the 'must' to recycle it all and to do it all again from the very beginning" (Tunisian artist, pers. comm., October 2012). A number of Egyptian graffiti artists pointed out that it was necessary in their field to borrow and build on images that had been created by others. This is similar to how hip-hop artists sample and build on each other's music.

Although some graffiti artists interviewed said they were unconcerned with matters of attribution, most were. For example, many said they regarded it as acceptable if an artist reproduced another's work, but only as long as she or he also attached the original artist's signature tag (a requirement that, as one Tunisian artist noted, becomes problematic when "there is no signature, the works aren't signed" (Tunisian artist, pers. comm., October 2012)). In spite of the potential difficulties of ensuring proper attribution, all graffiti artists interviewed in Egypt regarded trying to pass off someone else's work as one's own as a grave misstep that would cost the copycat her or his reputation among the other artists (Egyptian artist, pers. comm., June 2012). The graffiti artists seemed to be aware of a degree of efficiency in their communities' self-regulation of IP claims through peer monitoring and shaming – with reputation viewed as a more effective tool of control than legal mechanisms. Social norms serve an important function in regulating intellectual property among graffiti artists, specifically the right to attribution.

The surveys of art consumers in Egypt and Tunisia showed that the majority in both countries (74% and 75% respectively) agreed that graffiti should be protected by copyright. But at the same time, we saw above that the majority of consumer respondents in both countries felt that graffiti should be offered free. These seemingly contradictory responses can be resolved when the notion of copyright is unpacked to encompass alternative models beyond the "all rights reserved" conventional regimes. Consumers' responses trigger the question: where is the middle ground, in which graffiti art works can be offered free and at the same time protected by copyright? And what of the fact that the graffiti artists themselves seem not to be interested in financial remuneration or in copyright protection, but at the same time (in most cases) put a high value on attribution? Is there a knowledge governance model that can cater to these potentially conflicting attitudes among the artists, and among the consumers, within an A2K framework? It is my contention that online galleries of graffiti images, posted by the artists under Creative Commons licences, could provide one viable way forward.

ONLINE DISTRIBUTION OF GRAFFITI UNDER CC LICENCES

The priorities of Egypt's and Tunisia's graffiti artists, and of the consumers of graffiti, could potentially be met by graffiti artists making copies of their works available online under a Creative Commons licence, specifically the CC Attribution (BY) licence. In the words of Creative Commons, this form of distribution would allow artists a "simple, standardized way to grant copyright permissions to their creative work" that would allow the art to be "copied, distributed, edited, remixed, and built upon, all within the boundaries of copyright law" (Creative Commons, n.d.1). CC licensing can help artists by providing them with "copyright licenses and tools [to] forge a balance inside the traditional 'all rights reserved' setting that copyright law creates" (Creative Commons, n.d.1). Use of the CC BY 4.0 licence – which essentially allows an unlimited range of uses of the work, on the sole condition that the author of the work is credited – would align with the finding that the one (and apparently only) right that most of the interviewed graffiti artists have a strong wish to preserve is that of attribution.

Of course, this recommended course of action only caters to licensing of online copies of graffiti images, as opposed to the offline versions (the physical graffiti images on walls), because CC-licensing of the offline graffiti images (via physical painting of the CC licence name and logo, with a link to the full licence) is not practical. Notwithstanding that potential limitation, artists' online distribution of their graffiti images under the CC BY licence would help the artists secure attribution, while fitting into the copyright "permission culture" (as described by Lessig (2004)). This kind of distribution would also allow for the flexibility that graffiti artists need in order to preserve their openness-oriented, A2K-oriented practices, and their adherence to the anti-authority, anti-capitalist, inclusive non-traditions of graffiti. This can be ensured while also allowing artists to lead active and fulfilling lives as acknowledged and accredited artists.

Expansion of online dissemination of graffiti art aligns with the growth of digital platforms that act as a medium for the preservation of street art. These have expanded given the rise of Internet penetration and social media usage in both Egypt and Tunisia since the uprisings of early 2011. In Egypt, one of the interviewees, Soraya Morayef (known as Suzee), has her own blog, "Suzee and the City" where she has been sharing her photographs of graffiti on the streets

of Cairo since June 2011. In Tunisia, a similar blog, "Tunisia Graffiti Project" has been sharing photos of graffiti since August 2011, and the Facebook page "Street Art in Tunisia" is also active to the present day. And graffiti artists, such as Egypt's Ganzeer, have social media pages where they post their work and share their political opinions.

These aforementioned online outlets are freely available and entirely non-rival. There is always, as mentioned before, excludability through having to pay to access the Internet and/or purchase the digital device. Nevertheless, there are numerous potential benefits to disseminating and preserving graffiti using these free online digital platforms as opposed to offline commercial ventures. First, blogs, Facebook pages, Twitter accounts and other outlets avert the issue of reaping profits from political, revolutionary art. Second, these outlets seek to respect the graffiti artists' attribution rights, with images generally attributed to their respective artists – and, even when a piece is anonymous, it is not "stolen" nor is credit for it appropriated. Third, such outlets provide artists with the opportunity to add a CC licence to their work – something rather impractical for graffiti displayed on a wall.

The artists interviewed were generally favourable towards digital means of sharing their work, in spite of a degree of ideological opposition to the notion of giving a degree of permanence to a typically short-lived and ever-changing artwork. In fact, the blogger Suzee stated that she had "always been notified of new works either through them [the artists] or their friends", thus indicating their support for her blog and their desire for online exposure (S. Morayef, pers. comm., June 2012).

CONCLUSIONS

Graffiti has gained large popularity as a provider of an alternative narrative of the Egyptian and Tunisian revolutions. It has become the target of various commercial ventures, which have helped preserve and disseminate graffiti but, at the same time, have erected price barriers to access and, in some cases, deprived artists of attribution rights to their works. Also, graffiti has been widely shared on non-commercial digital platforms, which has helped to document the graffiti but, unfortunately, this has sometimes been done without securing the artists' permission. In this context, and from a perspective prioritising access to knowledge (A2K), the research outlined in this article examined the motivations and attitudes of graffiti producers and consumers in two countries in relation to three themes: the revolutionary graffiti itself; its commercialisation; and its potential copyright protection. Several key findings emerged in relation to each theme.

The graffiti itself was found to be a means to provide an alternative narrative of the political surroundings, and a voice that frequently opposes that of the state. This counter-narrative reaches out to the public through city walls, emitting socially and political relevant signals that touch viewers. This role has rendered graffiti intricately linked to the revolutions in both countries and its societal relevance has a bearing on how artists and art consumers relate to graffiti. The images have also emerged in non-commercial digital platforms, as well as bundled with other merchandise in a commercial manner.

In respect of commercialisation, the artists surveyed were found to have an aversion to receiving financial remuneration for their revolutionary graffiti art. Similarly, the majority of the surveyed consumers of art agreed that graffiti art should be offered free. Some artists in Tunisia distinguished between commercial graffiti, for which they would be willing to seek remuneration, and graffiti related to the revolution, for which they would not want to be paid. But in the revolutionary context, artistic activity was seen by the artists in both countries mostly as a tool for political expression and participation – a tool that could not retain its integrity if it needed to sell to survive.

On the matter of copyright, the graffiti artists were found to be disapproving of the idea of mainstream copyright protection of their images. Collaboration, borrowing, rebuilding and recycling were seen as an essential part of their creative process. Sharing of other artists' work for political purposes, or to spread a message, was welcomed by the artists. At the same time, building on each other's work was said to be a common practice. But copying without attribution was informally (yet strongly) sanctioned within the community, with copycats losing their artistic standing and respect. Social norms were found to play a strong role here. Shaming of copycats was found to be instrumental in this social construct, with reputation the key value. Accordingly, artists were concerned to maintain their right of attribution. This was in fact the only right that the majority of artists were determined to maintain in relation to revolutionary graffiti. For their part, the majority of the surveyed art consumers stated that they thought graffiti should be protected by copyright (but that, at the same time (as we saw above), graffiti art should be made freely available).

Based on these findings from the research, and approaching the findings from an A2K orientation, I sought to identify a copyright regime best suited to the priorities of both the revolutionary graffiti artists and the consumers of this art, cognisant also of the possibilities offered by increasingly widespread use of, and access to, online digital platforms.

As outlined in the article, the most suitable way forward would appear to be that offered by online posting of graffiti images under an alternative copyright licensing regime such as CC licensing. Contrary to mainstream copyright protection, CC licensing of online copies of graffiti images would preserve the graffiti's dynamic and flexible nature, suit the spirit of sharing, and protect the attribution rights of artists. The ephemeral nature and central political as well as social role of graffiti in artistic expression in Egypt and Tunisia make the CC licensing approach to copyright a better tool than conventional all-rights-reserved copyright to promote production and enjoyment of graffiti as a quasi-public good.

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