

# Graffiti Laws and Artist Rights

The *legal* difference between “art” and “vandalism” is permission.

## Rights of artists

If you have permission to paint or wheat paste your art on a public wall, then you get the rights that come with being an artist.

**Copyright** – The artist owns the copyright to their artwork even if they sell the original. The copyright to an image can be sold separately from an artwork. You must get permission from the artist before using the art on t-shirts, in movies, or in any way that might make money.

**The California Art Preservation Act and The U.S. Visual Artists Rights Act** – The artist has moral rights to their work. No one can change or destroy their art without permission.

## Punishments for vandalism

If you don't have permission from the property owner, anything you paint on the wall is considered vandalism.

**Jail and fines** – Even just a little graffiti vandalism can be punished with jail time and large fines, even for minors. If the vandal is a minor, the parents can be punished.

**Civil suits** – San Francisco has a new law allowing it to sue vandals for damage caused to city property. One tagger is currently being sued for \$88,000 based on 58 cases of vandalism.

## Responsibility of property owners

If you own a building, you get to decide how to decorate it. But if it's in a public space where everyone can see it, there are rules and responsibilities.

**Building owners are responsible for cleaning up graffiti that occurs on their property.** Property owners must clean up graffiti vandalism on their buildings or they get fined at least \$500.

*Why should property owners be punished for something they did not do?* This rule is partly because of the “**Broken Window Theory**.” According to this theory, if you don't fix broken windows and if you allow people to get away with minor crimes, people will feel less safe and violent crimes will be more likely. Because of this theory, the city feels it is important to always paint over graffiti. Since they usually don't know who paints the graffiti, it becomes the property owners' responsibility.

## Rules on advertising

In 2002, San Francisco voters passed Proposition G to prohibit any new billboards in the city. It is illegal to put a new advertising sign on private property unless the sign is advertising goods or services sold at that site. You can put a sign for your own business on the side of your building, but it is illegal to rent that space for other businesses for advertisements.

**Are these rules fair?**

**When you and your classmates are in charge, what rules will you make for your neighborhood?**