

1 October 2019

L'Institut Français, London

The Serpentine Galleries R&D Platform Legal Lab Summit_01

Executive Summary

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by Adelaide Dunn

The following report details the proceedings of the day-long Legal Lab Summit, organised as part of The Serpentine Galleries' wider R&D Legal Lab. The invite-only Summit took place at L'Institut Français, London, and was attended by some forty-five artists, curators, scholars, lawyers, legal designers and technologists. The Summit was organised and convened by **Ben Vickers**, Chief Technology Officer of the Serpentine; **Victoria Ivanova**, PhD Researcher and R&D Community Manager at the Serpentine; **Alana Kushnir**, Principal Investigator of the Legal Lab and Director and Founder of Guest Work Agency; and **Sophie Netchaef**, Strategic Projects Manager at the Serpentine. This team was assisted by Legal Lab Research Associates **David Jenal** and **Adelaide Dunn**.

The Serpentine's R&D Labs invoke the co-operative ethos of open-source communities and the experimental objectives of scientific research and development (R&D) processes. Through R&D, the Serpentine engenders a networked approach to knowledge sharing and innovation across the fields of art, technology, science and law. The Legal Lab is the newest iteration of this wider initiative. Its purpose is to facilitate dialogue between industry leaders across art, law and technology; generate understanding of the legal frameworks of art and technology collaborations; discern related ethical and policy-based concerns; and develop practical, open-access tools to deepen

stakeholders' understandings of the law and promote fruitful cross-disciplinary collaborations. This enquiry forms part of the Serpentine's role as an intermediary between art and the public, as well as a facilitator of artistic experimentation with nascent technologies.

The Legal Lab Summit consisted of presentations and think-tank discussions, which analysed and tested these ideas. Presentations by Legal Lab representatives **Alana Kushnir** and **Ben Vickers** illustrated the objectives of the Serpentine's R&D initiatives and the particular hypotheses, objectives and methodologies of the Legal Lab. In her presentation on the Legal Design movement, **Marie Potel-Saville**, Founder & CEO of Amurabi, an Innovation by Design Agency, demonstrated the sweeping potential for such radical multidisciplinary collaboration, offering real-world examples and methodological approaches. Two think-tank discussions built on the aims set forth in these presentations, allowing participants to share knowledge, experience and anecdotes in distilling the fundamental legal issues of art and technology collaborations and prototyping potential solutions. A Reader was distributed to participants in advance of the Summit, which offered historical and contemporary perspectives on the Serpentine's R&D initiatives, discussed the use of contracts and legal instruments as creative media by artists, and analysed the legal and corporate frameworks commonly used in cross-disciplinary artistic collaborations.

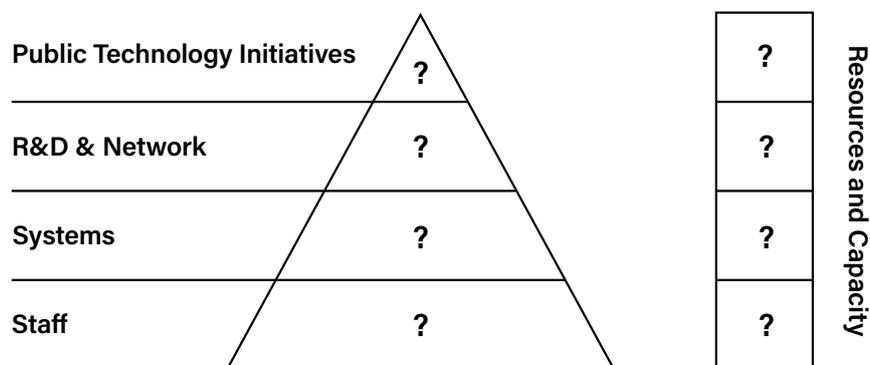
Ben Vickers

Chief Technology Officer (and former Curator of Digital) of the Serpentine Galleries, *Welcome*

The Summit commenced with a welcome from **Ben Vickers**, CTO of the Serpentine. Vickers provided some context for the Serpentine's increasing focus on technology and his role within this shift as CTO. Similar to how a corporate CTO oversees the development of technological processes in order to foster business, Vickers' role as CTO is to evolve the Serpentine's

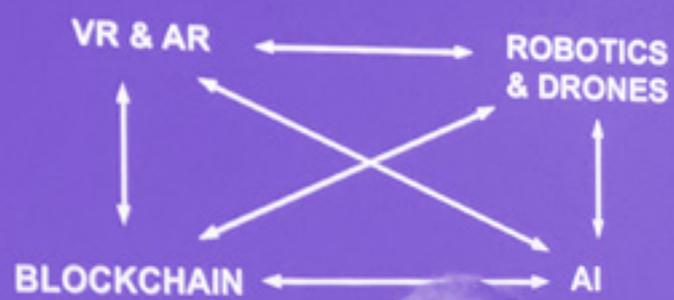
external and internal infrastructures and strengthen its international status as a forerunner of artistic and technological innovation.

A key facet of Vickers' approach is to advocate for innovation and risk-taking in order to develop R&D capabilities in the contemporary art context. This has allowed the Serpentine to facilitate artistic projects incorporating emerging technologies, such as augmented reality and artificial intelligence. Beyond its curatorial scope, R&D is also being utilised to redefine the Serpentine's fundamental systems and processes. This networked approach to R&D forms part of what Vickers conceptualises as the Serpentine's Digital Hierarchy of Needs, adapting Abraham Maslow's psychological theory of humanity's 'Hierarchy of Needs' (1943). According to Vickers, digital tools and capabilities should be integrated across the entire institution, both internally and externally, in a dedicated and cohesive way. For the Serpentine, this necessitates creating a small, mobile digital team that can transpose itself easily across the institution's various departments.



Serpentine's Digital Hierarchy of Needs

Vickers then recounted the massive strides of technological progress taken in the past decade, from the ubiquity of social media and mobile applications to the emergence of disruptive technologies such as blockchain, robotics and virtual reality, to current and future developments in quantum computing, bio-technology and aerospace technology. With reference to the



information technology firm Gartner's 'Hype Cycle' (2017), an IT research methodology, Vickers outlined the Serpentine's aim of placing artists at earlier stages in the technological innovation process. Traditionally, artists generate content with technologies once those inventions have reached late stages of development (or 'Plateaus of Productivity', according to the Hype Cycle). By playing a part earlier in the shaping of technologies (at the 'Innovation Trigger' stage), artists can more fundamentally mould the wider narrative of technological innovation. Vickers noted key benefits that the sector of advanced technologies offers to artists, including wide scope for experimentation and critical enquiry, as well as significant resources with which to generate large-scale projects.

Vickers then referred to issues pointed out in the first article of the Legal Lab Summit_01 Reader, 'R&D at the Art Institution: A Historicised Perspective', by Victoria Ivanova and Ben Vickers (2019). Art institutions are currently facing an identity crisis in a society that is becoming increasingly fragmented. In order to fulfil its traditional role as a mediator between art and the public, the Serpentine aims to support new infrastructure and expertise, diversify its opportunities for partnerships, and generate complex dialogue on crucial societal issues. Through these initiatives, art can continue to update in tandem with society, thereby growing in productive capabilities, relevance and critical impact.

In describing these goals, Vickers quoted Victoria Ivanova's forward-looking imperative that art institutions should conceive of content-creation and infrastructure side-by-side, curating their organisation as well as their exhibitions. According to Ivanova, 'More than ever, there is a need to shift beyond the age-old divide of "infrastructures" versus "cultural content" – the back-end and the front-end of cultural institutional set-up – and to start prototyping strategies that think the two in tandem. The challenge is to develop cultural intelligences and tool-kits that are capable of enforcing this recalibration' ('The Recalibrated Institution', 2017).

Vickers then offered examples of recent artistic projects that fuse content, messaging and infrastructure. Hito Steyerl's *Actual Reality OS* (2019),

a mobile app presenting augmented-reality data visualisations in physical locations around the Serpentine Gallery, revealed to users the history of wealth inequality in London. The project, for which Steyerl delivered a powerful press conference at the Serpentine, was developed in collaboration with local community groups as well as software developers. The intellectual property-related issues surrounding such art-tech collaborations were illustrated by Vickers in another example, within which a licensing dispute resulted in the virtual-reality component of an artificial-intelligence artwork being dropped. Vickers underscored the need for further partnerships in this growing field, referencing organisations like teamLab and Apple, both of whom are innovating in the fusion of art with immersive technologies.

Vickers concluded by stating the importance of the presence of each of the Summit participants as leaders of their respective fields. The mission of the Serpentine's R&D Labs is to foster dialogue and exchange between those fields – including art, law, design, video games, bio-technology, virtual reality and augmented reality – in an experimental approach that grounds research-driven practices in art. The Legal Lab is one such interchange, generating greater understanding of law as a tool for facilitating art-tech collaborations, which are now a central feature of the art ecosystem.

Alana Kushnir

Principal Investigator of the Serpentine Galleries' R&D Legal Lab and Director and Founder of Guest Work Agency, *Introduction to the Legal Lab: Legal Frameworks for Art, Science and Technology Collaborations*

For the next phase of the Summit, the art lawyer and curator **Alana Kushnir** delivered a presentation laying out her role in the Legal Lab, as well as offering a status update on the Legal Lab's various phases. Kushnir's presentation built on Vickers' by offering more explanation as to the legal and business-related dimensions of the Lab.

Kushnir's multifaceted creative enterprise, Guest Work Agency, provides a range of advisory services to individuals and organisations working

PRESENTED BY ALANA KUSHNIR

Introduction to the Legal Lab
Legal Frameworks for Art, Science and Technology Collaborations

Serpentine Galleries R&D Platform Legal Lab Summit
Tuesday 1 October 2019

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in the field of contemporary art and broader creative practice. It functions as an art-law firm, offering legal advice on contracts and intellectual property management, as well as providing curating, project management and art advisory services. As Principal Investigator of the Legal Lab, Kushnir investigates research methods and industry practices apropos art-tech collaborations. This involves identifying the legal issues surrounding such collaborations and proposing, prototyping and developing practical tools and learning outcomes to aid collaborators in addressing these issues.

Kushnir pointed out that the Legal Lab is unique in its objective of developing real, implementable tools that can help artists and technologists better utilise the law for productive ends. She identified the historic biases many artists have against the law as an unwanted intrusion into their affairs. Her goal is to overcome such prejudice, allowing those involved in art-tech collaborations to understand the law's potential as a tool to help rather than hinder relationships and projects.

In line with the scientific R&D model adopted by the Serpentine for its Labs, Kushnir then summarised the various phases of enquiry forming the wider Legal Lab as follows:

Phase 1: Hypothesis (January – July 2019) involved establishing research methodologies and identifying contributors and collaborators. Kushnir delineated which legal structures are most relevant to art (such as intellectual property and contract law) and which are under-utilised in the context of art (such as corporate structures).

Phase 2: Research & Framework (July – December 2019), in which the Summit took place, has also involved releasing an online questionnaire and setting up potential partnerships for consultation in Phase 3.

Phase 3: Development & Testing (January – July 2020) will focus on developing a platform based on Phase 2 research in consultation with technology and design partners of the Legal Lab network. Phase 3 will

also focus on developing learning outcomes to accompany the platform and a publication evolving from the Summit reader. An Advisory Committee made up of members of the Legal Lab network from a range of different disciplines will be set up to guide the Lab through Phases 3 and 4.

Phase 4: Implementation (July – December 2020) will embody the launching of those tools and learning outcomes.

Kushnir proceeded to share insights gathered in Phases 1 and 2. The macro-mapping that took place in Phase 1 resulted in a broad picture of artists, art organisations, institutions and technology companies working at the intersections of art, technology and science. This thread of enquiry also revealed the legal, ethical, economic and political issues surrounding those subjects and their activities. Kushnir listed key methodological aims for further research: reaching out to and investigating organisations that exist outside Western European frameworks, for example in Asia and the Pacific; investigating the role of tensions and conflicting interests across disciplines in collaborative work; deciphering how these tensions can be acknowledged and overcome through legal mechanisms; and understanding the overarching non-legal issues, such as in ethics and policy, that affect these tensions. (These enquiries formed part of the Summit's think-tank discussions).

As part of Phase 2, Kushnir will launch a qualitative and quantitative survey and circulate it around Legal Lab partners. The survey will ask in-depth questions about the nature of respondents' collaborations, the legal issues they face and how these issues are resolved (both through legal and non-legal means). Kushnir offered some sample questions, including whether the collaboration in question was documented, whether the respondent was aware of who owned the intellectual property being generated and whether respondents had the opportunity to edit or negotiate contracts. Kushnir aims for a broad range of respondents, including artists, freelance curators, software developers, scientists, lawyers, academics, art

collectors, technology corporations, academic institutions and commercial galleries.

Think Tank Morning Session: Fact Scenarios and Group Discussions

Participants were then invited to discuss and ascertain the legal, ethical and policy-based issues surrounding art-tech collaborations, in line with Kushnir's Phase 2 research model. Three detailed hypothetical fact scenarios were distributed among six groups of participants, such that each scenario was examined by two separate groups. The scenarios were not unlike those commonly posed to students in law school and bar examinations, in order to hone their skills of evaluation, analysis and judgment. Kushnir instructed the groups to review their scenarios, discuss the added questions, then summarise the key takeaways in a Summit-wide discussion. The objectives were to encourage awareness of legal issues, acknowledge the limitations of the law, balance legal with non-legal considerations, prototype solutions, and generate empathy among participants.

Discussion 1

The first think-tank discussion concerned a scenario involving a dispute between an artist and a technology company over ownership of an artwork that the former had developed through a residency at the latter. Participants noted that the conceptual differences between technological tools and a resulting artwork should have been discussed by both parties and laid out in a contract as an essential term. One participant defined the intellectual property in question as the narrative and design of the artwork, in contrast to the tools that enable it. As noted, however, more complex questions might arise for artworks that are conceptually and practically inseparable from their technological tools.

One participant raised a related concern that contracts are often negotiated and signed before production commences, whereas artworks take

on new shapes and forms throughout the production process. Participants noted the importance of intermediary- and post-negotiations, through which parties can understand new ideas, tools and capabilities developed during the production process, delineate which parts are individually or jointly owned and decide on appropriate accreditation. Similarly, the importance of pre-negotiations was raised, during which the parties' varying financial and reputational interests must be laid down. In one participant's view, this non-static approach to contractual negotiation can greatly increase the utility of the contract in an artist's eyes, overcoming the common perception of contracts as mere administrative hindrances.

Accreditation was outlined as a central issue for artists in such collaborations. One participant offered the example of Unreal Engine, a video game development engine with a dedicated crediting system that delineates between game developers using the engine and the engine's original developers. Game developers are able to use Unreal Engine for free, but once they begin selling the games they have produced, Unreal Engine receives a 5% royalty on each sale and must be credited by the game developer. Participants debated the similarities and differences between artworks and video games with respect to building content on such platforms. A similar initiative to Unreal Engine, geared towards artists, could be fertile ground for the creation of new work – and a mode of dealing with accreditation hurdles.

Participants also discussed the issue of how artists are compensated in art-tech collaborations. Where technology companies provide infrastructure or tools from which they already make revenue, an uneven power dynamic results, in favour of the company. Artists should be forthright about the amount of compensation they are due, to prevent such companies from taking advantage of them and their work. Artists undertaking 'residencies' held by companies should question who is benefiting most from the arrangement.

Discussion 2

The second Summit-wide discussion was led by two groups, who analysed

a scenario incorporating a collaboration between an artist and technology company. The artist sought to end the partnership after the media publicised a flagrant data breach by the company, of which the artist was not aware at the time of contracting.

A key topic of discussion was the importance of due diligence before entering into such partnerships. The depth of due diligence required should be dictated by the level of risk held by the investigating party. In this scenario, the artist held considerable risk in that his/her reputation was impacted by the technology company's scandal. Therefore, despite the fact that the technology company arguably acted unethically by not disclosing the data breach to the artist, there was still a burden on the artist to investigate the company before publicly partnering with it. The asymmetry of power and information was a common issue brought up in this discussion, since artists tend to be more vulnerable in such collaborations. Not only do they have the most to lose, but they can easily be ousted and replaced by another artist who is hungry to work.

Because of the heavy reliance on private funding in the art world, participants noted the importance of exit clauses in such contracts, whereby if a scandal arises, the artist is entitled to withdraw with compensation. This led to a discussion of 'art washing', a highly topical issue whereby wealthy individuals and corporations donate to art organisations and non-profits in order to 'wash away' the unscrupulous means by which their wealth was made. This issue is currently being faced by museums and galleries worldwide, such as the Guggenheim Museum's rejection of further gifts from the Sackler Family, who profited greatly from America's opioid crisis, as well as the Whitney Museum's vice chairman Warren Kanders stepping down after protests over his majority ownership of a weapons and munitions company. As participants noted, artists and art organisations tend to lose out the most over these controversies. Artists are being forced to negotiate their own values and face heavy decisions where donations and partnerships are involved. One participant argued that an established artist would have greater sway and resources to walk away from such reputational risks,

whereas emerging artists are placed in a more desperate position.

The complex intellectual property issues raised in the scenario were then discussed. Like in the previous discussion, participants noted the importance of separating the artist's concept from creativity supplied by partnering developers for the purposes of accreditation. Additionally, the point was raised that software tools are often licensed to artists to use for narrow purposes. Issues may then arise where the artist wishes to use the work (and the licensed tools) for new exhibitions or self-promotional strategies that were not conceived of during the formulation of the license. One participant with experience in the design and entertainment industries noted that, if art-making and R&D processes start to become more merged, these tools might take on new and unforeseen capabilities during production. The question then arises as to who gets to benefit from those new uses.

At this point, the discussion segued into non-legal considerations. Participants noted the importance of educating all stakeholders on contractual and licensing terms, and generating a common language for artists, technologists and lawyers to speak, bypassing complex jargon. Such a common language might allow for fruitful negotiations and agile strategies of working, taking into account unintended outcomes and benefits that arise during collaborations.

Discussion 3

The final discussion of the think-tank morning session centred around a scenario involving a collaboration between a museum, an artist, a scientist and a multimedia festival. A dispute arose when the museum displayed a video work by the artist as part of its permanent collection, without mentioning the festival as a funding body or crediting the scientist who contributed a small amount of work to the video.

A key issue that arose was the lack of dialogue between each of the parties, particularly regarding levels of authorship. In this case, participants agreed that attribution and accreditation was a shared responsibility



between the museum and the artist. Once the artist engaged the scientist to work on the project, a contract needed to be signed stating the scientist's accreditation rights, which could have been proportional, based on the amount of work the artist ended up using. A converse issue raised by one participant was that sometimes collaborators may not wish to be credited for the finished product. Therefore, accreditation terms should also grant collaborators a right of refusal.

The challenge of negotiating separate contracts for sui generis arrangements was noted by one participant – where technology and art intersect, standardised contracts have little utility. The background intellectual property supplied by technologists, the newly created intellectual property supplied by the artist and the moral rights of each contributing party must be laid out in continuing negotiations to overcome potential disputes. Another participant supplied a potential solution whereby a contract is viewed as a communicative tool and a prompt to notify each party of their interests. At the outset of production, a living contract could have three quarters of its terms filled in, with guidelines on how to negotiate the empty spaces as different outcomes arise and interests shift.

A key challenge for artists, however, is paying legal fees associated with such drafting. Possible solutions included educating artists on the meaning of contractual terms, drafting contracts in plain English and consulting directories of lawyers who are willing to work pro bono or for reduced fees. One participant noted that Hong Kong's artist unions provide affordable legal advice regarding such agreements. Another participant observed that simplifying contractual language and educational aids for artists can grant them better bargaining positions and empower them through knowledge of the law, eliminating some of the power imbalances discussed earlier.

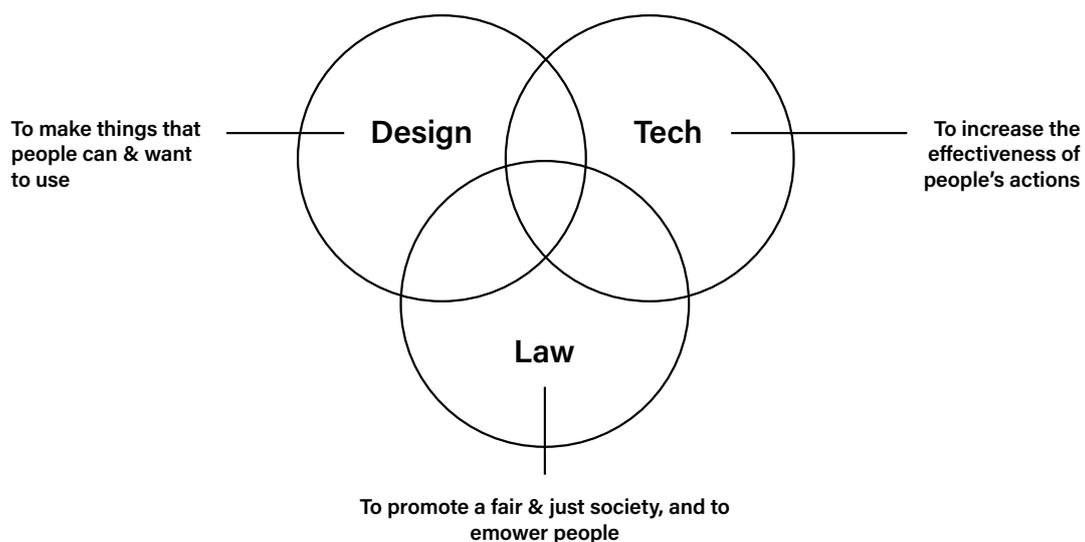
Finally, participants debated the complexities of ownership regarding video and multimedia artworks. One brought up the 'producer's proof' model used by Artangel, an art production company and charity that works with a global set of artists. For every multimedia work produced, a 'producer's proof' is made for the artist that they can circulate for promotional

purposes, which has no monetary value in itself. More and more producers are beginning to think more creatively about ownership rights, and what they might get back from the companies with whom they collaborate, aside from remuneration and accreditation. Another participant supplied a potential strategy whereby the producer of a video work could gain back production costs once a work sells on the market, through an apportionment of the sale price. Although such a contractual term might hamper the work's marketability and constrain the rights of parties dealing with the work, the financial interests of the producer would be well catered for.

Marie Potel-Saville

Founder & CEO at Amurabi, Legal Design

After a lunch break, the lawyer and legal innovator **Marie Potel-Saville** delivered a fascinating presentation on the Legal Design movement. The movement involves legal professionals, designers and technologists collaborating on the creation of visual and multimedia tools that aim to make the law more accessible and engaging to a wider audience. Potel-Saville's company, Amurabi, combines legal expertise and design skills to create such tools,



Marie Potel-Saville's Welcome Slide

thereby restoring the purpose of the law as a strategic and democratic instrument. Potel-Saville's work fits squarely within the wider philosophy and goals of the Legal Lab, since it creates systems to allow for the cross-fertilisation of knowledge and skills from different disciplines, stimulating innovation and public benefits. (Amurabi is named after Hammurabi, the King of Babylon, who developed a publicly accessible visual code of law.)

Potel-Saville went on to outline the problems that Legal Design seeks to overcome. She did this by discussing the work *I Agree* by Dima Yarovinsky (2018), which printed out social-media websites' terms of service and presented them in long, coloured infographics. The work protested such online consents as invalid and a threat to democracy. Potel-Saville also referenced a 2018 report by the Organisation for Economic Co-operation and Development (OECD), which argued that the current lack of transparency in online terms and conditions erodes consumer benefits within a market economy.

Potel-Saville then traced the origins of the movement. In 1999, the artist Candy Cheng worked with the New York City Street Vendor Project to make complex regulations accessible to street vendors, empowering them to understand the law and avoid fines. According to Potel-Saville, such projects uphold the basic democratic foundations of the law – that it is made for the people by the people. She recounted her work on such projects as Navocado, which helps immigrants to the United States navigate the American legal system and exercise their rights through multilingual diagrams and illustrations. She also described the increasing centralisation of the movement, with legal designers meeting at an annual summit in Helsinki each year, and with Stanford University's Legal Design Lab, founded in 2013 by Margaret Hagan, who is considered to be a forerunner of the movement.

Next, Potel-Saville discussed the theoretical underpinnings of Legal Design, describing it as a human-centric legal innovation method. Legal Design follows the architectural concept that form follows function. The purpose of a contract, therefore, should be the starting point of its design. Legal Design is also based on empathy with its users, with a view toward

understanding their own purposes and delivering information in a way that is accessible, practical and engaging. This also draws from the core values of technological innovation – that technology should be developed around existing societal needs.

Finally, Potel-Saville described the over-arching framework of Legal Design as building bridges between disciplines by formulating a common language with which to share expertise. She explained the related methodology of ‘Radical Multidisciplinary Collaboration’, whereby experts discuss issues and co-create potential solutions in short workshops. Applying this methodology to an art-tech collaboration contract, Potel-Saville discussed potential issues and solutions. Before collaborating, parties should consider each other’s interests and ‘pain points’, such as the requirement of accreditation, which is of central importance to an artist’s reputation and career. Parties should understand that unintended outcomes may arise during the collaborative process, and form milestones and meetings throughout the collaborative timeline to renegotiate certain terms and resolve any pain points. Potel-Saville concluded with the advice that, the earlier parties discuss these pain points and prototype solutions, the better they can resolve disputes in mutually beneficial ways. Legal arrangements should therefore be understood as plastic rather than static.

Think-Tank Afternoon Session: Pain Points and Solutions for Different Stakeholders

Potel-Saville’s advice regarding Radical Multidisciplinary Collaboration was harnessed in the second think-tank session and final phase of the Summit. Participants were divided into new groups, with each group being assigned one of five ‘user’ types: commercial gallery, sponsor, artist, technology company and art institution. Participants were asked by Kushnir to describe their user’s key characteristics and list their main pain points in collaborating

with others. Next, participants devised solutions for these pain points and presented them to the wider Summit.

Commercial Gallery

Group members listed the key concerns of commercial galleries as follows: how to keep their artists exclusive, prolific and happy; how to strengthen and protect the gallery's and the artist's intellectual property; and how to stay afloat in a competitive business landscape. A radical solution proposed was to make all of their artists full-time employees with rights and benefits. Artist-employees would be offered a base salary and given incentives to produce by meeting certain key performance indicators (KPIs). This prompted some laughter and light-hearted debate, with one participant labelling it a 'disaster capitalist tech solution'. Another proposed solution was to remodel the gallery as a co-owned structure or a co-shared business venture with each artist as a shareholder (rather than the beneficiaries of an exploitative salary model). The artists who reap the highest returns, often making up about 15% of the gallery's sales, could subsidise the activities of other artists who do not earn as much. One participant labelled this as a kind of 'artist pension trust' model.

Sponsor

Group members began by noting the breadth of different sponsors in the art world, ranging between corporations, technology companies, private collectors and institutions. While some sponsors seek accreditation, others prefer to remain anonymous. Some sponsorship scenarios are 'in kind', whereas others are more traditionally financial in nature. In addition, while specific sponsors might seek to constrain or dictate the nature of works that they sponsor, others might take a more passive stance. Participants settled on the common example of a corporate sponsor, which might be concerned with artists meeting KPIs and other expectations. Corporate sponsors might also be concerned with the opacity of dealing with artists, with clashing sets of industry jargon potentially hindering relationships. In addition, the project sponsored would have to fit within the corporation's brand and values. A key

[3.2] GROUP THINK TANK ROUND 2

- **Questions (continued)**

4. How are you going to solve their main issues? Define what you will create/change by:
 - a. Finding at least 5 ideas to solve the problem – 5 min. 1 idea per post it
 - b. Sharing all of the ideas with your group. Group similar ideas together on the board
 - c. Individually, find one final idea to solve the problem. Build on previous ideas from your group.
 - d. Share with your group and decide which is the best idea. To select the best idea consider what will have maximum impact (desirability) and minimum effort.

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solution provided by participants was to employ a third-party consultant as a marketing advisor, to handle negotiations and ensure that the artistic project coincides with the corporation's brand.

Artist

This discussion commenced with a fruitful debate around how to define 'artist'. The group settled on some key characteristics, including being driven, idealistic, authorial and able to make things happen. The main pressure points raised were the artist's lack of bargaining power in contract negotiations, as well as the lack of custom as to how artists are credited in art-tech collaborations. The key solutions offered by the group involved integrating legal and business education within more fine-arts curricula (such as BFAs and MFAs), creating 'wiki-how' type online resources for artists on legal issues and consulting legal-aid services that are geared toward creators.

Technology Company

The group first defined 'technology company' as encompassing small start-ups, large corporate giants and open-source or non-profit organisations. Many interests were offered by participants, including developing an effective brand, maintaining cultural value and recognition, securing returns, developing intellectual property and undergoing R&D. While some might wish to monetise much of their intellectual property, others might wish to offer this to the public domain in open-source style networks. Additionally, developers and programmers suffer from being underappreciated and enduring unreasonable demands from collaborators, which are born out of ignorance of the nature of their work. The group offered a solution, which one participant labelled 'If this, then that'. The different stakeholders in an art-tech collaboration should develop communicative tools (or a 'meta layer') that explain the nature and extent of labour required to fulfil a request.

Art Institution

The group first defined art institutions with an amalgamation of their

objectives and pain points. These included serving the public interest in a relevant way, securing funding for cultural production and staying afloat, pushing arts forward into uncharted areas, and being a trendsetter across different sectors. Institutions must also balance the needs of different stakeholders, such as artists, the public and governmental bodies. This group potentially had the most difficult task in coming up with potential solutions. They settled on bringing individuals and organisations from different sectors together to share knowledge and expertise and devise strategies for infrastructural growth and new cultural product. This involves understanding the different forms of value that art institutions can import into other sectors, and what they can garner in response.

The Summit ended at the close of these conversations, with Victoria Ivanova and Alana Kushnir thanking participants for their invaluable contributions and looking forward to further collaborations in Legal Lab phases to come.

Participant Biographies

Rebecca Allen is an internationally recognised artist inspired by the aesthetics of motion, the study of perception and behavior and the potential of advanced technology. Her artwork, which takes the form of virtual and augmented reality art installations, experimental video and large-scale performances, spans nearly four decades and embraces the worlds of fine art, performing arts, pop culture and technology research.

Anne Laure Bandle is an attorney-at-law at the law firm Borel & Barbey in Geneva and a lecturer in copyright, art and entertainment law at the University of Fribourg, Switzerland and a guest lecturer in cultural heritage and art law at the London School of Economics and Political Science. Anne Laure Bandle furthermore serves as director to the Art Law Foundation, a foundation that aims to promote and coordinate the work and research in the field of art law.

Tom Bangay is Director of Content at Juro, an end-to-end contract management platform that saves customers up to 96% of time on legal process. He recently held positions at Thomson Reuters and Investec and received an MA in Human Values and Contemporary Ethics from King's College, London.

Lieke Beelen has a background in Industrial Design Engineering focused on Design for Interaction. She is working on legal innovation since 2015 and founded Visual Contracts in 2017 to bring together lawyers, designers and other professionals to further develop Legal Design Thinking and create accessible and engaging visual contracts that everybody understands.

Ché Zara Blomfield is a curator and writer from Aotearoa, founder of The Composing Rooms (London, 2010) and co-founder of Baron Magazine (London, 2011) and Jelato Love (Palma, 2018). On topics where contemporary art meets technology, and on digital and self-publishing, she has spoken at Kastela Arts Center, Athens; Goethe Institute, London; Kunsthal Charlottenborg, Copenhagen; Academy of Photography, Krakow, and Institute of Contemporary Arts, London. Institutional exhibitions and projects include those at Yves Klein Archives, Paris; Swiss Institute, Milan; and Wysing Arts Centre, Cambridge.

Hannah Blows is a Designer and Developer responsible for Design and Communications at Animorph, a company that addresses unmet medical and social needs using Augmented and Virtual Reality.

Shane Burke is a lecturer in intellectual property law at Cardiff University. His research interests generally lie in the area of intellectual property and the legal regulation of the arts. Current research also explores the relationship between sound and the law. His doctoral research, undertaken at Queen Mary, University of London, was entitled 'Dematerialisation and Dissonance: Conceptual Art Practices, Art World Strategies and the Role of Copyright Law'. This interdisciplinary study featuring interviews with a range of high profile artists, lawyers and other stakeholders conducted in both London and New York, 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, social norms within the artworld and the role of documentation in the artistic process. It is currently due to be published as a monograph in 2021. Recent publications include, Shane Burke, 'Score, Performance and the Posthumous Conductor' in Daniel McClean (ed), *Artist, Authorship and Legacy: A Reader* (Ridinghouse 2018) Shane Burke, 'Copyright and Conceptual Art' in Enrico Bonadio and Nicola Lucchi (eds), *Non-conventional Copyright* (Edward Elgar 2018) Forthcoming chapters currently in print also include, Shane Burke, 'Intellectual Property as Artistic Medium', in Jani McCutcheon and Fiona McGaughey (eds), *Research Handbook on Art and Law* (Edward Elgar 2019/20) and Shane Burke, 'Graffiti, Street Art and Copyright in France' in Enrico Bonadio (ed), *Copyright in Graffiti and Street Art* (Cambridge University Press 2019/20).

Ruth Catlow is an artist, curator and researcher of emancipatory network cultures, practices and poetics. She is the artistic director of Furtherfield, a not-for-profit international community hub for arts, technology and social change founded with Marc Garrett in London, in 1996, and co-editor of *Artists Re:Thinking the Blockchain* (2017); curator of the touring exhibition *New World Order* (2017-18). Ruth Catlow runs the award winning DAOWO arts and blockchain lab series with Ben Vickers, in collaboration with Goethe Institute and is principal investigator for the blockchain research lab at Serpentine Galleries.

Andrew Crowe is Co-Founder and Technical Director of MetaObjects. He is a technologist and software engineer with over 15 years experience working in London. He has worked as Principal Developer for a financial company, start-ups and agencies. He applies his skills to work in close collaboration with partners to tackle a wide range of complex creative projects using new technologies.

Ivan Daffern is a Business Affairs Advisor working in the Royal Opera House's Legal and Business Affairs department. He qualified as a solicitor in November 2016 after completing his Period of recognised Training in-house at the Royal Opera House and through a secondment to a Top 50 law firm. His work encompasses a broad range of matters arising within intellectual property, commercial, company, charities and property law, primarily non-contentious but with a certain amount of IP infringement issues to deal with.

Adelaide Dunn is a scholar and practitioner of art, law and business, with curatorial, legal and administrative experience in museums, non-profits, corporate law firms and the United States Federal Government. She has published articles on the intersections between art, law and business; tutored art history; and delivered seminars at conferences on internet and performance art. Adelaide has recently relocated from New York City to London and is currently working in the auction business.

Adham Faramawy works across a variety of media including moving image, painting and print. His works attempt to describe an urban lived experience where technology and its relationship to the body take a central role. The experience of cities, architecture, advertising, high-density populations – and how these affect the ways in which we behave and construct identity – are described through the distortion of commercial and art historical forms. This highlights the conditions of the work's production and exhibition, searching for ways to build meaning through collage and edit, by implication, through accumulation or context.

Marta Ferreira de Sá is partner and Director of Strategy at Rival Strategy, founded in 2016 to maximise the strategic potential of services, technologies, places and organisations. Her work brings a highly strategic perspective to the design of organisations, from how people interact with them to specifying the architecture of the

platforms that enable those services to be delivered. Marta Ferreira de Sa is also visiting faculty at the 'The New Normal' program at the Strelka Institute for Media, Architecture and Design in Moscow and has held research and teaching positions at MIT's Mobile Experience Lab in MA and IESE Business School, Barcelona.

Victoria Ivanova is currently a PhD Researcher and R&D Community Manager at the Serpentine Galleries. Her practice is largely informed by systems analysis and her interest in infrastructures as mechanisms for shaping and (re)producing socio-economic and political realities. Focusing on technological innovation and financialisation in the context of the contemporary art sphere, she has developed projects with Tate Modern, Haus der Kulturen der Welt, ArtCenter South Florida and W.A.G.E. (Working Artists and the Greater Economy) amongst others. Ivanova's writing has been published by Sternberg Press, Routledge and Verso.

Eva Jäger is Assistant Digital Curator at Serpentine Galleries where she works on Digital Commissions and the R&D Platform. Together with Principal Investigator Dr. Mercedes Bunz, Eva is running the Creative AI Interfaces Lab which will investigate AI as a tool/medium in the context of arts and technology collaborations. Eva is also part of the design practice Legrand Jäger which investigates emerging surveillance technologies. Legrand Jäger were designers in residence at the Design Museum London in 2018-2019 and are currently Format Fellows at Z33 Hasselt.

David Jenal is Research Associate at the Legal Lab of the Serpentine Galleries. His writing on contemporary art, art law and the art market appeared in *032c*, *Welt am Sonntag* and *KÖNIG Magazin*, among others.

Natalie Kane is Curator of Digital Design at the Victoria and Albert Museum, responsible for defining a new approach to collecting and exhibiting digital design for the museum, as well as taking on responsibility for the care, research, display, and interpretation of the Museum's digital design collections. She works in the Design, Architecture and Digital department, which also looks after Rapid Response Collecting. Alongside Natalie Kane's collecting duties, she curated the official U.K. entry for the London Design Biennale 2018, 'Maps of Defiance' with Brendan Cormier, exhibiting the work of Forensic Architecture and Yazda in Sinjar, Iraq.

Samantha King is Senior Producer, Audience Labs at the Royal Opera House in London. She previously held positions at the Victoria and Albert Museum and the Museum of the Moving Image.

Astrid Kohlmeier is a lawyer and consultant for legal design & legal tech. She has been combining the disciplines law and design for over 15 years. From 2002 - 2012 she was head of marketing & communication in a legal services subsidiary (litigation funding) of Munich Re. For the last 6 years she is working as a legal designer and consultant for legal inhouse departments, law firms and legal tech companies. Last year awarded as „woman of legal tech 2018“ she develops user centric solutions and legal services with focus on the legal transformation and digitalization. Astrid is also a lecturer at the Bucerius Education GmbH, speaks at conferences, publishes, hosts legal design jams and works with an international network of legal designers.

Alana Kushnir is a lawyer and curator based in Melbourne, Australia. She is the Principal Investigator of the Serpentine Galleries' R&D Platform Legal Lab. Alana is also the founder and director of Guest Work Agency, an art advisory and law firm for artists, collectors, commercial galleries, arts organisations and museums. She is also a sessional lecturer at The University of Melbourne, teaching subjects on curating, contemporary art and art law.

Ashley Lee Wong is Co-Founder and Artistic Director of MetaObjects. She is a curator and researcher who has worked in the art and cultural sector in UK and Hong Kong. She is a PhD Candidate at the School of Creative Media, City University of Hong Kong. She has worked as Head of Programmes and Operations at Sediton, the online platform for artists to distribute their work as digital limited editions.

Jonas Lund creates paintings, sculpture, photography, websites and performances that critically reflect on contemporary networked systems and power structures of control. His artistic practice involves creating systems and setting up parameters that oftentimes require engagement from the viewer. This results in game-like artworks where tasks are executed according to algorithms or a set of rules. Lund earned an MA at Piet Zwart Institute, Rotterdam (2013) and a BFA at Gerrit Rietveld Academy, Amsterdam (2009). He has had solo exhibitions at The Photographers' Gallery (2019), Whitechapel Art Gallery, London (2016), Steve Turner, Los Angeles

(2016, 2015, 2014), Växjö Konsthall Sweden (2016), Boetzelaer|Nispen, Amsterdam (2014), Showroom MAMA, Rotterdam (2013), New Museum, New York (2012), and has had work included in numerous group exhibitions.

Daniel McClean is an international art lawyer, writer and independent curator. He is a partner at the law firm Cypress LLP, in Los Angeles, and consultant to the London-based law firm Howard Kennedy LLP. He has commissioned and edited numerous interdisciplinary publications on art law, including *Dear Images: Art, Copyright and Culture* (2002) and *The Trials of Art* (2007), both published by Ridinghouse.

Sophie Netchaef is Strategic Project Manager at the Serpentine Galleries working with the Digital Curation team. Prior to joining Serpentine she held a number of sales and strategy roles within commercial art galleries as well as advising on development for galleries and artists. Outside of her work with Serpentine she is a freelance writer and curator where her research focuses on gallery ecology and strategy for emerging art galleries, and is founder of itinerant gallery The Café.

Connal Parsley is a Senior Lecturer at Kent Law School, University of Kent. An interdisciplinary legal scholar, his work is associated with the law and humanities, critical legal studies, and cultural legal studies movements. He has particular interests in law and visual culture, especially concerning the figure of the human in historical perspective. He is also interested in current changes in legal thought that respond to technological change, understanding law as a creative practice using cultural technology, and explores the interface of artistic practice with legal culture in his teaching via the module Art, Law and Politics. He is the convenor of the Art-and-Law mailing list.

Jeremy Pilcher is a lecturer at Birkbeck School of Law, London. His research builds on academic qualifications in fields including cultural research and art law as well as his professional experience as a lawyer and fraud investigator. Jeremy Pilcher is particularly interested in work that deploys real-time technologies to critique the way that legal systems structure and organise societies.

Marie Potel-Saville is the Founder & CEO of Amurabi, a legal innovation by design agency aiming to make legal processes and documents accessible, actionable and engaging. Marie Potel-Saville combines 15 years of private practice and GC experience with Innovation by Design Master's degree at Ensci.

Kristina Pulejkova is a London-based multimedia artist whose work is informed by science and technology. Working across moving image, sound and installation, she aims to build subjective narratives based on scientific data and principles. Kristina's work explores how the use of technology might lead to greater forms of sustainability in human-nature relationships. Kristina is the Art +Technology Programme manager at SPACE, running artist residencies and curating the public programme that looks at how artists are engaging with new technologies in their practice.

Alain Servais is an investment banker, entrepreneur, collector, art lover and particularly interested for 15 years in video and digital art. He wrote an essay on digital art transactions and rights, *The Right Time to Rethink the Structure*.

Muzaffar Shah is an associate in the London office of Weil and specialises in technology transactions and intellectual property matters. His principal areas of expertise include the intellectual property and information technology aspects of corporate transactions, software licensing, information governance and data protection, media regulation, distribution and agency and other general commercial matters. Muzaffar has also advised our pro bono clients on the procurement of business and IT services, information handling and defamation. Prior to joining Weil, Muzaffar was an associate at a magic circle firm in London.

Yasaman Sheri is a Creative Director, Designer and Researcher who works with new technologies to explore possible and becoming futures. Her research focuses on interaction of humans, living things and machines, exploring synthetic sensing, perception systems and augmentation of body, objects and ecologies. Yasaman is currently working with various companies and organizations as design director and facilitator, bringing her expertise in AR/VR/MR, Gesture and Voice Interfaces, Perception, Sensing and emerging areas of design interactions such as biology, food and smell interfaces.

Benedict Singleton is partner and Director of Design at Rival Strategy, co-founded in 2016 with Marta Ferreira de Sá. His background is in design and philosophy. Previously, he worked as an independent strategy consultant, directed a graduate architecture studio at the Royal College of Art (2014-2017), taught on the New Normal programme at Strelka Institute (2017-2019), and undertook numerous self-directed creative projects, including pieces commissioned by Tate Britain and Guggenheim New York.

Jakob Kudsk Steensen is a Danish artist and art director based in New York City. He is concerned with how imagination, technology and ecology intertwine. In a practice that emphasizes field work and collaboration, Kudsk Steensen develops VR and video installations that invite viewers into new ecological realities. He collaborates with NGOs, researchers, residencies, and artists across disciplines, and ventures on intense excursions where he collects organic material to convert into digital worlds through a variety of digital processes. Jakob Kudsk Steensen has recently exhibited internationally at the Venice Biennale, the PinchukArtCentre, Tranen, SXSW, the 5th Trondheim Biennale for Art and Technology, and as part of the Serpentine's inaugural augmented architecture commission.

James B Stringer is co-founder and creative director of Werkflow, a games engine focused, digital arts studio based at Somerset House in central London. James is a digital artist, designer & musician with a background in art production. He has performed and presented his work to international audiences via institutions such as the ICA, NTS, Progress Bar, CTM, NYU, The British Council & Somerset House. As a producer, he co-founded the digital audio collective Quantum Natives and has released several critically acclaimed albums as Brood Ma on labels such as Quantum Natives, Tri-Angle records, Hemlock and Mantile. Alongside presenting his own work worldwide, he has consulted many artists and institutions in the development, production & maintenance of digital works; these include Arts Council England, ICA, BBC, Tate Galleries, Nike & Warp Records.

Jenna Sutela works with words, sounds, and other living media, such as *Bacillus subtilis natto* bacteria and the "many-headed" slime mold *Physarum polycephalum*. Her audiovisual pieces, sculptures, and performances seek to identify and react to

precarious social and material moments, often in relation to technology. Sutela's work has been presented at museums and art contexts internationally, including Guggenheim Bilbao, Museum of Contemporary Art Tokyo, and Serpentine Galleries. She is a Visiting Artist at The MIT Center for Art, Science & Technology (CAST) in 2019-20.

Ben Vickers is a curator, writer, explorer, technologist and luddite. He is CTO at the Serpentine Galleries in London, founder of publishing house Ignota Books and an initiator of the open-source monastic order unMonastery.

Tom Wandrag is a co-founder of Werkflow, a game engine focused digital arts studio based at Somerset House Studios, and a photographic retoucher with over 15 years experience working with clients such as Nick Knight and Liz Collins on editorial and worldwide advertising campaigns.

Kay Watson is Digital Curator at the Serpentine Galleries and a PhD researcher at Birkbeck, University of London. Recent projects include Jenna Sutela, *I Magma* (2019); Suzanne Treister, *From SURVIVOR (F) to The Escapist BHST (Black Hole Spacetime)* (2019); Serpentine Augmented Architecture in collaboration with Google Arts & Culture and Sir David Adjaye OBE: Jakob Kudsk Steensen, *The Deep Listener* (2019); Hito Steyerl, *Actual Reality OS* (2019); Ian Cheng, *BOB* and *Emissaries* (2018) and *The Serpentine Podcast* (2018-19).

