

THE VATICAN CANNOT “JUST USE IT”?

LEGAL ARTICLE

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BY DANA BRODY-BROWN | MAY 27, 2021

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News outlets report that an Italian street artist, Alessia Babrow, has filed a lawsuit against the Vatican for use of her copyrighted work on a postage stamp. She alleges that the Vatican used her copyrighted work without a license, permission, or even attribution.

The work in question is a street art piece featuring an image of a Heinrich Hofmann 19th Century painting of Jesus with Babrow's artistic commentary: an image of a heart with the words "just use it". The street art piece was displayed in Rome near a bridge close to the Vatican. The Vatican issued a special stamp for Easter 2020 featuring an image of Babrow's piece.

Babrow sent several letters to the Vatican, which offered her a meeting with the Pope and some of the stamps as compensation. Unhappy with the Vatican's response, Babrow filed suit, seeking 130,000 Euros (approximately \$160,000 USD).

Street artists are increasingly seeking compensation for unauthorized use of their works. In Europe, as in the US, artistic works displayed outside are subject to copyright protection by the

artists. Unauthorized use of these pieces can subject the user to claims of copyright infringement. The situation is analogous to the rampant unauthorized use of photos and images found online.

Businesses, nonprofits, and other content publishers should:

- 1) not assume that they can use an image or other material just because it's easy to copy or does not appear to be created by a "known" artist;
- 2) seek legal counsel to evaluate the layers of potential copyrights in any single work and seek permission to do so before it is displayed; and
- 3) take demand letters seriously and ensure that responses do not offend the artist. Angering a copyright owner could encourage a lawsuit.

Hoge Fenton believes that copyright protection plays a key role in mergers and acquisitions, marketing, and advertising. We routinely help businesses and non-profits protect and maximize the value of their intellectual property.

Trademark Counseling and Protection



Dana Brody-Brown is an experienced IP and brand management attorney with a special focus in the areas of trademark counseling and prosecution, including trademark audits, portfolio analysis, and strategic counseling, selection and searching of trademarks, domestic and worldwide registration, and enforcement, domain name issues, and licensing.

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