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Copyright in Street Art and Graffiti: A Comparative Legal Analysis 35

This paper focuses on the phenomenon of “street art”, adopting a comparative approach and investigating the different solution that may be followed in the UK and Italian legal systems. In particular, the present analysis has two main objectives. First, assessing whether or not street art satisfies the conditions for protection under these two legal systems. Second, given that normally artists operate in the absence of authorisation, the paper explores the relationship between this artistic practice and the right of the owner of the building the artwork attaches to. In this sense, in the light of the limits of narrow property-based approach and based on the cultural and social value of this specific form of art, a different reconstruction of the phenomenon of street art in terms of “common goods” is proposed.

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