

Legal Statement

Richard Prince has violated Copyright laws and his work is not original. His photo is a direct copy of Sam Abell's Marlboro advertisement without the logo and slogan. Thus, it is not a "transformative" piece because the ad wasn't parodied or heightened in value. It is directly taken from the Marlboro ad and holds no original value- the cowboy stays on the right side of the photo, wearing the exact same clothes and having the exact same gesture as in the Marlboro ad. There is no reference to the Marlboro man in Prince's work, falsely suggesting that the photo was taken originally by Prince. Instead, the logo and Marlboro branding is cropped off and only a slight change in contrast is added to the cowboy and his surroundings, changes that do not exhibit artistic creativity or originality at all. Prince's photo was sold at one million dollars and is now own by the Metropolitan Museum of Art, and no compensation was given to Sam Abell, the original photographer. Prince was not given permission to use Abell's work, which violates Copyright laws, and he did not reference Abell, which violates Fair Use laws. He also did not turn Abell's work into something creative and unique, which rejects Prince's work as original.

1 reply

I would have to disagree. I think Prince's piece is original because it expands on a photo, the contrast isn't subtle, and I think people would classify these pieces as similar, but not the same. It was also greatly heightened in value, it sold for a million dollars! Richard Prince was inspired, and he capitalized and let his inspiration lead him. I do think that Abell deserves some credit, but Prince's work is different and unique. Prince saw something in a photo that Abell probably didn't see. Scientists are constantly using other scientist's theories and laws to make further conclusions, but whoever makes the final conclusion and saw something others couldn't, gets all the credit. I don't think this should be different in art, just because you were first to something, doesn't mean you saw its full potential, or made something creative out of it. Creativity and ingenuity should always be valued, and not discredited because someone "did it first".

Legal Statement

Wu-Tang Clan's "Can It All Be So Simple" is absolutely protected under Copyright and is an original piece of music. Gladys Knight and the Pips' "The Way We Were" was sampled, but Wu-Tang turned that vocal recording into only an element of their own original song. Value was added in all ways throughout the song, from each member's original verse to the beat and the music video. Sampling is the foundation of hip hop, and, from it, came revolutionary songs and a colorful history of creativity and ingenuity. It would be a disservice to discredit Wu-Tang's work on "Can It All Be So Simple"- each member's voices and RZA's production of the song- because of a short, repeated sample that the song was built off of. I do think that Gladys Knight and the Pips' "The Way We Were" cover should be credited and cleared so that the proper acknowledgement is given, but Wu-Tang's "Can It All Be So Simple" should imperatively be protected under Copyright and appreciated as its own work.

1 reply

I agree that the Wu-Tang Clan's "Can It All Be So Simple" is an original work and should be protected under copyright laws, as it is transformative of Gladys King and the Pips' "The Way We Were", and therefore should be protected under fair use. Although the Wu-Tang Clan sampled a line from "The Way We Were" and looped it in their chorus, they definitely transformed the line by adding a new beat and talking on top of the sample. This also created a new aesthetic for the line itself because in "The Way We

Were" the line was the main subject of the song, but by sampling the line, it's used as more of a backdrop for the beat and talking as it sounds much quieter in "Can It All Be So Simple". I also agree that value was definitely added to the original song with the music video, beat, talking, and rapping on the track that add on to the sampled loop.