



AiA Art News-service



## Banksy wins pivotal case against museum for trademark infringement

Art Law & More  
**Boodle Hatfield**

United Kingdom, USA March 7 2019

Last month, the anonymous street-artist from Bristol **successfully sued exhibition organisers in Milan** for selling unauthorised Banksy merchandise.

Once stating that copyright was “**for losers**”, this is the **first known instance** where Banksy has explicitly spoken out against the misuse of his name and artwork.

In late 2018, the case was brought against the **Mudec Museum** by Banksy's authentication handling service, **Pest Control**.

Despite his fierce objection to the capitalist validation of art, a world-wide market has rapidly grown for “**bootleg artworks**” and “**knick-knacks**” that imitate Banksy's distinctive stencilling style.

Banksy also commented on his website; “**there has been a recent spate of Banksy exhibitions[,] none of which are consensual.**”

The retrospective exhibition targeted by Banksy's legal claim, “**A Visual Protest: The Art of Banksy**”, opened in November 2018 and runs until April 2019. It showcases authenticated works by Banksy, including prints, sculptures and paintings, as well as selling Banksy merchandise in the museum shop such as notebooks, postcards and erasers.

On its website, the Mudec Museum states the exhibition explores “**(what may be) Banksy's place within the more general context of the history of contemporary art.**”

Although the judge ruled that all unofficial merchandise be removed from the shop, **he denied Banksy's additional request** for the exhibition to cease using promotional materials bearing his name. The court declared that it would be impossible for the museum to promote the exhibition without these materials.

Enrico Bonadio, a law lecturer at the University of London, noted that if Banksy attempts to impose his trademarks again he would need to "show judges stronger evidence of his brands being used in the market".

"This probably means he needs to start regularly producing and selling his own branded merchandise...[which] may be considered by Banksy himself as antithetical to the very anti-capitalistic message he wants to convey through his art," added Bonadio.

Banksy's identity is shrouded in mystery, but the artist might be required to disclose his name in future copyright claims. This seems unlikely as Banksy's anonymity enables him to practice art; any form of public graffiti is considered illegal in the UK.

More and more graffiti writers and artists are beginning to issue similar cases of copyright infringement. Most recently, Jan "Revok" Williams fought to protect the misappropriation of his work by the retail giant H&M.