

## Przegląd zagranicznych opracowań naukowych

**Peter N. Salib, *The Law of Banksy: Who Owns Street Art?*  
(Prawo Banksy'ego: Kto jest właścicielem street artu?),  
„University of Chicago Law Review” 2016, vol. 83, no. 4, p. 2293–2328**

The author attempts to provide an answer to a seemingly trivial question – Who owns a given work of street art? This attempt is based on doctrinal arguments regarding American property law raised with respect to the issue of street art ownership.

Firstly, the author tries to define the work of a street artist who, in the author's opinion, is a person painting the art work in public places without anyone's permission and in violation of trespassing and vandalism laws.

Furthermore, the author explains what street art is and why it is worth taking care of. Street art is generally created within urban areas, on a given property without the property owner's permission, and displayed where the public can see it. There are many street artists, working in various styles and creating their art in all kinds of locations. Such artists' creations have recently become extremely valuable. Street art has entered the world's art mainstream, with Banksy pieces regularly being sold for more than one million dollars.

To present the scale of the phenomenon and its increasing importance, the author describes the history of legal dispute over the work of Banksy, who painted *Mobile Lovers* directly on a piece of public property. Consequently, the city of Bristol, which was the owner of the building, stated that the painting belonged to the city. Another example of a dispute over the right of ownership of street art is the case of *Slave Labour*, which constitutes a commentary on discount stores' labour practices, and which eventually became an important attraction in London, drawing many visitors to the neighbourhood. After one year, the piece of art vanished in mysterious circumstances, ripped from the wall on which it was painted. The painting later appeared at auction. Street artists' works represent real financial value and are often known worldwide.

Most disputes arise between finders of street art and the owners of the property on which the art is found. In general, traditional legal doctrine categories are

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insufficient to enable all potential disputes to be solved. The author analyzes the issue in question on the basis of current doctrines, including the law of finders, the law of gift, the law of accession and equitable division.

In conclusion, the author indicates that a relevant court might choose to expand one of the existing doctrines in such a way that makes it applicable to the majority of cases. However, as the author advocates, the courts should not apply any of the traditional doctrinal categories and instead, they should exercise their powers equitably in the analyzed cases.

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