

**KAMIL KUBIK’S WORK:
THE ARTIST *and* COPYRIGHT OBSERVED THROUGH TIME *and* SPACE**

Elizabeth Townsend Gard[†] and Yvette Joy Liebesman[‡]

For over 60 years—from the time he fled his native Czechoslovakia in 1948 until his death in August 2011—Kamil Kubik created amazing oil paintings and pastels. His art graces the walls of The Breakers in Palm Beach, Florida, the Old Ebbett Grill in Washington, DC, and in the homes of Presidents, Governors, and celebrities. Many of his works were also printed as lithographs and serigraphs, for sale at more affordable prices than the four-to-five figures that he received for the originals. He was not dependant on the sale of these prints, which was a good thing—most of the original works were unprotected by copyright, and many of the prints were unauthorized reproductions.

Copyright law is the key law that protects the artistic and economic interests of an author. For a working artist, copyright law can be a key tool needed to protect and defend his personal property interests. As such, the result of the particular copyright law in effect at a specific point in time is dramatic and binary—a work is either under copyright or in the public domain; there is no middle ground. This essay looks at the parallel relationship: the artist’s biography and the copyright law that affected his works. What role did copyright law actually play, and how did his relationship with copyright bring insight into our own relationships with copyright law? Kamil’s life through copyright presents an opportunity to observe how the law interacted with an artist during the mid-20th through early 21st century. He produced artwork that spanned several distinct eras of United States copyright law, and his works created abroad add an additional dimension to their legal quagmire. The rules of copyright change at least four times during Kubik’s lifetime.

The diversity of Kamil’s relationship with copyright rights and his art work are not unique. Though this article chronicles his travels and his art and how his copyright rights changed through time and space, it could be the story of many visual artists. The essay is important both for 20th century visual artists themselves and their estates, and may provide valuable insight to museums and others interested in digitizing artists’ works. By focusing on Kamil’s journey, we hope to illuminate the intricacies, incredible finds, and sorrows that make up the copyright story of 20th century artists.

[†] Jill H. and Avram A. Glazer Professor in Social Entrepreneurship & Associate Professor in Law, Tulane University Law School; Co-Founder and Co-Director, Tulane Center for IP Law and Culture; Co-Inventor and Director, Durationator® Copyright Experiment

[‡] Assistant Professor of Law, Saint Louis University School of Law.