disobey whenever possible
Dear Reader,

The intent behind this publication is for each volume to address a theoretical concept from multiple perspectives, hopefully in a way that has some sort of personal connection to the lived experience of the authors who write them. The beauty in theories is there is no finite, specific answer: They are ideas to debate and reflect upon.

Volume 16.1, “Fair Game,” is dedicated to appropriation. In opening up the dialog on appropriation, we get a richer sense of what it is and how it affects us, because there really isn’t just one answer. Each designer has their own value system and approach that defines how they feel and the choices they make regarding appropriation, copying, and plagiarism.

Contributor Julianna Johnson opens with an essay outlining her experience as a designer and illustrator who has had her work stolen and re-sold. Bonnie Blake writes on typography and “oriental exoticism,” rampant in United States via pop culture. Nic Meier plays with appropriation as a generative practice for creating work, borrowing from Sol Lewitt and Eva Hesse. Aaron Secrist writes a pro-appropriation essay on what it means to be a design student just about to graduate—and how appropriation can best serve us.

Andrew DeRosa, inspired by Learning from Las Vegas, takes us along a drive from New England to New York, noticing buildings and signs that are direct appropriations of the environment immediately surrounding them. There are also interstitials throughout. It is important for designers to know that even though illustrations and photographs are copyrightable (even photographs of art and design), graphics are not. I know this because I’ve had email conversations with our national copyright office about it. I wholeheartedly disagree with their position—as if one method is somehow more valid artistically than the other, or as if creating illustrations or drawings doesn’t use the exact same methods sculpted from basic shapes and forms that graphics and fonts use—but I do understand it is not their decision to make. To change this requires a change in the law, which would require a concerted effort by our profession to lobby for the change.

The aesthetic for the overall publication is composed of imagery I am initially pulling from elsewhere. Doing so is controversial, but it gets to the heart of what it is to be creative and participate in our collective culture. This is not common practice for me; I diligently pursued developing my own aesthetic, an undertaking that took years to solidify.

To redraw Mickey Mouse or reprint Richard Prince without permission is putting my work on the line. Richard Prince doesn’t bother to get permission, which is exactly my point. Whether loosely referencing appropriation artists like Shepard Fairey or directly redrawing free fonts, I’m pushing on my own boundaries of authentic making, in the name of exploration, education, and cultural critique.

It also bears mentioning that Julianna created such a compelling layout for her article that I am borrowing from her in subsequent layouts. This is also feeding into another larger point that as designers, a lot of what we do is collaborative and dynamic.

I look forward to your thoughts, feel free to reach out.

~ Meredith
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A STORY ABOUT
EMOTIONS AND
PROBLEM SOLVING

JULIANNA’S WORK
WAS LIFTED FROM
SOCIAL MEDIA
AND PICKED UP
BY AMAZON
RESELLERS.
A YEAR LATER
SHE’S STILL FILING
CLAMS TO GET IT
REMOVED.
REMOVED.
REMOVED.
REMOVED.
REMOVED.
REMOVED.
REMOVED.

JULIANNA
JOHNSON
"I found this while shopping for pillows online. Isn’t it your illustration?"—My sister.

"Yes."—Me.

Since I put my own work on Pinterest, and because of how the site functions, it would be easy to track the source. Unfortunately, despite the fact that I could easily be found, someone snapped a screen shot of my work, slapped it on a pillow cover, and began mass producing it without ever reaching out to me for permission.

Discovering that my illustration had been stolen was, as one would expect, an emotional experience. There were moments when I felt ambivalent: Should I be flattered? Apathetic? Angry? Ultimately, the overwhelming feeling was anxiety surrounding the scale of the problem and my inability to solve it, as well as my perspective on the work itself.

Pause for real talk: Around the time that I made this illustration (along with the others in the series pictured below), I had just finished a year of therapy and was thinking about the disturbing similarities between my professional life and my personal life. As a designer and illustrator, I created work that told stories and attempted to control the perception of messaging. As a human, I presented a narrative of my life and marriage that was pleasant, content, and stable. The images in this series are a manifestation of my psyche, at least in part.

To most viewers, this series would be perceived as calm, safe, friendly, and on trend in the world of “Home and Baby” Pinterest boards. As intended, the circumstances that led to the creation of the series is, I believe, completely masked.

Three years, a divorce, a new house, and new boyfriend later, I had pretty much put it behind me. But then, all the feelings of lack of control and isolation that spawned the work came back to me in the form of a pillow.

My sister discovered my illustration for sale within a collection of fox-themed pillow covers on Amazon.com. As I dug deeper, I found it on multiple sites, including Walmart.com and a variety of small and large online shops. I shared my findings with the world and a small army of kind (yet angry) designers and illustrators came to my defense. Thanks to their support, some of the negative feelings began to transform into excitement. Maybe this angry mob could take down the man!

But who is the man? Maybe it’s Amazon, maybe China, maybe it’s a weird barn-themed kid-friendly shop in Canada that told me that I had “lost control of [the work]” because I failed to watermark it.

While what this Canadian shop told me was annoying and ridiculous, it started to feel accurate. The more I looked, the more I found. I read the reviews, the product descriptions, and reached out to dozens of companies. I began to see that no matter how many companies I emailed, I likely could not prevent new shops from carrying the pillow, nor could I stop manufacturers from exploiting me or other illustrators.

A story about emotions and problem solving by Julianna Johnson
**MOURNING UNREALIZED POTENTIAL**

I eventually concluded that not much would be gained by hunting down the fox pillow. Beyond that, it’s troubling that when work is stolen, there’s no way for the creator of that work to ensure that ethical manufacturing practices are followed. The breadth of the problem is insurmountable for a single person.

More real talk: Part of what therapy allowed me to discover is that I need people to think I’m in control of my life, therefore, I seek out logical, not emotional, rationales for my actions. Shifting my focus from the overwhelming problems surrounding this issue to something more conceivable would help me establish a more coherent perspective on the situation.

To the right, I calculated what I perceive the tangible loss to be. I have no way of knowing how many pillows have been produced, sold, thrown away, gifted and re-gifted. The pillow cover I ordered for myself is in my living room, draped over a chair, its fate unknown.

To grasp the lost potential of this work, I focused on the following: (1) the time it took to create the piece, (2) how much I could have realistically earned for that work under a variety of other traditional agreements, (3) how much I could hypothetically charge in royalties, and (4) how many pillow covers would need to be sold with the hypothetical royalty in order to equal what I could’ve made under the other possible agreements.

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**ROYALTIES ON CHEAP GOODS**

To grasp the lost potential of this work, I focused on the following: (1) the time it took to create the piece, (2) how much I could have realistically earned for that work under a variety of other traditional agreements, (3) how much I could hypothetically charge in royalties, and (4) how many pillow covers would need to be sold with the hypothetical royalty in order to equal what I could’ve made under the other possible agreements.

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**ROYALTIES ON CHEAP GOODS**

- **225 PILLOWS**
  - Royalties on 225 pillows would be equal to a standard work-for-hire agreement or a simple use agreement where I’ve already paid for my time.

- **900 PILLOWS**
  - Royalties on 900 pillows would be equal to an exclusive unlimited reuse agreement.

- **450 PILLOWS**
  - Royalties on 450 pillows would be equal to a limited reuse agreement.

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Wholesale prices ranged from $1.36 to $3.99 USD per unit, while typical retail prices (at named shops, not individuals on eBay) in the U.S., U.K., and Canada ranged from $9.99 to $32.99 USD per unit. Reasonable price was based on the retail price range, as well as what I believe a typical company could charge for a product of this quality.
Many of the companies I reached out to claimed that they were unaware that they were selling items that featured stolen images. While they willingly took down my work, I’m hesitant to give them too much credit. The same companies that were apologetic and responsive to my situation continue to sell other clearly stolen items. For example, the pillow featuring my illustration came in a set of four fox-themed pillows. Most companies that carried all four pillows did not stop carrying the other three that came in the set.

Hoping to bring another voice into the battle, I reached out to an illustrator whose work was being sold alongside mine. As of the date that this was written, I have not heard back from them. Given the magnitude of the problem (the internet? Capitalism?) and the need to present one’s work online, maintaining complete control over how an image is reproduced feels a bit like a hopeless fight. So, what can we do? Here are a few simple, proactive steps that I either took or contemplated:

- **Report a Rights Infringement on Amazon**
  I have had limited success with reporting images on Amazon’s site, but I’ll admit my follow through here has been weak.

- **Contact a Lawyer**
  I ultimately did not hire a lawyer (and I am not a lawyer), but in my experience, lawyers are not needed when communicating with most retailers if the goal is simply to get work removed when it is encountered. A lawyer would likely be more essential when communicating with international manufacturers and wholesalers, though there’s no guarantee that threat of legal action will stop production of stolen work. Additionally, even if the initial manufacturer ceases production, other manufacturers may pop up and begin selling the work immediately thereafter.

- **Help Educate Retailers**
  Every U.S. based retailer that I contacted took the work down immediately. Thanks to Reverse Google Image Search, I occasionally discover new shops that are selling the work and reach out to them when I have time.

- **Let It Go**
  I acknowledge that many people will think that I should fight harder and longer. But when I look at how I make a living (working by the hour or project), I can’t justify anything more than an email or report here and there. So as much as it pains me to relinquish control, I’m ready to heed the wise words of Queen Elsa of Arendelle, “No right, no wrong, no rules for me, I’m free! Let it go, let it go.”

- **Propose an Independent Agreement**
  If the primary concern is lack of compensation, propose to shops that they pay a royalty on all items sold that contain the stolen images.

- **Say Thanks**
  I appreciate that Andrea R. credited me as the inspiration when she “tried” my Pin.

- **Helps Educate Retailers**
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LEGAL PROTECTIONS FOR DESIGNERS

Copyright laws are as old as the founding of our country. In Article 1, Section 8 of the U.S. Constitution, it states that Congress shall have the power "to promote the Progress of Science and useful Arts, by securing for Limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries."

Protecting creative work is important. Yet there remain discrepancies. Unlike photography, illustrations, and even architectural drawings, graphics are not legally protected by copyright laws, and neither are fonts. To directly quote the Copyright Office, "Unfortunately, concept, design, lettering, graphics, and layout are, by law, not copyrightable."

Yet, copyright laws change over time; there were 70 different amendments and clarifications between 1976 and 2016. Copyright law began to cover computer programs only as recently as 1980. Architectural works have only enjoyed copyright protections since 1990. Protecting the work of graphic designers is more than possible. The only reason graphic designers do not have copyright protection is that we, as an industry, have not yet lobbied for this change.
BONNIE’S ESSAY FOCUSES ON APPROPRIATION AS IT IS FOUND COMMONLY AMONG TYPEFACES AND THEIR USE IN POPULAR CULTURE.
For decades, psychologists, researchers, and scholars have studied the visual properties of written language to determine if and how its appearance might influence human viewpoints, attitudes, perceptions, judgments, and decision-making. In most studies, participants are typically instructed to read two or more text-only writings, set with markedly different type properties, such as typeface, case, style, color, and paragraph linespacing. Published findings from these studies set with Chinese, Arabic, Hebrew, Cyrillic, and other Asian cultures. As Biľak points out, there appears to be an Euro-centric bias toward Latin typefaces because history credits Europeans for the creation of movable type and advances in printing, when in fact China created and was using movable type for five centuries before Gutenberg. There also appears to be a scarcity of writings, historical or otherwise, on non-Latin typefaces written in a Latin characters (Biľak, 67). Yet, in the present day, there is an abundance of Latin typefaces designed to resemble non-Latin fonts that are readily available for commercial use on free sites such as Da Font, 1001 Fonts, Font Space, and Font Squirrel, among others. Anyone, therefore, can create their own or download and use another designer’s faux ethnic typeface with no prior knowledge of the culture and language that the font is being used to imitate. However, the design and use of faux ethnic typefaces is also not confined to typeface creators or users from a particular culture, continent, or ethnicity. The typeface creators often include bios of typography to date, none have explored the typeface they are appropriating.

As Paul Shaw (2009, para. 4) pointed out when referring to faux ethnic typefaces, “These types’ ethnic flair relies on a viewer’s inchoate expectations of what a given culture’s type should look like.” With Shaw’s comment in mind, if the visual manifestation of type can influence one’s cognitive perceptions of the message itself, what happens when English language words are commonly typed in a style that appropriates a non-Western language? Take, for example, a faux Chinese typeface set in Latin characters and consider whether the written word’s message would take on a different meaning other than what was intended for native English language readers.

Of the studies conducted on the visual properties of typography to date, none have explored the publics’ cognitive perceptions of Latin-typefaces designed to resemble non-Latin alphabets such as Chinese, Arabic, Hebrew, Cyrillic, and other Asian cultures. However, there are several noteworthy studies whose findings can be applied to questions posed in this article. In studies conducted to date concerning how and if the visual properties of typography can influence cognitive perception, researchers have not included the use of Latin typefaces that appropriate the look of non-Latin typefaces and characters. However, these several noteworthy studies whose findings can be applied to questions posed in this article involve as they examine subjects’ reactions to a particular typeface. For example, in an older study, psychologists Albert Poffenberger and R.B. Franken considered whether or not typefaces used in specific advertising campaigns influenced peoples’ perceptions of the product or topic at hand. Five descriptive impressions (Cheapness, Dignity, Economy, Luxury, and Strength) and five product classifications (Automobile, Building Material, Clothing, Construction, and Restaurant) were used in this study to divide the participants. Each participant was then asked to look at a stimulus sheet containing a typeface and to rate the product or topic associated with it on a scale of 1 to 7. The results showed that typeface was the most important factor in determining the participants’ impressions of the product or topic. However, the study did not consider the possibility that the typeface used in the stimulus sheet was a faux Chinese typeface. This would be a significant limitation of the study, as faux Chinese typefaces are commonly used in advertising campaigns to create a certain impression of the product or topic. Although the study did not consider this factor, it still provides valuable insights into the influence of typeface on cognitive perception.
WHEN, IN THE COURSE OF HUMAN events, it becomes necessary for one people to dissolve $12345&

WHEN, IN THE COURSE OF HUMAN events, it becomes necessary for one people to dissolve $12345&

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Coffee, Jewelry, and Perfume were typeset in 29 different typefaces. Test subjects used a numerical scale to vote on the degree of appropriateness of the typeface and its properties in relation to the descriptors and product classifications as listed above. The above figure shows the following phrase set in a Bodoni Bold font along with the tallied results on the degree of appropriateness in that typeface: "WHEN, IN THE COURSE OF Human events, it becomes necessary for one people to dissolve $12345&"

Out of the 29 typefaces measured (which included New Caslon Italic, Century Gothic, Old English, Cheltenham Bold Outline, and Tiffany Text, among others), Bodoni Bold was found to be the most adaptable typeface (Poffenberger & Franken, 1923).

In another study on typefaces and their impact on readers' cognitive perceptions, Eve Brumberger (2003) argued that, while visual rhetoric is very much a part of document design, typography is also an important element that is sometimes ignored. Her study was a two-part exploration of 15 different typefaces, styles, and cases. The first part explored whether test subjects commonly attributed the same personas to a typeface. The second study used the same rating system and typefaces as in part one. However, its primary focus was on short writings set in different typefaces rather than on the typeface itself. The typefaces used were varied and included Comic Sans, Bauhaus, Lucida Sans, Italic, Black Chancery, Arial, and Courier.

The qualitative results of this study revealed that test subjects consistently assigned the same attributes to typefaces and styles. Therefore, Brumberger’s (2003) study strongly suggested that typefaces not only possessed individual personalities but might also contribute to the reader’s cognitive perception of the writing itself. Both the Poffenberger and Franken (1923) and the Brumberger (2003) studies suggest and perhaps confirm what most designers already know: Visual language has meaning beyond the words themselves. Like humans, typefaces possess personalities that give additional meaning to the written word. As Robert Bringhurst said (1992, p. 11),

"Typography is the craft of endowing human language with a durable visual form, and thus with an independent existence."

### PERSONA AND TYPEFACE APPROPRIATION

If one (as Poffenberger & Franken (1923) and Brumberger (2003) did in their research) were to apply the same attributes to English language words set in a faux non-Latin typeface, how would test subjects participating in a similar study react to words typeset in this font? Since there are currently no existing studies that measure the perception of words set in faux non-Latin typefaces, I created a simple, two-question Likert-type survey using a typeface that resembles a Chinese language, downloaded from dafont.com. A faux Chinese typeface was chosen for this study over other non-Latin faux typefaces because it would be easily recognizable to North Americans, due to its ubiquitousness on Chinese restaurant signage and menus. According to Lauren Hilgers (2014), "There are more than forty thousand Chinese restaurants across the United States—nearly three times the number of McDonald’s outlets" (2014, n.p.).

Out of the 182 individuals who received this survey, there were 44 respondents who ranged in age from 23 to 74. Twenty-eight of the subjects were white and the remainder were of various races, cultures, and ethnicities. Subjects were asked to
store that sold imported goods. Some respondents
similar; and almost all respondents suggested the
some curious results regarding the faux Chinese
and/or attitudes the word expressed. Their range
Although this survey was informal and by no
faux Chinese typeface were given in the Somewhat
range: Comfortable, Friendly, and Mysterious. In

examined a nonsensical word, set in a style that
vaguely appropriates an East Asian calligraphic
font—both styles similar to the faux Chinese
typeface. The highest descriptive ratings for the
Somewhat Costly, Dignified, and Elegant.
For the Not at all rating, the descriptives, Cheap,
Sneaky, and Loud scored high.
When asked what the word “Ipsumtel” referred to,
two respondents thought it sounded like an expensive
beauty product or prescription medication. Another
thought it was an upscale restaurant. Two others
thought it was the name of an adventure file, and
six others thought “Ipsumtel” was some sort of tech
company. Other respondents had no idea what the
word referred to and instead seemed drawn to the
visual elements of the characters. They were struck
by the visual formality of the word and in general,
assumed it referred to something important but
could not give an example of what that might be.
What’s interesting to note is that respondents did
not perceive any kind of cultural associations
related to this typeface as they did with Chinese
Takeaway. Also in contrast to the Chinese Takeaway
example, the Bodoni italic typeface elicited no
connection or curiosity to want to engage with

whether “Ipsumtel” was. As such, it appears that
the test subjects were more drawn to “Taldectin.”

ETHNIC FONTS AND APPROPRIATION:
CHINESE DESIGNERS OF FAUX CHINESE TYPEFACES

On the Free Font site dafont.com, under the cat-
ey of “Foreign Look, Japan and Asian,” there are
168 typefaces, all of which use Latin characters.
Of the type designers in this category, there are
three who identify as Chinese: Pi Luo Chiu, who
designed “Asian Guy”; Archer Lai, who designed
“Real Chinese”; and Fei Tian, who designed “Low
Phone.” There are also two Japanese type designers:
Fudomeji, who designed the “Yozakura” font, and
Kazuyoshi Ishikawa, who designed the “Blade Runner”
font—both styles similar to the faux Chinese
typefaces. The remaining designers originate from
a broad range of nations around the globe, which
could reflect the scope of cultural appropriation
in type design.

At the beginning of this article, I posed the
following question: If an East Asian type designer
creates a new Latin faux Chinese typeface, and
if commercial business owners of Chinese origin
use faux Chinese typefaces on their products and
promotional materials, are they perpetuating
stereotypes of their own culture? Or is their
typeface design or aesthetic choice of typeface
nothing more than a signifier of the cultural origin
of their product, as seen through the Western eye?
Crystal Wang (2018) posed a similar question in the
article “Designing the Chinese American Brand,”
where she discussed her perception of typographic
representation of Chinese culture. Specifically,
she examined a faux Chinese typeface “Chop Suey”
(although designer and design historian Paul Shaw,
2009, argued that “Chop Suey” was a catch-all name
for a style of typeface, as opposed to a singular
one), and briefly discussed its nameake, the once-
popular dish created by Chinese natives specifically
for the American palate. Wang posed the following
question about what she refers to as the Chop Suey
typeface: “Is it misappropriation and offensive
design if the creator is of Chinese descent? Does
their heritage give them more legitimacy? The Chop
Suey typeface was originally perpetuated by Chinese
restaurant owners though not accurate, was there more
legitimacy because they were used and promoted by
Chinese people themselves?” (Wang, 2018, n.p.).
Wang’s question is, of course, rhetorical; there
is no ethical standard that exists on the topic
of typefaces, only the issue of appropriateness.
However, Wang does seem to suggest in her quote
that it is more appropriate for a person of Chinese
descent to design with a faux Chinese typeface.
Paul Shaw goes a step further by suggesting that
these stereotypical typefaces can be beneficial to
business owners and entrepreneurs of Chinese origin
and that in this context, they are useful: “They
Restaurant owners want passersby to know immediately that they serve Chinese food, and a lettering style that achieves this is “welcome” (n.p.).

**Faux Food and Faux Typefaces: Visuals Used on American-Owned Products**

The following is the second question posed at the beginning of this article: “Is there an ethical issue with a non-Asian designer who uses faux Chinese typefaces for promotional purposes or even more complex, actually designs a faux Chinese typeface? Is the non-Chinese designer then co-opting a minority culture?” A classic example of an American entrepreneur inventing and then profiting from the Chinese cuisine of China is Paulucci’s Chun King brand, when the chop suey recipes used in North American Chinese restaurants had already been greatly modified to appeal to the American palate. For his signature Chun King recipes, Paulucci combined celery, pimientos, Italian herbs, and spices with noodles, chicken, and bean sprouts (Shapiro, 2011). In addition to the Chun King brand’s stereotypical logo and product identity, Paulucci’s Italian-influenced Chinese recipes are also one of many misrepresentations of Chinese culture in the United States during this postwar period.

The Kari-Out brand, an American-owned manufacturer of Chinese restaurant condiments, offers a contemporary view of visual appropriation as displayed in typographic choices and images on their product packaging. Howard Epstein from the Bronx, New York, is the creator of the disposable, one-serving Chinese condiment whose rise to fame paralleled the popularity of Chinese takeout in the mid-1960s and beyond. Epstein’s products were first shunned by the Chinese restaurant community until he began to market his condiments to commercial airlines (Basu, 2015). Today the fast food condiment line of products dominates over half the Chinese condiment market share passed to similar products. Note that most packets are adorned with the stereotypical “Chop Suey” typeface as well as a cute cartoon panda illustration (another Chinese signifier). Others display what appears to be a degraded clip art illustration of a Chinese woman playing a flute and dressed in a Qing Dynasty robe. The packet’s designs attempt to create what Americans perceive as the “Chinese dining experience.” Ironically, even Epstein’s soy sauce is faux in that it contains little to no soy. And, what little it does contain—hydrolyzed soy protein—is antithetical to the fermented soybean product manufactured in China.

**Visual Appropriation in American Advertising**

Another more contemporary example of an American-owned food company who used a Chop Suey typeface for one of its products and in advertisements is Fresh Direct. Fresh Direct is a popular food service that offers an alternative to fast food for busy Americans. It delivers nutritious, easy-to-assemble meal kits and instructions on how to prepare the dishes. Fresh Direct’s curated menus reflect current food trends, and they are delivered right to the customer’s doorstep. Jeff Yang (2012), columnist for the Wall Street Journal, tells the story of his friend, filmmaker and author, Jennifer Lee, who in 2012 received an advertisement from Fresh Direct for their new, East-Asian-inspired stir-fry kits. Lee was incensed at Fresh Direct’s lack of cultural sensitivity in the design of this advertisement. As in so many other products, the ad appropriates the look of Chinese typography by its use of a Chop Suey typeface for its main headings, along with a set of chopsticks resting on the letter “D” of the word “Dumplings.” This word is set in a typeface meant to resemble a contemporary view of visual appropriation as displayed in typographic choices and images on their product packaging.
Stereotyping in her culture and ethnicity as well as her experience as a minority in her own home, Lee would naturally be observant of appropriated typestyle is different from a commercial product such as a restaurant or faux Chinese product. Lee, who wrote the script and serves as the film’s moderator as she travels around the globe talking to people, attempts to teach the film’s audience about appropriation and stereotyping in her culture and ethnicity as well as her experience as a minority in her own home, the United States. The stereotype used to portray the film’s visual identity seems playful and even a little tongue in cheek. This typeface persona seems fitting, given Cheng, I. (Director) & Lee, J. (Producer). (2014) The Search for General Tso [Documentary film]. New York, NY: Sundance Selects.

References


There are a number of terms used to describe working with existing material or ideas. In art and music, specifically, these terms can be quite discrete, although understanding the nuances of different types of musical appropriation, for instance, often clarifies concepts in other artistic genres. The following definitions can be found in the Oxford English Dictionary Online.

**APPROPRIATION,** **TECHNICALLY**

1. THE ACTION OF TAKING SOMETHING FOR ONE’S OWN USE, TYPICALLY WITHOUT THE OWNER’S PERMISSION. 1.1. THE ARTISTIC PRACTICE OR TECHNIQUE OF REWORKING IMAGES FROM WELL-KNOWN PAINTINGS, PHOTOGRAPHS, ETC., IN ONE’S OWN WORK. **COPYRIGHT:** THE EXCLUSIVE LEGAL RIGHT, GIVEN TO AN ORIGINATOR OR AN ASSIGNEE TO PRINT, PUBLISH, PERFORM, FILM, OR RECORD LITERARY, ARTISTIC, OR MUSICAL MATERIAL, AND TO AUTHORIZE OTHERS TO DO THE SAME. **FAIR USE:** (IN U.S. COPYRIGHT LAW) THE DOCTRINE THAT BRIEF EXCERPTS OF COPYRIGHT MATERIAL MAY, UNDER CERTAIN CIRCUMSTANCES, BE QUOTED VERBATIM FOR PURPOSES SUCH AS CRITICISM, NEWS REPORTING, TEACHING, AND RESEARCH, WITHOUT THE NEED FOR PERMISSION FROM OR PAYMENT TO THE COPYRIGHT HOLDER. **SAMPLING:** THE TECHNIQUE OF DIGITALLY ENCODING MUSIC OR SOUND AND REUSING IT AS PART OF A COMPOSITION OR RECORDING. **REMIX:** PRODUCE A DIFFERENT VERSION OF (A MUSICAL RECORDING) BY ALTERING THE BALANCE OF THE SEPARATE TRACKS. **PASTICHE:** 1. AN ARTISTIC WORK IN A STYLE THAT IMITATES THAT OF ANOTHER WORK, ARTIST, OR PERIOD. 1.1 AN ARTISTIC WORK CONSisting OF A MEDLEY OF PIECES TAKEN FROM VARIOUS SOURCES. **COLLAGE:** A PIECE OF ART MADE BY STICKING VARIOUS DIFFERENT MATERIALS SUCH AS PHOTOGRAPHS AND PIECES OF PAPER OR FABRIC ON TO A BACKING. **PLAGIARISM:** THE PRACTICE OF TAKING SOMEONE ELSE’S WORK OR IDEAS AND PASSING THEM OFF AS ONE’S OWN.
NIC IS APPROPRIATING GRID SYSTEMS ORIGINALLY CREATED BY SOL LEWITT AND EVA HESSE.
This project is an ongoing exploration of the work and ideas of Sol LeWitt and Eva Hesse and an appropriation of their mark making systems. After seeing their work in person, I became fascinated by their approaches. I wanted to become more familiar with their process and thinking, which at first glance even seemed to be antithetical. LeWitt’s work included wall-scale drawings and serial variation, simple methods, and emphasis on the concept as the artwork; the applications of the drawings felt rational, cerebral, and rarely random. Eva fully embraced the random, repetitive, and absurd, and she brought drawing off the flat surface into sculptural space. Fundamentally, they were both exploring line, but with completely different approaches. Hesse’s drawings initially grabbed my attention because of their many different access points—its hard to see in a room at MoMA or Pompidou-Metz. Upon approach, the variations come into focus. Looking inside the work revealed incredible texture, form, sensuality, randomness, and even chaos. LeWitt’s wall drawings that I was able to see at Dia: Beacon were monumental and were flat on the surface, yet taken as a whole, voluminous and sculptural. The drawings could be overwhelming or subtle and austere, depending on the application of line. I would back up to take in the entirety of the work and also get really close to see the individual marks. Although I enjoyed the scale of the works, I also wanted to see these drawings in a book. LeWitt’s drawings were greatly influenced by the music of Bach (namely the Goldberg Variations) and showed all the variations within a simple system. The compositions would give you all the notes that would be used and they were the compositions in and of themselves—all the possibilities revealed. I also wanted to see larger expressions of these combinations, out of order, random, pure noise made by lines in four directions.

After reading Kathryn A Tuma’s article, “Eva Hesse’s Wall Drawings and Sol LeWitt: A Convergence between the Two Artists that Centered on the Collaborative Aspects of Their Work” (2012), I found a convergence between the two artists that centered around the grid. Through the documentary film SolLeWitt: Wall Drawings and Eva Hesse, I learned about their close friendship that shared ideas, correspondence, and encouragement. After Eva’s early death, Sol appropriated her marks—wavy lines and a little more randomness—and carried these elements in his visual vocabulary throughout the rest of his life. Tuma’s article begins by discussing a drawing by Hesse on grid paper. This drawing featured mostly circles, diagonal lines, and handwritten notes. The text, “On Side Slant Tip Over Not/Up/Down Sideways,” suggests that she might have been rotating the page in between each mark. Only one circle occupies a square, and at most, two lines fill a square in an X. While the marks look relatively uniform, there is another layer in the process of the work’s creation. The center is always disrupted—the mark requires a complete uproot of rotating the drawing surface and moving to a new square—you start over each time. Yet, if this method is correct, Hesse was able to make the circles uniform, as if they had been made in one orientation. LeWitt’s Four Basic Kinds of Straight Lines... are defined by a modular grid and serial progressions were explored with the orientation of the lines drawn from a single perspective. LeWitt (and those who generate his drawings) could not do this with a wall—the drawings are displayed like a text. I wanted to explore the method of LeWitt’s line constructions, but within the framework of Eva Hesse’s grid rotations. Each rotational position makes each line-set different when made by hand.
GRID DRAWING 1

Random sequence: Fill five lines

Process:
1. With the page in any direction, draw five vertical lines in a square, evenly spaced.
2. Repeat eight times, moving to a new random unoccupied square of your choosing.
3. Rotate the page 45 degrees counter-clockwise.
4. Draw five vertical lines in a square, every spaced.
5. Repeat eight times, moving to a new random unoccupied square of your choosing.
6. Continue rotation-draw cycles until all squares are occupied with one set of lines.

GRID DRAWING 2

Line drawing

Process:
1. Drop a pencil or pen point side down onto a piece of grid paper. This is your starting point.
2. Draw five vertical lines evenly spaced.
3. Rotate the page 45 degrees counter-clockwise.
4. Move one square in any direction that does not already have lines in that orientation.
5. Draw five vertical lines evenly spaced.
6. Repeat until you run out of available spaces to draw, or you decide to stop.
7. Each square can only have lines in four directions.

GRID DRAWING 3

Composite gradients (after Scribble Drawings by Sol Lewitt)

Process:
1. Draw a curved line in pencil within a frame on grid paper. This is your starting point.
2. Draw five vertical lines evenly spaced.
3. Rotate the page 45 degrees counter-clockwise.
4. On the left side of the filled squares make a composite descending gradient to the left.
5. On the right side of the filled squares, make a composite descending gradient to the right.
6. Draw ascending and descending gradients until the frame is met.

GRID DRAWING 4

Five lines in eight directions; all combinations

Process:
Each number refers to the rotational page position. 1 = 0 degrees (standard portrait orientation), 2 = 45 degrees counter-clockwise page rotation from position 1. 3 = 90 degrees from position 1, 45 degrees from position 2. The arrow and numbers near the border of this drawing point to the "top" of the page for that rotation position. Position 5 would turn this entire journal upside-down.
1. Draw each set of five vertical lines in a separate grid square (eight total).
2. Draw all two-direction combinations. Leave out 180 degree pairs: 1=4, 2=5, 3=7, 4=8.
3. Draw all three-direction combinations. Leave out 180 degree pairs.
4. Draw all four-direction pairs. Leave out 180 degree pairs.
I created the most simple structure that I could for these drawings. I kept the drawing frame constant. I would only rotate the page 45 degrees at a time in a counterclockwise direction and always draw vertical lines from top to bottom. This created eight orientations of the page—positions 1 through 8. Positions 1 and 4 would produce lines in the vertical direction (as would 2 to 5, 3 to 7, and 4 to 8), but they would have been drawn in opposing ways because of the page. I also explored the number of lines drawn within a square (but kept to three and five lines for this series). I would start most of the drawings by dropping a pencil onto the page.

Grid Drawing 1 used “random,” selection of the square. It was not truly random and I probably made unconscious decisions that were aesthetic and distribution-related. I rotated the page after eight squares were filled in this orientation and repeated until all empty squares were occupied by one set of lines. I often lost count of how many squares I had filled.

Grid Drawing 2 allows for combinations of lines in different directions. Each square can only hold lines in four directions. The drawing is created by rotating the page after a single square is filled and advances one square in any direction that is not occupied by lines in that direction—the redundant line-sets are treated as the same orientation. This drawing is essentially a line of filled squares, meandering around the grid-space until completely filled with lines in four directions or the drawing gets blocked by the occupant rule, or I made the choice to stop.

The combinations of lines generated a set of values that reminded me of Sol’s Scribble Drawings that generated gradients defined by scribble density. Grid Drawing 3 was made in response to these drawings—a LeWitt within a LeWitt within a Hesse. The drawing started with a simple gestural line made in the grid-space. Every square that was touched by the pencil was filled in with black ink. I then used the combinations of lines to generate the transition from black to white. These drawings illustrate the basis of the rotation-and-combine concept.

With page rotation as my basis for drawing generation, I learned very quickly that this created a very complex system in comparison to the elegance and economy of LeWitt’s four line drawings. Grid Drawing 4 shows this increase in complexity when compared to *Four Basic Kinds of Straight Lines and All Their Combinations in 15 Parts*. The number of combinations increases from 15 to 74 possibilities but would essentially collapse to the minimum LeWittian value of possibilities when generated digitally.

Creating these drawings required a lot of concentration, especially when counting the number of squares before rotating. I would easily lose count and feel the need to start over. The process was obviously repetitive—each drawing would rotate the page hundreds, sometimes thousands of times—but was not unbearable or boring. I barely reached some of the levels of repetition that a LeWitt wall drawing requires. The drawing process was fascinating to me. Each line in a line-set was different; I became aware of each movement I was making and the contextual micro-adjustments I would make to connect neighboring squares. It would take much more practice to train my hand to capture more uniformity, but the process was under constant disruption. Resetting the hand and making consistent marks after rotating the media creates a tough challenge. It might even require tools if I wanted more uniformity.

The original drawings were created by hand on quadrille notebook paper in felt-tip pen or pencil. They were translated into vector drawings through Illustrator—the drawings were built in a standard orientation. Future explorations will include scale changes in grid and media size and number of repetitions. I will also explore using random number generators to choose orientations instead of following the counter-clockwise rotation progression. This project can further develop to use algorithms to generate these drawings automatically, though this will come at the loss of the human mark. ■
AARON REFLECTS UPON WHAT APPROPRIATION MEANS TO A DESIGNER ABOUT TO ENTER THE FIELD.

LEARNING, APPROPRIATION AND ORIGINALITY: THOUGHTS FROM A RECENTLY GRADUATED DESIGN STUDENT

AARON SECRIST
I would technically agree that it’s true, but not necessarily in the way it’s most often interpreted. People generally say it means the concept of “original” is a fallacy and that every object in our universe is a combination of things that came before it. It’s true, that’s the point I’ve been trying to make this whole time, but to say that originality doesn’t exist is to ignore one important thing: the personal touch of the artist. To make original work is to appropriate all the knowledge and skills of those that came before you and remix it with a little piece of yourself. If you can apply your own unique perspective to your creative process, it’s possible to make things that nobody else on the planet could have even dreamed of.

A good real-world example of this concept in practice is the art of collage. In recent years I’ve experimented with analog cut and paste techniques to form compositions ranging from abstract to literal, and the thing that fascinates me most about collage is its ability to form a cohesive whole from many parts. Each piece of the collage originated in a different context, but now exists in an entirely new space with...
an entirely new role. Whatever meaning that fragment once had is now fused with the meanings of its adjacent pieces, and in turn, the collage as a whole. Even if each piece only has a vague suggestion of meaning, if enough of these scraps are used intentionally, the final effect can be quite powerful. Appropriating from books, magazines, and newspapers to make a new work can be incredibly rewarding. My favorite collage projects are the ones where I really didn’t have an idea in mind when I started working, but the meaning emerged as more and more pieces fell into place. With a little imagination it’s easy to see how this relates to the bigger picture. The individual pieces are your skills, knowledge, interests, and experiences, while the process represents your individuality shaping the final product.

But of course putting this into practice is easier said than done. I believe every creative person at some point struggles with originality and finding their own voice, and my story is certainly no exception. As a kid, my first experiments in creativity were doodles with crayon and marker with no regard for style or technique. But after all this is said and done, art is about making and doing what you love. The only reason making authentic work is put on such a pedestal is because it goes hand in hand with passion. When artists truly put their heart and soul into their work, it shows. The only way to achieve this is to be unapologetic about your interests and make what you want to make; the money will come later. This is something I often struggle with, usually when I produce something that is either extremely personal or outside the norm. What will people think? Will they understand it? Will they pay me for it? Even though I try not to care that much about the value assigned to my work by capitalism, I still need to eat and sleep. There’s this magical idea that if you do what you love for long enough, someone will pay you for it. All we can really do is forge ahead believing that this statement is true, or someday face the choice between money and happiness. The ultimate hope is that what makes us happy will carry us through our whole lives, because hey, life is too short to waste time making shit you hate. We’re all so very fragile and temporary, and so is the world we inhabit. Even the days of our planet are numbered, so create what you want while you still can. Someday it all will return to the dust from which it came, so live unapologetically, create with wild passion, and go out there and make your FRESH happen!
THE FOUR CRITERIA OF FAIR USE

LEGAL RAMIFICATIONS

Work created by graphic designers is not protected by copyright law, which means that design work can be legally appropriated or plagiarized without consequence.

If our work isn’t valued and protected, if it is regularly used by others, it stands to argue that designers should also be well informed of their right to use, borrow and appropriate the work of others. Fair’s fair.

The Fair Use Clause (Section 107 of the Copyright Code) is a list of limitations on copyright law. Even artists and inventors who enjoy protections have to accept the limits of those protections.

Fair use establishes four basic criteria that allow for the reuse of the work of others:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole;
4. The effect of the use upon the potential market for or value of the copyrighted work.

For purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include—
ANDREW WRITES ABOUT APPROPRIATED ICONS, BUILDINGS, AND SIGNAGE AS HE TRAVELS FROM BOSTON TO NEW YORK.
sign frequently appears above the horizon line. To the viewer, this means the sky and clouds rendered on the sign are set in relief by the actual sky above the landscape. This creates a dialectal relationship: The sign has appropriated the sky’s likeness.

When Gulf launched the updated brand in 2008 they called it the “Gulf Sunrise.” The rhetoric is optimistic in nature and carefully crafted to be appeal to a broad range of new and existing customers. When commenting on the success of the project, then CEO Joe Petrowski gave insight into the design process:

I think it’s because when we set out to do the new design, we had meeting after meeting of “What shade of orange?” and “How many clouds should there be?” and ultimately, the greatest solution was to go out to the customers and ask them. It’s not surprising that we based it simply on the customer feedback, but we’ll take credit for being design geniuses.

While the new design may be successful at attracting customers, the visual system employed is less than successful at offering an internal logic that underpins the design decisions. The process outlined by Petrowski sounds like a combination of two practices often criticized by design practitioners, namely design by committee and design by focus group.

Highway Robbery
By Andrew DeRosa

In the spirit of Learning from Las Vegas, the 1972 book by Venturi, Brown, and Izenour, this essay uses the vernacular landscape of the American highway as a learning tool for design. It examines a gas station, roadside hotel, and cell tower found along the road between Boston and New York City. The objects’ design devices are analyzed as a means to both critically judge the work and to better understand the context and characteristics that make these everyday objects compelling.

**GULF SUNRISE META-SIGNAGE**

Gas stations are a necessary utility and ubiquitous part of the American highway. As I drive through Massachusetts and Connecticut to New York City, Gulf gas stations are very common. They are recognizable from a distance by the distinct branding expressed on their signage. It is an update of the iconic Gulf logo that had been in use since the 1960s. The biggest departure from the original mark is the use digital-age lighting and drop shadow effects that give Shell’s formerly flat orange circular badge the pictorial depth to imply a three-dimensional circle. All this new digital bling is contained within a thick flat blue outline retained from the original design. Behind these conjoined elements is imagery of blue sky and clouds rendered with photographic precision that stretches to edges of the sign. Given its height and the vantage point of oncoming motorists, the sign frequently appears above the horizon line. To the viewer, this means the sky and clouds rendered on the sign are set in relief by the actual sky above the landscape. This creates a dialectal relationship: The sign has appropriated the sky’s likeness.

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While the new design may be considered either successful or bad design depending on the criteria, they are also delightfully strange. The simple addition of clouds and sky, as well as lighting effects on the orange circle, shifts the imagery from flat two-dimensional space to a three-dimensional space. In the context of the highway, this shifts the signage from being a purely sculptural industrial design form to a sculptural form holding a pictorial, illusionary space. What is captured within this new space is a fantastical world in which the Gulf logo signage is no longer confined to gravity and is hovering in the sky. Given the sky imagery’s proximity to the actual sky, this creates a slippage of meaning in which the physical world and fiction blend together and reference one another.

**LA QUINTA BRUTALISM**

The Armstrong Rubber building is located at the busy intersection of Interstates 91 and 95 in New Haven, Connecticut. The building was designed by Marcel Breuer in 1966 and is a classic example of the architect’s modernist principles at work. The separate functions of the building are clearly articulated by floating a narrow four-story administrative office building two stories above an adjacent long, two-story research lab. It is clad with modular precast panels of concrete that provide protection from the sun and give the façade a unique sense of depth, texture, and play of light. The concrete panels vary in scale and design depending on their underlying function. The building also has a peculiar recent history. It has been vacant since the early 1990s and is currently owned by Ikea, which razed most of the first two
frankpine kitsch

Soon after I enter New York from Connecticut on the Hutchinson Parkway, looming high above the tree-lined horizon is what the locals call the “Frankpine.” It is a large cellular tower that is decorated to look like an extra-large conifer tree. Its thick metal column is painted brown to resemble a tree trunk, and the various antennae, transmitters, processors, and other electronics the column supports are obscured by a system of protruding artificial evergreen branches.

As I drive down the road, my eye is immediately drawn to this hybrid visual form. While appropriating the look of the trees it towers above, it is also out of scale with its surroundings and lacks the verisimilitude to blend in. Instead, this camouflage-outfitted giant begs the viewer to take notice. I’m reminded of a photograph by Diane Arbus from 1962, Rocks on Wheels, Disneyland, Cal. As the title implies, the image shows a group of clearly artificial rocks being carted on wheels along a dirt road in a natural and majestic California landscape scene.

The cell tower, likely deemed unsightly, has been stripped of its original character through a process of disguise and repackaged in a more sanitized format. The resulting obfuscation feels both garish and sentimental. There is implicit irony to the form. It denotes a tree, which carries the assumption of being natural, yet it is clearly artificial and man-made. This creates a visual pun.
CONCLUSION

The five-hour drive from Boston to New York is a chance to be alone with my thoughts, remove myself from my day-to-day activity, and see things in a different light. I am able to see the strangeness in the everyday design of a gas station sign, a roadside hotel, and a cell tower. While the delightful effects of these objects seem unintentional, designers have an opportunity to leverage the underlying logic inherent in the work. An analysis of the three designs yielded the following principles:

In a similar way to the Gulf signage and the La Quinta architecture, I find this slippage of meaning to be delightful, strange, and humorous.

Reflecting on my encounter with Frankenpine, I realize that telephone poles or streetlights—cell towers are everywhere. In their ubiquity we tend to overlook them as if they do not exist at all. Now that I am taking note of them, I can appreciate their utilitarian industrial form, which contains no extraneous ornament and emphasizes functionality.

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SHOULD DESIGNERS BE HELD TO A HIGHER STANDARD?

COLOPHON

You are reading volume 16.1 of LIVD, "Fair Game." This volume focuses on appropriation and how it exists in design. As culture producers, should designers be held to a higher standard than the general public? Most people are taught early on to respect the authorship of written text, but not with regards to images. If our society doesn’t teach everyone how to use imagery fairly, why should designers be held to a higher standard?

The body text is set in PT Mono. The subheads are typeset in Alternate Gothic No. 1 D. Helvetica Neue makes a few cameos.

The authors are responsible for their own content. Editor Meredith James is responsible for a majority of the graphics/layout, including all of the graphics that are redrawn from well-known cultural icons (like Mickey Mouse). Meredith also redrew custom fonts in Bonnie Blake’s article. Julianna Johnson designed her own essay. Eileen Ewing drew the map of the Vegas strip shown at the beginning of Andrew DeRosa’s article. LIVD’s website was recently redesigned by Kyle Charlson. Eileen and Kyle were interns for spring and summer, 2018.

Thank you to everyone who was involved in the creation and production of this publication. We could not do it without you.

If you are interested in contributing to a future volume of LIVD, please contact the editor.

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