

**International Seminar**  
**DIGITAL RECORDS**  
**AND LEGAL ADMISSIBILITY**  
**2024**



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**Physical and Digital Art: Preservation  
& Legal Admissibility**



# Physical and Digital Art: Preservation & Legal Admissibility

Professor Kelly Spring | East Carolina University

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# Introduction

Selamat Pagi

Good Morning



# Tangible vs Intangible

The art world, once a realm dominated by tangible creations, is rapidly embracing the digital sphere.



# An Enduring Legacy: Preserving Physical Art

Physical art preservation is a well-established field with a rich history of documented best practices.

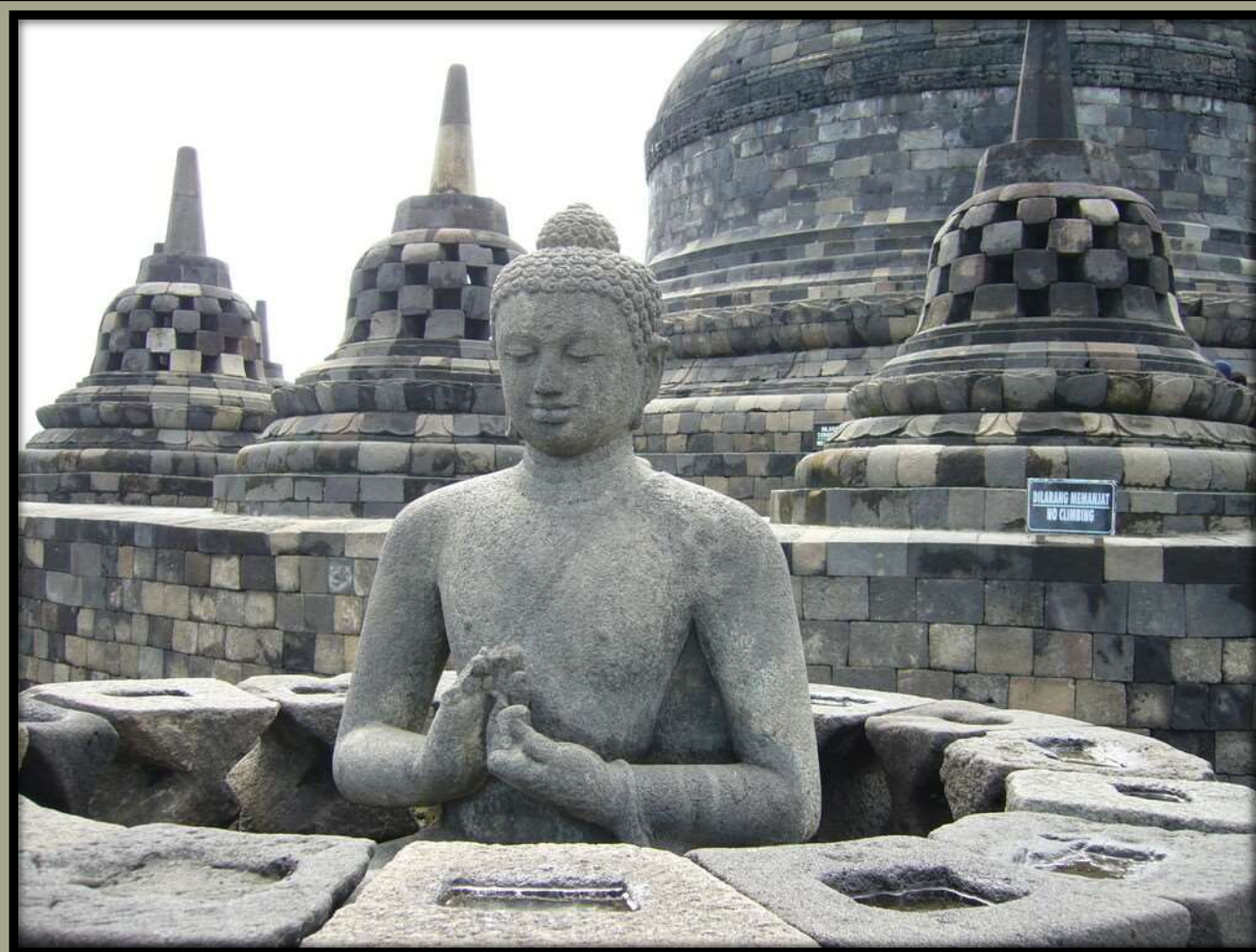
## Environmental Control

- Temperature
- Humidity
- Light

Manuscripts, prints, and drawings require stringent controls to prevent yellowing, brittleness, and fading.



# Conservation Treatments



Addressing existing damage and employing preventative measures to slow deterioration requires specialized expertise in conservation techniques.

Conservation treatments can range from surface cleaning to complex structural repairs.

# Documentation

Thorough documentation, including photographs, condition reports, and provenance records, is essential for establishing authenticity and tracking the artwork's history.



J.L. Ford  
Cotton & L. Ford



# Art Conservators



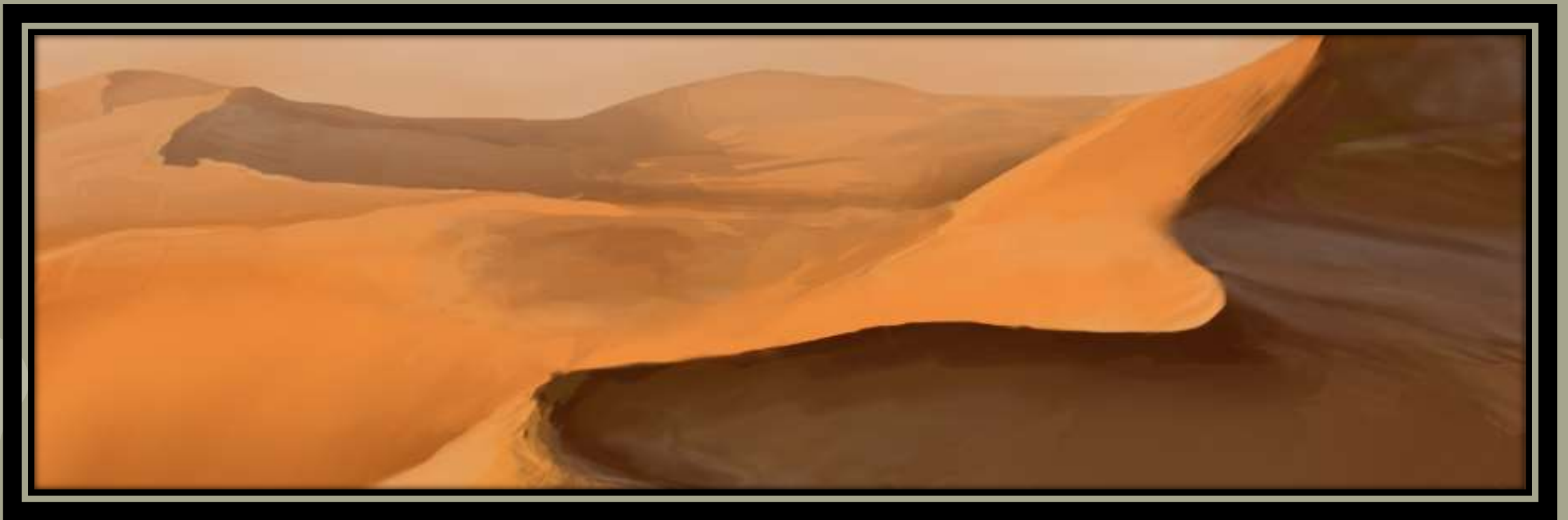
**Scientific Analysis**



**Hands-on Treatment**



**Historical Research**



# Shifting Sands: Preserving Digital Art

Digital art, encompassing everything from electronic paintings to non-fungible tokens (NFTs), presents a new set of preservation challenges.

# Media Degradation



Limited lifespan

Corrupted or irretrievable data

Magnetic tape = 10-20 years

Optical discs = 50-100 years

# Technological Obsolescence

## Software

- Sketchpad (1963)
- Amiga IFF
- Commodore 64 SID

## Hardware

- Optical disc drives
- Legacy computers

## Solutions

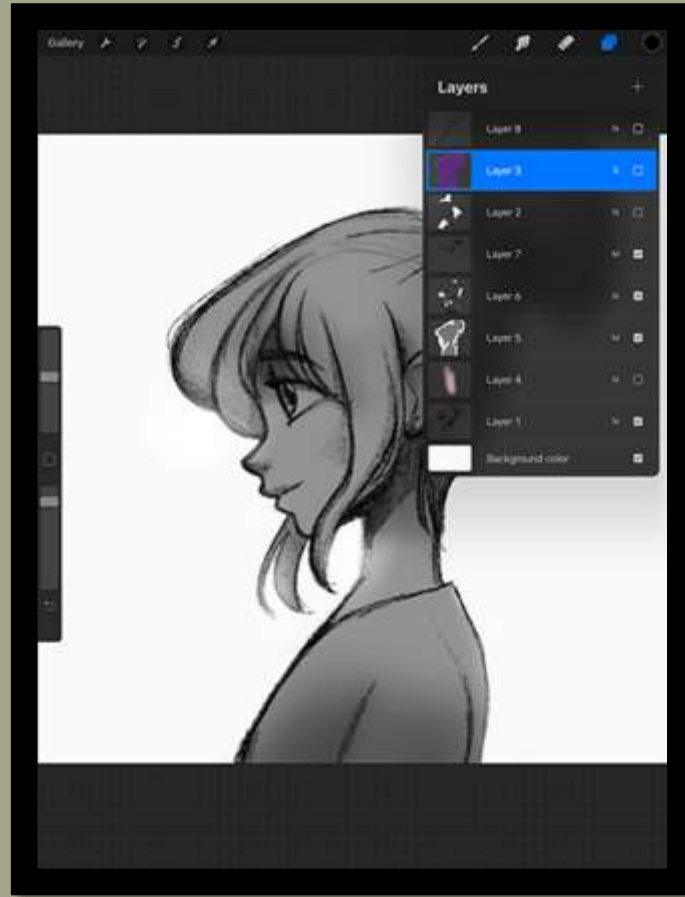
- Emulation
- Migration

# Authentication Issues

The ease of copying digital files makes establishing provenance and authenticity more complex compared to physical art.



# Preservation Strategies



Timestamps

File formats

Open Archival  
Information System  
(OAIS) model

# Digital Archivists



**Forensics Software**



**Hashing Algorithms**



**Blockchain Technology**



# The Legal Landscape: Navigating the Labyrinth

The legal admissibility of art as evidence hinges on establishing its authenticity.



# Physical Art as Evidence

- Authenticity
- Provenance

Forensic analysis might include examining the paint's chemical composition.



# Digital Art as Evidence



- Analyzing metadata
- Verifying integrity

As legal standards for digital evidence evolve, institutions and individuals must stay informed and adopt best practices to ensure the admissibility of digital artworks in court.

# Comparative Analysis

By understanding the unique challenges and opportunities in preserving physical and digital art, institutions can develop more comprehensive and effective strategies to protect and authenticate cultural heritage.

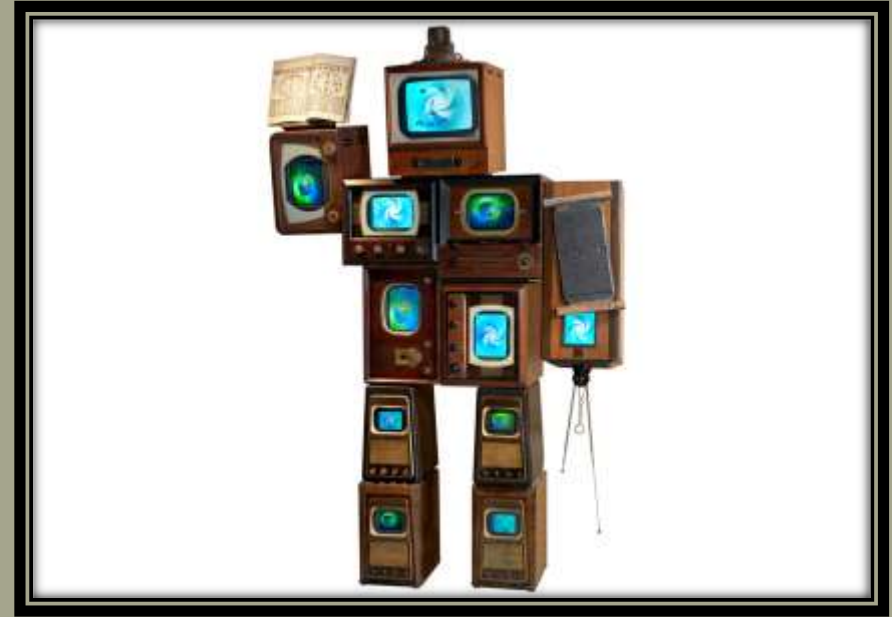




# Case Studies and Examples



# Digital Preservation of Nam June Paik Video Art

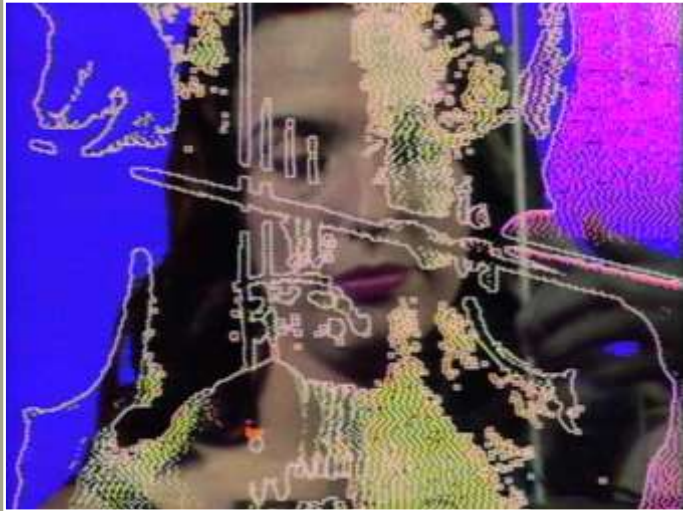


A pioneer in video art.

Created groundbreaking works that integrate electronic media and visual art.

His video installations, which often incorporate multiple screens and complex audio-visual elements, present unique challenges for digital preservation.

# Preserving Paik



**Capturing the Original**



**Digital Reformatting**



**Emulation**

# Legal Admissibility



- Authenticity
- Verifying integrity

The legal admissibility of Paik's video art as evidence hinges on the integrity and authenticity of the digital files.



## Blockchain and NFTs in Art Authentication



The rise of blockchain technology and non-fungible tokens (NFTs) has introduced new possibilities for art authentication and provenance tracking.

NFTs, which represent unique digital assets, are increasingly used to certify ownership and authenticity in the digital art market.



# Preserving NFTs



**Maintain Blockchain**



**Assure Accessibility**



**Technical Expertise**

# Legal Admissibility



- Provenance Tracking
- Expert Testimony

The legal status and regulatory framework for NFTs are still evolving, posing uncertainties for their use as evidence in court.

# Conclusion

The intersection of art, technology, and law presents unique challenges and opportunities.



**Terima kasih – Thank you!**