“Graffiti writing breaks every rule but within itself still has rules.” (Anon. London)

Copyright law grants certain economic and non-economic (i.e. moral) rights to the creators of original literary and artistic works including the right to reproduce their work. The justifications for copyright protection include: that copyright protection offers an incentive to produce works; that it is a just reward for labor expended on the work; and, that the work is the embodiment of the creator’s personality. Yet some forms of creativity, such as graffiti writing, flourish largely without reference or recourse to copyright law.

This paper is situated within the academic literature on the ‘negative space’ of intellectual property law and offers a UK perspective on this literature. It presents an overview of findings from empirical research undertaken over two years into the graffiti subculture in London. The fieldwork findings demonstrate that despite its illegality (in constituting criminal damage) graffiti writing has rules. The regularities in style of ‘tags’, ‘throw-ups’, and ‘pieces’ on trains and walls are not accidental. Nor is their absence on cars and certain dwellings. These rules regulate style, placement, copying, alteration and destruction of works in the graffiti subculture.

The ‘graffiti rules’ analysed are: the requirement of writing letters (analogous to the subject matter requirement in copyright law) and appropriate placement (analogous to the public policy exceptions for copyright subsistence and the enforcement of copyright), originality and the prohibition of copying (analogous to originality and infringement by reproduction in copyright law), and the prohibition of damage to another writer’s works (analogous to the moral right of integrity). The parallels drawn between the ‘graffiti rules’ and copyright law suggest that both the latter and former regulate creativity as well as the space where it occurs.