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# Kluwer Copyright Blog

## Copyright case: Castillo v. G&M Realty L.P., USA

Thomas Long (Wolters Kluwer Legal & Regulatory US) · Monday, March 9th, 2020

The paintings, although temporary, had achieved “recognized stature” as artworks and were protected by the Visual Artists Rights Act.

Artists who created “aerosol art” paintings on the exteriors of buildings in the well-known “5Pointz” area of Long Island City, New York, with the consent of the buildings’ owners, were properly granted \$6.75 million in statutory damages resulting from the owners’ destruction of the works, according to the U.S. Court of Appeals in New York City. The federal district court in Brooklyn correctly determined that temporary artwork may achieve “recognized stature” so as to be protected from destruction by the Visual Artists Rights Act of 1990 (VARA) and that the work at issue had achieved that stature. The appellate court also held that the district court did not err in finding the VARA violations to be willful and that the district court’s award of statutory damages was not an abuse of discretion (*Castillo v. G&M Realty L.P.*, February 20, 2020, Parker, B.).

Case date: 20 February 2020

Case number: Nos. 18-498-cv (L)

Court: United States Court of Appeals, Second Circuit

A full summary of this case has been published on [Kluwer IP Law](#).

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This entry was posted on Monday, March 9th, 2020 at 11:47 am and is filed under [Case Law](#), [Damages](#), [USA](#)

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