

Writing Competition Awarded first place

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whose article is entitled [Visual Artists Rights Act \(VARA\) and the Protection of Digital Embodiments of Artworks.](#)

Introduction

The U.S. and many other countries provide artists of certain categories of artworks with rights that are separate from the artists' economic or commercial rights in their works. These rights are commonly referenced as "moral rights." In the U.S., moral rights are defined by statute under the Visual Artists Rights Act (VARA). This statute only extends to a narrow category of artworks, defined by the Congress as "works of visual art," which includes works such as paintings, drawings, prints, sculptures, or photographs produced for exhibition purposes that exist in a single copy or limited edition of 200 copies or fewer. Since its introduction to the U.S. jurisprudence, VARA has received significant academic attention, with scholars arguing that the language of the statute is vague and ambiguous and includes too many exceptions. For example, it is not clear whether VARA can work in the digital age and extend to digital works such as photographs taken using a digital camera. This paper reviews categories of artworks protected under VARA and analyzes whether digital embodiments of artworks are capable of falling under one of these categories.