

CTRL + ©

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Abstract

Copyright law pervades the decision making of all creative mediums in the contemporary global economy. Rather than existing as a mechanism for protecting individual creators, this current system of copyright privileges large corporations and effectively flattens the cultural landscape by enclosing upon the public domain, restricts free cultural exchange, and narrows creative decision making. This paper and exhibition makes the argument for a critical evaluation of the current global system of copyright, primarily as driven by U.S. copyright law, and discusses the design theories and research methods behind the creation of the exhibition: *CTRL + ©*.

CTRL + ©

A Thesis

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By

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Dedication

Sandra McElhaney “Nonni”

Who introduced me to gaming, our shared lifelong hobby,

Who taught me that arguing is a mode of thinking,

and how to argue with love for one another.

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I. Introduction

My entire life I have played video games. From an early age, I was drawn to the unique combination of art, narrative, and interaction that games offer. My earliest friendships were forged in cafeteria conversations about boss battle strategies or speculation about sequels to our favorite titles. To this day, one of the greatest joys in my life is to sit down with a great game after all my work has been done.

The person who introduced me to the world of gaming is my grandmother, Sandra McElhaney, who we call Nonni. She raised me alongside my parents, and some of my earliest memories are of playing Super Mario World with her on the couch almost 30 years ago. Today, at 83 years old, she still plays her Super Nintendo Entertainment System almost daily.

In the summer of 2024, I returned to my hometown of Hattiesburg, Mississippi, to visit her. I was dismayed to learn that her system had stopped functioning. Fortunately, I was able to find her a replacement console, but the experience planted lingering questions in my mind: What happens to the media we own when hardware fails and all that is left is software? Do we really own anything anymore in a world of rapid digitization?

These questions formed the foundation of my thesis research. Anyone who participates in the hobby of gaming knows that the industry that produces and distributes these games has become a wasteland of microtransactions, shovelware, and anti-consumer practices—but how did it get this way?

In this thesis paper, I will lay out a case for a critical view of the current copyright system as driven by U.S. law. I will review the theories of design that informed my decision-making when conceptualizing and constructing the exhibition, and finally, I will discuss how the individual pieces within my 2025 thesis exhibition, CTRL + ©, reinforce an argument for critical analysis of copyright through audience interaction, and personal narrative.

II. Background

In 2022, Canadian-British-American blogger and author Cory Doctorow coined the term enshittification to describe the pattern of online platforms and services declining in quality over time, often as a result of prioritizing profit over user experience. We live in a golden age of media—movies, video games, music, books—there is a platform for virtually every medium. Yet, when we open Netflix or other streaming platforms, there is a pervasive feeling that there is nothing of value to watch, even as the subscription prices continue to rise (Lawlwer, 2024; Marshall, 2024). As of 2025, the enshittification of the video games industry shows no signs of slowing down. A brief browse through any of the major online video game marketplaces reveals an excess of exploitative microtransactions, a mass of low-quality content (often referred to as shovelware), and aggressively anti-consumer practices.

The trend has only worsened with the recent forced resignation of Federal Trade Commission Chair Lina Khan. Under Khan's leadership, the FTC banned junk fees across various industries, blocked monopolistic mergers, and took action against companies employing deceptive dark patterns to manipulate consumers—resulting in more than \$245 million in refunds from Fortnite maker Epic Games (FTC Releases Summary of Key Accomplishments, 2025). These pro-consumer accomplishments have been rapidly undone since her removal, and her successor has stated a commitment to ending what they described as Khan's "anti-business" record (Jones, 2025).

Following the COVID-19 pandemic and in the aftermath of the war in Ukraine, many large corporations, including media distributors, capitalized on the inflationary period by raising prices well beyond what was needed to recover financial losses. For the first time in a period of inflation, these companies posted record profits—shifting the burden entirely onto the consumer. This phenomenon has been labeled greedflation (Rossi, 2024). Most recently, the announcement of sweeping new tariffs by the conservative Trump administration threatens to further increase prices at the same time that

agencies like the FTC and Consumer Financial Protection Bureau are being stripped of authority. The stage is set for another wave of unchecked corporate overreach and seller-driven inflation (Grantham-Philips, 2025)).

While the rising cost of physical goods is a complex issue, the increasing price of digital media—video games, movies, music, and ebooks—has been facilitated by the extraordinarily long statutory copyright term of 90 years (Bellos & Montagu, 2024, p.53). At the time of the U.S. founding, the constitutional convention emphasized a thriving public domain as essential to the development of science and the arts. The original copyright term was a modest 14 years, renewable once, for a maximum of 28 years. After this, a work would enter the public domain, where it could be freely copied, cited, adapted, or reused without legal threat (p. 9).

Today, major media conglomerates—Disney chief among them—have lobbied for and succeeded in extending copyright protection far beyond its original intent. Legislative efforts like the so-called “Mickey Mouse Protection Act” have enabled corporations to lock down intellectual property for 90 years or more. This enables Disney, for example, to purchase franchises such as Star Wars for \$4 billion, with the knowledge that it can generate many times that value over decades—as it already has generated roughly \$12 billion in revenue since the 2012 purchase of Lucasfilm (Bellos & Montagu, 2024, p. 54; Dolak, 2024).

Many people may assume that the copyright system exists to protect creators. While this may be the theoretical intent, it is not how the current system functions. The majority of copyrights are controlled by a small number of Fortune 500 corporations. Independent creators, inventors, and artists rarely earn a sustainable income from their own intellectual property. Instead, the system overwhelmingly favors marketers, financiers, and rights holders. This skewed power structure has resulted in a homogenized cultural landscape—where decisions about what gets made are driven not by artists, but by business interests (Bellos & Montagu, 2024, p. 13; p. 157).

In art and design classrooms across the country, students are often instructed to stringently avoid any content that might infringe on copyright. In the film industry, “When in doubt, cut ‘em it out” is a common refrain. This dynamic creates a chilling effect that stifles creativity. For centuries, creative output has been inherently iterative. The copyright system, in its current form, restricts this process and narrows the cultural conversation (Bellos & Montagu, 2024, p. 250).

The transference of creative ownership to large tech and media corporations has only deepened with the rise of generative AI technologies. In 2024, Adobe, publisher of Photoshop, amended its terms of service to allow the scraping of user-stored creative content for the training of its proprietary AI models—without explicit permission. Although Adobe reversed course after public backlash, the mutable nature of terms of service leaves the door open for future policy shifts (Ng, 2024). Meta (Facebook) was also recently caught using copyrighted books to train its AI models (Reisner, 2025).

OpenAI, the developer of ChatGPT, has become notorious for indiscriminate scraping of the internet—much of which consists of copyrighted material. The developer stated in a response to the House of Lords Communications and Digital Select Committee inquiry on large language models, OpenAI stated that it would be “impossible to train today’s leading AI models without using copyrighted materials (2023).” In one notable example, McDonald’s Mexico published a tweet that capitalized on a current “Studio Ghibli trend” to advertise its products, blatantly infringing upon the beloved Japanese animation studio’s imagery without repercussion outside of public backlash. This trend uses OpenAI’s new GPT-4o model to take existing images or photographs and reproduce a facsimile of the source image in the likeness of Studio Ghibli’s famously recognizable visual style (Coggan, 2025). The message from these corporations to artists and creators is clear: They can use your creative work for profit, but if you infringe upon theirs, there will be swift legal action.

In this context, it becomes urgent to interrogate the structures that enable such exploitation. Either we all share in the benefit of creative intellectual exchange—or none of us do. Intellectual property only holds value through its reception by consumers and the labor of the creative individuals that produce it. Without public interest or engagement, these works are worth nothing. For centuries, artists borrowed from one another, evolving forms and ideas without fear. Only in the past few hundred years have we devised systems that seek to monetize creativity in ways that inhibit this exchange (Bellos & Montagu, 2024, p. 11).

There are ways that we as artists can fight back against this system. The first is to make work critical of the current system. Change can only occur when the conversation is being had widely enough to reach those who may be oblivious to how their nostalgic sentiment and creativity are being exploited.

The second way is to use the same legal grey areas and software that corporations have used to control the way we consume media against them. Instead of signing up for another subscription service, take steps to learn how to navigate the world of media piracy. What better place to do it than ECU, home of the pirates? Money is being siphoned from you every day from these companies in ways you may not even be aware of, even going so far as to ignore legal protection set in place to protect you. There is currently no enforcement mechanism against media piracy, especially on the consumer side. And when you pirate a movie, or a song, or a game, you own it. The file is yours. It cannot be altered, or taken away from you, the price cannot suddenly change, it cannot migrate from subscription service to subscription service, and it can be archived for use when technology evolves and hardware fails.

The third way is by being intellectually generous ourselves. Resist the urge to cling to your intellectual property against your peers. Share freely with those who you stand to lose nothing from.

This research emerges from a deeply personal perspective. I grew up playing video games with my grandmother and parents, and those experiences have always informed my creative practice. Yet like many artists today, I find myself second-guessing, censoring, and omitting content due to fear of legal repercussion under the corporate copyright regime. This paper, and the accompanying exhibition: *CTRL + ©*, argue for a reconsideration of our copyright system—from one that restricts and encloses, to one that promotes openness, access, and collaborative cultural growth. The following section will review the ways that individual pieces within *CTRL + ©* address my personal, research-informed, perspective on the issue of copyright, and the theories of design that drove the decision-making behind each component of the exhibition.

III. The Exhibition: CTRL + ©

From the outset of this project, I intended to design an exhibition that would accomplish the following end goals: to demystify the complicated nature of our copyright system and to encourage the audience toward a critical outlook on how that system that most people are not acutely aware of affects them in their day to day lives. I also observed two key challenges that would need to be integrated into the conceptualization of the project. First, that copyright is widely understood as a technical matter, rather than a subject of political debate or social injustice. That is to say that most people are unlikely to be primed to consider the issue more critically than many other presently discussed social issues (climate change, wealth inequality, etc.) (Bellos & Montagu, 2024 p. 8). The second barrier to consider was the complicated nature of the topic. The key to overcoming both of these challenges would ultimately be the utilization of personal narrative.

Storytelling has become somewhat of a buzzword in marketing and design in the past decade, even so far as to draw eye-rolling and ire from industry insiders (Brundage, 2019; Lingo, 2023; Vaananen, 2024). However, there is a reason this oft-cited, sometimes misunderstood tool is so prevalent in communications contexts ranging from C-suite marketers to non-profit advocacy groups. Annie Neimand, research director for the Center for Public Interest Communications in the University of Florida College of Journalism and Communications, in her article, *How to Tell Stories About Complex Issues* for the *Stanford Social Innovation Review*, lays out an evidence-based argument for the power of storytelling in introducing audiences to complex issues and a framework for constructing narrative for persuasions, particularly in cases where audiences are primed to disagreeing with a subject, or have little prior knowledge (2018). When presented with complex information, audiences are far more likely to remember key details when they are delivered that information through a story (Graesser et al., 2015). Storytelling has also been shown to reduce defensiveness and counterargument when

audiences are confronted with information about contentious issues (Brock & Greene, 2000). Neimand also acknowledges the pitfalls of communicating advocacy toward complicated subjects such as copyright, climate change, and criminal justice reform primarily through the use of data and abstract language. Data points and academic jargon simply do not drive people to action on their own. She argues that “stories about complex issues are best told through the lives of people whose experiences illustrate the various systems at play (2018).”

I opened this paper with a story about an instance where copyright negatively affected myself, my grandmother, and the essential way that video games have connected us to one another throughout my life. This story became the cornerstone of the entire exhibition. When a visitor to the gallery walks in, they are greeted immediately to the left by a CRT television looping an interview I recorded with my grandmother the summer that I visited her and her gaming console stopped functioning. The TV is accompanied by that non-functioning console and a copy of the game that she and I would most often play together: Super Mario World. In the interview, she discusses how gaming has helped her to keep her mind sharp and has given her a critical outlet to help her relax.



fig. 1

When asked about how she would feel if we had not been able to find her a replacement console, she spoke about the regret she would feel at selling backup consoles she owned in previous years to make ends meet. Nintendo announced in 2007 that it would stop repairs for the SNES console due to a diminishing stock of repair parts. The proprietary chip and printed circuit board designs within the console are subject to copyright, and will not enter the public domain and be legally reproducible by third parties until the year 2080.

Emulation consoles (systems that reproduce the original hardware environment without directly infringing on the design of that original hardware) do exist, and this is how I was able to replace her non-functioning console. However, because copyright precedent is determined by case law, were Nintendo ever to sue one of the relatively small companies that produce these third-party emulation consoles, it is likely that the larger company's vast resources would win out, effectively outlawing the niche market of legacy emulation hardware.

This piece (*fig. 1*) is the introduction for the audience to that narrative that will frame every piece that comes after it. Through the centering of this story in an exhibition primarily concerned with educating the public and persuading them to take a critical view of copyright law, audiences are able to relate, through analogy, to any memory they may have of sharing media with a loved one and ask, what if those memories, the way you relate to a loved one was needlessly put at risk?

To the right of the interview is a roll of paper (*fig. 2*) stretched out along the remainder of the wall. This punched piece of paper is called a player piano roll. In the Copyright Act of 1909, the US Congress determined that each time the owner of one of these machines played a song in a public venue, they owed the publisher of the roll a royalty. This is because they were now considered literary works. In the 1980s when the input and output of supercomputers was driven by punch cards, the legal framework held. When those punchcard components went away, once again the legal framework held.



fig. 2

This series of legal cases is what has led to the vast proprietary software industry that exists today, including video games. Over the course of this timeline, I tell that story accompanied by 3 data points. Those are my grandmother's lifetime, my lifetime, and the 95-year copyright term of Super Mario World. The timeline stretches across an entire wall of the exhibition space, guiding the viewer across the long distance to the end of the timeline, the year 2086, when Super Mario World enters the public domain. I would be 91, my grandmother would be 144.

The concept behind this timeline was derived from an idea defined by Edward Tufte, a primary academic writer on information design in his book *Visual Explanations: the visual confection*. Tufte defines a visual confection in information design as “an assembly of many visual events...from various Streams of Story...brought together and juxtaposed on the still flatland of paper. Confections illustrate an argument, present and enforce visual comparisons, combine the real, and imagined and tell us yet another story (2012, p. 121).”

By combining two parallel narratives across the long space of the wall that the timeline occupies, the viewer is prompted to consider the causal and temporal relationship

of a complicated legal framework (copyright law and the public domain) and the personal story of myself, my grandmother, and our shared pastime. The individual punch holes of the pianola roll parallel the large linear indicators of my and my grandmother's lifespan, though fragmented as various life events rushing by us.

The next and largest piece in the room (*fig.3a*) is a typographic installation that reads "Will you own nothing and be happy?" This is a reference to a 2016 video posted by the World Economic Forum on Facebook. The video presented a list of economic predictions for the year 2030, one of which was "You will own nothing, and be happy." While the WEF has never directly advocated for this future, the phrase has developed a life of its own and become a target of ire for right-to-repair activists, critics of the software-as-service model, and those who have identified general erosion of private ownership by tech companies (Reuters, 2021).

As we move from a world of physical media to a world of streamed, digital media, we lose more and more control over what we purchase. Physical media can be copied, backed up, and iterated upon in its original form and quality. Streamed media, while convenient, inherently strips control away from the consumer. Each letterform in this

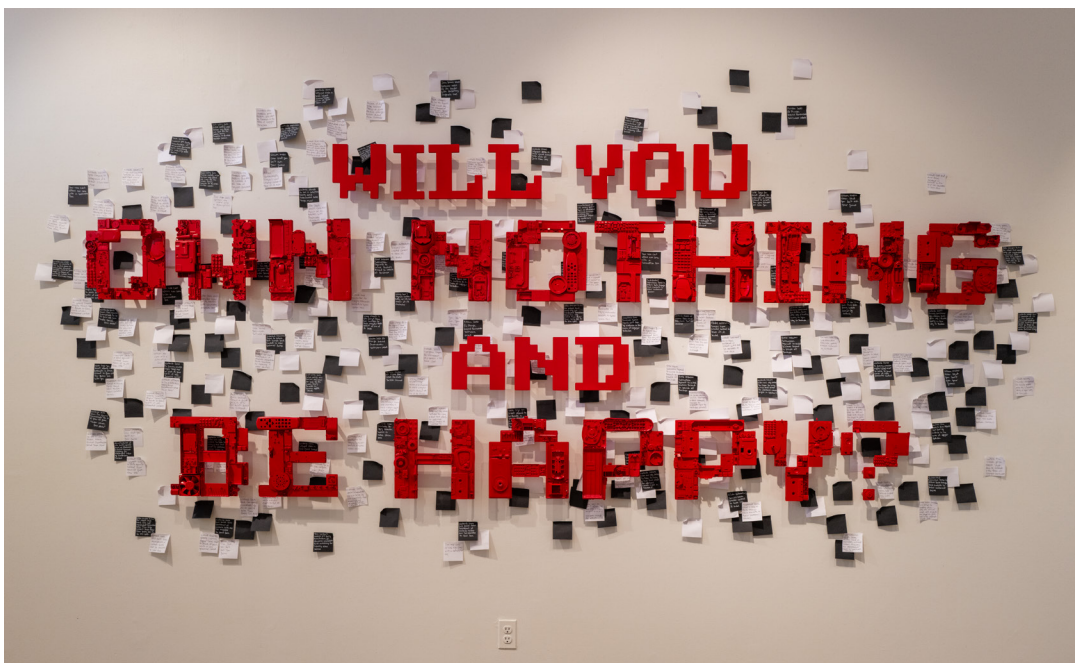


fig. 3a

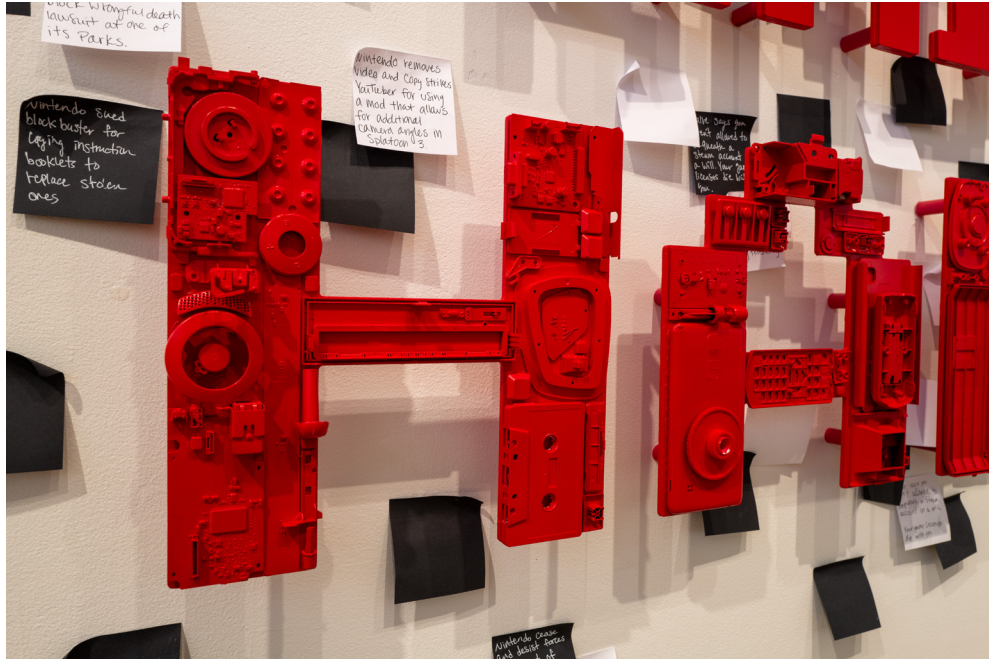


fig. 3b

piece (fig. 3b) is constructed from old, non-functioning technology that has outlived its ability to provide us with that control. Scattered behind the letterforms are sticky notes with stories of corporate copyright abuses written on them. To the left is a pen and pad that encourages visitors to the exhibition to include their own stories about how our current copyright system has negatively impacted their lives. The intent is that viewers will walk away from this piece with a greater awareness of their own relationship to that exploitative system.

A core theory of design that informed my exhibition comes from a movement within design called critical design or discursive design. Critical design work is characterized by taking some common designed features of everyday life and recontextualizing them to reveal some previously submerged aspect, often with the goal of prodding the audience to question their preconceived notions about their relationship to the subject at hand (Tharp & Tharp 2022).

This is better illustrated through an example: One famous work of critical design is Homeless Vehicle Project by artist Krzysztof Wodiczko. Wodiczko deployed 30 of these vehicles around New York City, reimagining the archetypal shopping cart frequently

used by unhoused individuals in the city to carry their belongings as a necessary and intentionally designed object. The vehicles folded out to become a bed, could be rigged as a shower and latrine, and contained securable storage areas for the owner's belongings. The idea behind this project was to take something that common passersby might unjustly perceive as a symbol of criminality or social failing, and transform it into an object that self-evidently sustains life for the owner of the vehicle (Tharp & Tharp 2022, p. 449).

What I carried forward into my exhibition from critical design is something that industrial and critical design theorist Matt Malpass calls the context of use. Malpass posits that we most effectively understand an object when we are using it, and therefore communicating something new about that object can most effectively be achieved by manipulating that context of use. I was struck by how well this idea mapped onto the medium of video games, where interaction is a prerequisite. And that is also why whenever possible, I constructed the exhibition from found objects and materials (2019).

I will illustrate what I mean with another example from my exhibition. The fourth exhibition piece (*fig. 4*) takes the same game from the timeline, Super Mario World, and alters its context of use. When the game was released in 1996, all a purchaser had to do was carry it home and stick it in the console to play a complete version of the game.



fig. 4

They could replay it as many times as their heart desired and could legally make backups.

By artificially locking the jump button and obstructing the view of the player with my terms of service, my aim in this piece is to prompt them to consider how the industry has changed in the past 30 years and how it monetizes us. I have put up a literal pay-wall, the kind we as consumers face every day with decreasing scrutiny, and demanded that it be scrutinized.



fig. 5a



fig. 5b

Immediately to the right of this piece stands a wall of panels (*fig. 5a*). On each of sixteen individual panels (*fig. 5b*) a version of the painting *The Entombment of Christ*. This wall functions within the exhibition as a straightforward reminder that the current system of cultural exchange and legal restriction is a modern conception. In various cultures throughout history, in both the Eastern and Western hemispheres, imitation, copying, and free cultural exchange has been seen as a virtue, and a necessary component of the advancement of culture.



fig. 6

The sixth piece (*fig. 6*) features a computer monitor and a projection map positioned side by side. The screens are mirrored, displaying the 1995 Nintendo-produced art software: *Mario Paint*. This SNES game that came bundled with a mouse that plugged directly into the console was novel for the time but contained no method for output. The console could not be connected to a printer. Any creations made within the software existed ephemerally on the cartridge with no way to transfer the image. The idea behind this piece was to take software that strictly limited creative output and reclaim creative control by circumventing that restriction. Behind the projection is a roll of paper that viewers can freely draw on. Either by mixing mediums, or collaborating with others, this installation allows the user to break free of the restrictions on their own

creative output placed upon them by the software. While modern creative software is less restrictive in some ways, those of us in creative industries are bound to software such as Photoshop and Illustrator as a result of decades of unchecked monopolistic and anti-consumer practices on behalf of publisher Adobe who siphons sixty dollars



fig. 7a



fig. 7b

a month from its vast software-as-service subscriber base (Adobe, Inc., U.S. v. Federal Trade Commission, 2024).

The final piece of the exhibition (*fig. 7a*) exists in the center of the room, surrounded by all the others. It consists of a couch, a coffee table, an entertainment center, and a television connected to a Retropie. A Retropie is a small computer that has been programmed to emulate nearly two dozen different gaming consoles and thousands of individual games. Encircling the installation are the words “When buying isn’t owning, piracy isn’t stealing (*fig. 7b*).” This final piece serves as a reclamation of control over that which we have purchased and owned, but has been clawed back from us over time by the degradation of physical media and hardware, the greed of multinational corporations, and the enclosure of the public intellectual commons by a rampant anti-consumer, anti-artist, anti-inventor, anti-creator copyright system at the behest of these corporations. This piece stands as a firm “no” to the question “Will you own nothing and be happy?”

IV. Conclusion

On the final wall, opposite the typographic installation, is a list of sources and acknowledgments, and a commitment, upon conclusion of the exhibition, to dedicate all of the work to the public domain through the creative legal non-profit organization CreativeCommons.org. This thesis research and this exhibition are the result of material, emotional, financial, and creative assistance from countless individuals throughout my life. No one makes anything alone, so why should I alone benefit?

As this research and accompanying exhibition have shown, the current state of copyright law and digital ownership is not a natural evolution of creative or technological progress—it is the result of deliberate legal and economic structures designed to prioritize profit over cultural access, innovation, and artistic freedom. Through increasingly aggressive corporate practices, opaque legal frameworks, and exploitative uses of emerging technologies like generative AI, we are witnessing the systematic erosion of public ownership and creative autonomy.

This project began from a deeply personal story—one that reflects a more universal experience of losing access to the media that shapes our identities and relationships. From playing video games with my grandmother to watching beloved stories disappear behind paywalls and watching the work of talented artists subsumed and exploited by extractive AI machinery, these moments are not trivial—they are the fabric of our cultural identities. By using storytelling as both a research method and a curatorial tool, CTRL + © seeks to reframe copyright as a social justice issue, with tangible impacts on memory, access, education, and identity.

In the face of an increasingly enclosed cultural ecosystem, it is crucial that we—as artists, educators, designers, and citizens—resist the erosion of our shared intellectual resources. By creating work that critiques the current system, reclaiming access through piracy and open-sourcing, or practicing intellectual generosity within our own communities, we can collectively push back against the forces of enclosure. We must reject

the notion of culture as a subscribable commodity, and instead advocate for a future in which creativity is a shared, renewable resource—freely built upon, reinterpreted, and passed forward.

Copyright law should not exist to serve corporate monopolies, but to protect the rights of individual creators, while nurturing cultural progress and ensuring that the Creative Commons remains vibrant and accessible to the entirety of the public. This thesis does not offer a singular solution, but rather, a framework for critical engagement—one that challenges us to consider cultural ownership not as a matter of legality alone, but of community, ethics, and imagination.

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