

No Infringement Intended: Can I Clean the Graffiti Off My Walls? When Intellectual Property and Property Rights Clash

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Does owning a piece of property give you the absolute right to alter or remove any art that's on it? That question was asked in the recent, high-profile dispute in Manhattan over the Elizabeth Street Garden, a public space beloved by residents that was transformed from a once-abandoned city lot into a sculpture-filled garden three decades ago. The city planned to demolish the garden to build affordable housing for seniors. In response, the garden's advocates filed a federal lawsuit in February 2025, arguing the entire garden was a "physical and social sculpture" protected from destruction by the Visual Artists Rights Act (VARA).

The dispute was ultimately resolved in June 2025 and the garden was spared. The case still highlights the legal power of VARA and the risks for property owners, a lesson a New York real estate developer learned the hard way when he was ordered to pay \$6.75 million for whitewashing graffiti on his own property in the [landmark 5Pointz case](#).

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