



ART AND COPYRIGHT
SECOND EDITION

Simon Stokes

Art and Copyright

Second Edition

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ART AND COPYRIGHT

In recent years the intellectual property protection afforded to works of art has received increased attention from artists, museums, galleries, auction houses, publishers and their professional staff and legal advisers, as well as from those teaching or studying copyright and/or the law of cultural property. This was the first text to examine in detail the intellectual property rights protecting artistic works and artists' rights generally in the United Kingdom. First published in 2001, *Art and Copyright* has established itself as a leading text in the field. Now revised and updated, the second edition includes expanded coverage of Artist's Resale Right and the relationship between designs law and artistic works, as well as greater coverage of new media and art, and digital developments generally. It also includes additional precedent materials and checklists. It remains an invaluable work for all those involved in art law and for intellectual property lawyers involved with the exploitation and/or sale of artistic works, as well as for intellectual property academics, researchers, law students, curators, publishers, artists, gallery owners and all those interested in how the law protects artistic works.

Preface

This book is an updated and revised version of the first edition, published some ten or so years ago. At least one reviewer of the first edition commented that it would be helpful to have images in the book, though it is not common in law texts. Images are not included in the second edition, not least to keep the price of the book down, but searches on the Internet will provide access to a number of the cases and related images discussed in this book. The author's website (<http://www.artcopyright.org.uk>) has links to selected cases, images and related legislation, and it is planned to update the website to highlight significant developments. Appendix B to the book also provides details of some sources of further information.

The acknowledgements in respect of the first edition still stand, and these are noted overleaf. For the second edition I am grateful to Richard Hart and the team at Hart Publishing for taking the book on in the first place and encouraging a second edition. I am also grateful for the assistance of Blake Lapthorn's Information Services team, in particular Helen Gwinn, and to the reviewers of the first edition, some of whose helpful comments I have tried to address in this edition. Thanks are also due to my colleagues Andrea Hayes and Lucy Morris, who helped with the manuscript and Appendix A respectively.

Simon Stokes
Clerkenwell

12 November 2011

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(in respect of the First Edition)

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Tarlo Lyons has provided much needed support on occasion. My secretaries in the last year, Natalie Reynolds and Helen Barnes, helped with the typing of the manuscript. Lucy Awad, trainee solicitor, checked the footnotes and helped with proofreading. Helen Dewar, the firm's librarian, tracked down a large number of cases and press cuttings.

Jonathan DC Turner, Barrister, of 4 Field Court provided updates on the progress of two copyright cases in which he was Counsel and which are discussed in this book: *Designers Guild* and *Antiquesportfolio*. Simon Martin, Partner, Bell Gully, Auckland, provided assistance with some New Zealand materials.

I owe my interest in art to my parents, in particular to my father Roger Smith, an artist, and childhood visits to the Walker Art Gallery.

The greatest debts are to my wife, for her encouragement and support in a project of (seemingly) ever increasing scope, and to my daughter Hannah, for her generally cheerful disposition throughout.

Simon Stokes
Clerkenwell
29 January 2001

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II. Journals/Information Resources

ARTL	<i>Art, Antiquity and Law</i> (Institute of Art and Law, Leicester/Kluwer)
EIPR	<i>European Intellectual Property Review</i> (Sweet & Maxwell)
ENT LR	<i>Entertainment Law Review</i> (Sweet & Maxwell)
RIDA	<i>Revue Internationale du Droit d'Auteur</i>
SSRN	Social Science Research Network electronic library

III. UK and European Intellectual Property Law Reports

FSR	Fleet Street Reports
ECDR	European Copyright and Designs Reports
EMLR	Entertainment and Media Law Reports
RPC	Reports of Patent Cases

IV. EU Directives

Designs Directive	Directive on the legal protection of designs (Directive 98/71/EC)
Electronic Commerce Directive	Directive on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive 2000/31/EC)
Information Society Directive	Directive on the Harmonisation of Certain Aspects of Copyright and Related Rights in the Information Society (Directive 2001/29/EC)
Resale Right Directive	Directive on the Resale Right for the benefit of the Author of an Original Work of Art (Directive 2001/84/EC)

V. UK Statutes

CDPA	Copyright, Designs and Patents Act 1988
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Reklos v Greece, case 1234/05 [2009] ECHR 200 (15 January 2009).....	225
Von Hannover v Germany (App no 59320) (24 June 2004), (2005) 40 EHRR 1.....	224–5

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Bezpe nostní softwarová asociace - Svaz softwarové ochrany v Ministerstvo kultury, Case C-393/09	111
Fundación Gala-Salvador Dalí and Visual Entidad de Gestión de Artistas Plásticos (VEGAP) v Société des auteurs dans les arts graphiques et plastiques (ADAGP) and Others, Case C-518/08....	104
Google France & Google Inc v Louis Vuitton, Case C-236/08.....	155
Infopaq International v Danske Dagblades Forening, Case C-5/08.....	24, 183–5
Phil Collins and Others, Joined Cases C-92/92 and C-326/92....	26, 101
Sociedad General de Autores y Editores de España (SGAE) v Rafael Hoteles SA, Case C-306/05.....	157, 183

WIPO

Gallerina v Mark Wilmshurst (WIPO Case No. D2000-0730)	221
Roberts v Boyd (WIPO Case No D2000-0120).....	220
Winterson v Hogarth (WIPO Case No D2000-0235)	220

National Cases

Common Law Jurisdictions

AG Spalding & Brothers v AW Gamage Ltd (1915) 32 RPC 273 (HL)	216
---	-----

AG v Guardian (No 2) [1988] 3 All ER 640	33
Agnew & Co v Day (1916) 32 TLR 349.....	5, 23
AMP Inc v Utilux Pty Ltd [1971] FSR 572.....	74
Anacon Corporation Limited and Another v Environmental Research Technology Limited and Another [1994] FSR 659	34, 36
Antiquesportfolio.com plc v Rodney Fitch and Co Ltd, The Times (21 July 2000) (ChD)	128–9, 138–9, 150, 152
Artnews, LLC v Ecorp.com (2000), Claim No FA0007000095231 (National Arbitration Forum) (22 August 2000).....	221
Ash and Another v McKennitt and Others [2006] EWCA Civ 1714 (14 December 2006).....	223
Ashdown v Telegraph Group Ltd [2001] EWCA Civ 1142; [2002] RPC 5.....	65, 151, 153, 177, 210, 232
Associated Newspapers Ltd v HRH Prince of Wales [2006] EWCA Civ 1776 (21 December 2006)	211
Aubrey Max Sandman v Panasonic U.K. Ltd & Matsushita Electric Industrial Co Ltd [1998] FSR 651	34
Austin v Columbia Gramophone Co [1917-23] MCC 398.....	6
Autospin (Oil Seals) Ltd v Beehive Spinning (A Firm) [1995] RPC 683.....	16, 21, 51, 64, 231
Baigent & Another v The Random House Group Ltd [2007] EWCA Civ 247 (28 March 2007)	60
Barrett v Universal-Island Records Ltd and Others [2006] EWHC 1009 (Ch) (15 May 2006)	153
Bauman v Fussell [1978] RPC 485 (CA)	57
BBC Worldwide Ltd v Pally [1998] FSR 665	72–3
Billhöfer Maschinenfabrik GmbH v TH Dixon & Co Ltd [1990] FSR 105	36
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Bleistein v Donaldson Lithographing Co 188 US 239 (1903)	32
Bonz Group (Pty) Ltd v Cooke [1994] 3 NZLR 216.....	47–8
Bookmakers' Afternoon Greyhound Services Ltd v Wilf Gilbert (Staffordshire) Limited [1994] FSR 723.....	57, 115
Brabourne v Hough [1981] FSR 79	214
Bradbury, Agnew & Co v Day (1916) 32 TLR 349	5, 23
Bradbury v Hotten (1872) LR 8 Exch 1	65–6
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Breville Europe Ltd v Thorn EMI Domestic Appliances Ltd [1995] FSR 77	40

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Brighton v Jones [2005] FSR 16	59
Brigid Foley Ltd v Elliott [1982] RPC 433.....	64
Bristol Conservatories Ltd v Conservatories Custom Built Ltd [1989] RPC 455 (CA).....	212
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British Horseracing Board v William Hill [2005] EWCA Civ 863	106
British Leyland v Armstrong [1986] AC 577; [1986] RPC 279 ...	72, 153
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Bulun Bulun and Another v R&T Textiles Pty Ltd [1998] 1082 FCA.....	188–9
Bulun Bulun v Neljam (1988) (unreported)	186
Burge v Swarbrick (2007) 232 CLR 336	48
Burke and Margot Burke Limited v Spicers Dress Designs [1936] Ch 400	47
Burrow-Giles Lithographic Co v Sarony 111 US 53 (1884)	132
Campbell v Acuff-Rose Music (1994) 510 US 569	144–5, 176–7
Campbell v MGN Ltd [2004] UKHL 22 (6 May 2004)	224
Canon Kabushiki Kaisha v Green Cartridge Co (Hong Kong) Ltd [1997] AC 728	153
Carlton Illustrators v Coleman [1911] KB 771.....	89
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Carter v Helmsley-Spear, Inc, 861 F Supp 303 (SDNY 1994); 71 F.3d 77 (2d Cir 1995)	96
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Christoffer v Poseidon Film Distributors Ltd [2000] EIPR N-34	51–2
Cie Generale des Etablissements Michelin-Michelin & Cie v CAW-Canada, 71 CPR 3d 348.....	176
Clark v Associated Newspapers [1998] RPC 261	174–5, 212