Hastings Communications and Entertainment Law Journal

Volume 15 | Number 4 Article 6

1-1-1993

Droit de Suit: The Artist's Right to a Resale Royalty

Marilyn J. Krestinger

Droit de Suite: The Artist's Right to a Resale Royalty

by
*Marilyn J. Kretsinger**

Table of Contents

* The author is the Assistant General Counsel of the U.S. Copyright Office. This article summarizes some of the findings and conclusions of the Copyright Office's recent report, *Droit de Suite: The Artist's Resale Royalty*, a Report of the Register of Copyrights (1992). The views represented here, however, are those of the author and not those of the Copyright Office.

Introduction

The concept of *droit de suite* or resale rights for artists was introduced in Europe at the end of the nineteenth century and first enacted as law in France in 1920. As one commentator aptly noted,

> [I]t was raised in an environment which came to recognize the importance of the artist and the author to society. This environment fostered the perception that the special value of certain works of art rests not in the capability to replace multiple copies, but in the uniqueness of the original.[1]

Thus, *droit de suite* grew and flourished in the same soil that had already created the first international copyright agreement, the Berne Convention for the Protection of Literary and Artistic Works.[2] *Droit de suite*, however, does not enjoy the almost universal acceptance of the Berne Convention. Today 95 countries[3] belong to Berne, but only 36 provide for *droit de suite*.[4]

The United States did not become a member of the Berne Convention until 1989, and still continues to resist a resale royalty for artists. In part, this resistance may be attributed to the fact that the Berne Convention itself does not wholeheartedly adopt *droit de suite*.[5] For the United States, the United Kingdom—another holdout—and other common law countries, the reluctance to adopt a resale royalty may also be attributed to a different view of copyright.[6] Finally, there has been resistance be-

1. Theodore M. Shapiro, *Droit de Suite: An Author's Right in the Copyright Law of the European Community*, 4 ENT. L. REV. 118 (1992).

2. Berne Convention for the Protection of Literary and Artistic Works, *done* July 24, 1971, 828 U.N.T.S. 221.

3. See *Berne Convention for the Protection of Literary and Artistic Works*, 1 COPYRIGHT 6 (1993), for a list of those countries.

4. Moreover, most of these countries do not have an effective system for enforcing these rights. *See infra* notes 20-23 and accompanying text.

5. The 1948 Brussels Conference provided the first explicit recognition of *droit de suite* in the Berne Convention and incorporated statements of principle in favor of *droit de suite*. Article 14bis allowed for reservations in national law and subjected *droit de suite* to the principle of reciprocity. The Stockholm Conference modified the numbering and 14*bis* became 14*ter*, providing:

> (1) The author, or after his death the persons or institutions authorized by national legislation, shall, with respect to original works of art and original manuscripts of writers and composers, enjoy the inalienable right to an interest in any sale of the work subsequent to the first transfer by the author of the work.
>
> (2) The protection provided by the preceding paragraph may be claimed in a country of the Union only if legislation in the country to which the author belongs so permits, and to the extent permitted by the country where this protection is claimed.
>
> (3) The procedure for collection and the amounts shall be matters for determination by national legislation.

Berne Convention for the Protection of Literary and Artistic Works, *supra* note 2, at 247-49.

6. Traditionally, common law or Anglo-Saxon countries have approached copyright issues from a different perspective than civil law or continental countries. *See generally* Shapiro, *supra* note 1. Shapiro suggests that, as the European Community moves in the Anglo-Saxton

cause the European models have had varying degrees of success and the effect of *droit de suite* on the art market is not clear.[7]

Artists and their supporters initiated efforts to create a resale royalty right in the United States as early as 1940. In the early 1960s, proposals were made to incorporate *droit de suite* into state or federal law in the United States, but, to date, only California's efforts have resulted in law.[8] Proposals for a federal resale royalty law continue to engender a great deal of controversy in the United States and to divide the art community.[9]

During the last major revision of the U.S. Copyright Act, Congress considered the extent of moral rights protection in the United States in comparison with moral rights protection available under the Berne Convention.[10] The motion picture and publishing industries were opposed to extending such protection past what was already available and Congress ultimately concluded that it should not do so in the 1976 revision of the Copyright Act.

Since then, several copyright bills have been introduced in Congress proposing moral rights protection for visual artists, some including a resale royalty. In 1978, Representative Henry Waxman introduced legislation calling for a five percent resale royalty of the gross sales price of works sold in interstate or foreign commerce for $1000 or more.[11] In 1986 and 1987, Senator Edward Kennedy and Representative Edward Markey sought a seven percent royalty of the appreciated value—the difference between the purchase and resale prices.[12] Both the Waxman and Kennedy-Markey proposals relied on government agencies, instead of private artists' rights societies, to enforce *droit de suite*. The Waxman

direction toward less protection for authors, the Anglo-Saxon countries, including the United States, seem to be moving toward the Continent's approach. Shapiro, *supra* note 1, at 119 n.5.

7. *See* REGISTER OF COPYRIGHTS, DROIT DE SUITE: THE ARTIST'S RESALE ROYALTY (1992) [hereinafter RESALE ROYALTY REPORT]. *See also* LILIANE DE PIERREDON-FAWCETT, THE DROIT DE SUITE IN LITERARY AND ARTISTIC PROPERTY (John M. Kernochan ed. & Louise Martin-Valianette trans. 1991).

8. Eleven other states—Connecticut, Florida, Illinois, Iowa, Maine, Michigan, Nebraska, New York, Ohio, Rhode Island, and Texas—have introduced *droit de suite* legislation.

9. *See, e.g., Visual Artists Rights Act of 1987: Hearing on S. 1619 Before the Subcomm. on Patents, Copyrights and Trademarks of the Senate Comm. on the Judiciary*, 100th Cong., 1st Sess. (1987); *Visual Artists Rights Amendment of 1986: Hearings on S. 2796 Before the Subcomm. on Patents, Copyrights and Trademarks of the Senate Comm. on the Judiciary*, 99th Cong. 2d Sess. (1986). See also the individual comments and hearing transcripts in the Appendix to the RESALE ROYALTY REPORT, *supra* note 7.

10. *See, e.g.*, SENATE COMMITTEE ON THE JUDICIARY, 86TH CONG., 1ST SESS., COPYRIGHT LAW REVISION STUDY NO. 4: THE MORAL RIGHT OF THE AUTHOR (Comm. Print 1960) (by William Strauss).

11. H.R. 11403, 95th Cong., 2d Sess. (1978).

12. S. 2796, 99th Cong., 2d Sess. (1986); H.R. 5722, 99th Cong., 2d Sess. (1986); S. 1619, 100th Cong., 1st Sess. (1987).

bill would have created a National Commission of the Visual Arts to register works and collect royalties. The Kennedy-Markey bills required artists and sellers to register with the Copyright Office and also granted limited moral rights of paternity and integrity to visual artists.[13]

After the United States joined the Berne Convention, Congress reexamined the adequacy of U.S. moral rights protection for authors and decided to address the issue of moral rights for visual artists separately. The Visual Artists Rights Act of 1990 added certain moral rights to the federal copyright law. As in earlier bills, this act originally provided for a resale royalty, but proposals for *droit de suite* failed to garner a consensus and were eliminated before the Visual Artists Rights Act was passed. However, § 608(b) of that Act required the Copyright Office, in consultation with the Chair of the National Endowment for the Arts, to study the feasibility of implementing a resale royalty on the sale of works of visual art.[14]

I
The Copyright Office's Resale Royalty Report

Following consultation with the National Endowment for the Arts, the Copyright Office attempted to survey as broad a spectrum of the art community as possible to obtain comments on the specific questions raised in introducing a federal resale royalty right. The Copyright Office issued a Notice of Inquiry requesting public comment. In particular, the Copyright Office sought comment from artists, art dealers, auction houses, investment advisors, fine art collectors, and art museum curators. It attempted to gather as much information as possible from those with actual experience with *droit de suite*, at both the national and international levels.[15]

The Copyright Office also published a second Notice of Inquiry announcing that it would continue its investigation of resale royalties for artists by holding two public hearings, one in San Francisco, on January 23, 1992, and another in New York, on March 6, 1992.[16] These locations were chosen because of their significant art communities. This gave the

13. S. 1619, 100th Cong., 1st Sess. (1987).

14. The Copyright Office submitted its final report, DROIT DE SUITE: THE ARTIST'S RESALE ROYALTY, to Congress on December 1, 1992. Congress had also asked the Office to prepare a study on the waiver of moral rights, due December 1, 1995. The Office submitted an interim report on that topic on December 1, 1992, along with the RESALE ROYALTY REPORT.

15. Eighteen commentators responded to the Office's initial Notice of Inquiry. For the entire comments, see the Appendix, Part I, RESALE ROYALTY REPORT, *supra* note 7.

16. Twenty-seven witnesses testified at these hearings and the complete transcripts are in the Appendix, Parts II and III, RESALE ROYALTY REPORT, *supra* note 7.

Copyright Office the opportunity to reach witnesses who could discuss both national and international experiences.

Both Notices of Inquiry directed commentators to focus principally on several significant areas of U.S. law and the art community that would be affected by adopting a federal resale royalty right. They include the right's potential effects on creation of new works and on the existing art market, enforcement and collection mechanisms, whether the right should be waivable and alienable, whether current California law should be preempted by federal law, and the forms, beneficiaries, and terms of the right.[17]

Most of the parties who submitted written comments or testified at one of the public hearings supported the grant of resale royalties, maintaining that visual artists are treated differently from other creators under copyright law and that legislation would mandate more equitable treatment for artists.[18] A vocal minority, including a number of artists, opposed the grant of resale royalty rights. The opponents argued that a resale royalty would hurt an already weak art market and would not have its desired effect, since the royalties would go only to successful artists.

Supporters were divided on the question of whether a resale royalty would affect creativity or provide an incentive for the creation of new works. Some argued that increased revenue would encourage further creation, while others maintained that artists create for other than financial reasons. On one side, commentators urged that royalties are too remote and uncertain to encourage creation. On the other, they countered that such a right could not be seen as a disincentive.

There was similar disagreement on the anticipated effect of royalties on the marketplace. Some commentators urged that royalties would be like other costs associated with art transactions, and would have little or no effect on the market. Others warned that the application of royalties would damage an already depressed art market.

Commentators also disagreed on the relevant categories of works that should be covered by the royalty. There was also wide variation—from two hundred to five thousand dollars—in the suggested threshold amount triggering the royalty. Almost all commentators agreed, how-

17. The Office's RESALE ROYALTY REPORT has two parts. The report itself sets out what the Office found in examining and assessing all of the available data on the issue of whether or not the benefit to visual artists from a royalty on the resale of their works will outweigh any increased cost and potential decreased purchases of works of contemporary art. The Appendix to the Report contains the transcripts of the two public hearings and the comment letters.

18. The transcript contains no empirical evidence comparing the respective remuneration of visual artists and other creators. Appendix, Parts II, III, RESALE ROYALTY REPORT, *supra* note 7.

ever, that the resale royalty should be applied regardless of whether a work increased in value.

With respect to the suggested recipients of the royalty and the international implications of granting the right, some commentators declared that royalties should be extended to foreign artists whose works are sold in the United States. Others maintained that either U.S. citizenship or residency should be required of the recipients, whether or not the work was created in the United States. Most agreed, however, that the royalty right should be coextensive with the term of copyright protection.

There was less unanimity about retroactive application of the right. Berne Convention reciprocity was the principle argument advanced in favor of retroactivity. There was disagreement, however, about whether royalties should apply to works in existence at the date of enactment of the legislation or to works protected in the country of origin at that time. Some commentators opposed retroactivity generally.

Concerning the issue of administration and collection of the royalty right, commentators pointed to the California experience with private enforcement and recommended the French approach of collective administration of royalties. In California, artists were concerned with enforcing their rights, litigation expenses, and the fear of retribution after demanding royalties from sellers and galleries. By contrast, in France, the country most familiar with monitoring and collecting the royalty, administration of the right is handled by agreement between auction houses and artists' collection societies. Although most commentators believed that the right was best administered collectively, there was disagreement about the need for a registration requirement. A few commentators suggested some form of art registry, but opponents were concerned about the privacy interests of parties to art transactions who would not want to have their purchases and sales prices made public.

Most agreed, in any event, that the royalty should not be applied to gift transactions, although some felt that a barter arrangement—as opposed to an outright sale—should trigger the royalty.

There was strong opposition to making the royalty right either waivable or alienable, except to enforce collection, for fear that young artists would be pressured into waiving their rights. Advocates of free alienability countered that a non-waivable right interfered with contractual freedom, and that such a right was necessary to encourage the risky purchase of works by young artists.

Finally, all commentators favored preempting California's law if a national resale royalty law is passed. One commentator suggested, however, that states should be free to provide greater levels of protection than the federal minima. Some of those who favored the resale royalty in

principle made suggestions for improving the applications of the California system.[19]

II
The European Experience and Harmonization at the International Level

Most observers would agree that survival of *droit de suite* depends on its internationalization. Today, some 36 countries indicate that they provide a resale royalty, and several other countries are considering legislation to enact *droit de suite*. Roughly half of the countries that now purport to have *droit de suite*, however, lack implementing legislation. The level of commitment and the characteristics of the national laws in the other countries vary widely.[20] Those countries that have implemented *droit de suite* most successfully share certain characteristics.[21] One of these is the way in which royalties are determined and collected. Some successful countries base the royalty on the total resale price of the work. Others, which have not been successful in implementing *droit de suite*, base the royalty on the difference between purchase price and resale price.

At the minimum, *droit de suite* applies to auction sales in all countries that have adopted *droit de suite* legislation, because auction sales are the easiest to monitor. Including dealer sales increases the administrative challenge and the risk of noncompliance. The French law originally applied only to sales at auction and Belgium has preserved this limitation. In 1957, France extended its law to sales "through a dealer," but since it never issued implementing rules, in practice, the law still applies only to auctions. The French galleries do, however, make payments to the artists' social security fund. The German law requires a royalty on both auction and dealer sales, but, in reality, the collecting society, Bild-Kunst, collects a flat percentage of gallery revenue. It is then paid partly to artists qualifying for *droit de suite* and partly to an artists' social security fund.

19. See Chapter III of the RESALE ROYALTY REPORT, *supra* note 7, for a more detailed analysis of these comments. Citations in that chapter are to the complete comments found in the Appendix to the RESALE ROYALTY REPORT.

20. For a discussion of these national laws, see DE PIERREDON-FAWCETT, *supra* note 7; WORLD INTELLECTUAL PROPERTY ORGANIZATION AND UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, STUDY ON GUIDING PRINCIPLES CONCERNING THE OPERATION OF 'DROIT DE SUITE' (1985) [hereinafter WIPO-UNESCO study].

21. See Chapter II of the RESALE ROYALTY REPORT, *supra* note 7, for a more detailed discussion of experience with a resale royalty in selected countries. Table I of that Report is reproduced herein.

Although *droit de suite* throughout Europe is inalienable and non-waivable, in the most effective systems it may be transferred for purposes of collection through an artists' collecting agency. Only those countries with active and efficient national authors' societies, such as SABAM in Belgium, Bild-Kunst in Germany, and SPADEM and ADAGP in France, have effectively implemented *droit de suite*.

Whether *droit de suite* will make the transition from an idealistic notion fully practiced in only a handful of countries to an international norm depends both on the existence of widespread commitment to *droit de suite* and on creation of a practical means to implement the goal of allowing artists to share in the profit of their work once it has left their hands. There have already been efforts at the international level to standardize the resale royalty. As noted earlier, the Berne Convention for the Protection of Literary and Artistic Property contains statements of principle in favor of *droit de suite*.[22]

Several other organizations or countries were studying or had just completed reviewing the concept of *droit de suite* at the same time the Copyright Office was conducting its study. The European Community (EC) is currently conducting a study of *droit de suite* that may lead to harmonization within the Community. At the first stage, a majority of the members felt harmonization of *droit de suite* was necessary. Three EC countries—the United Kingdom, Ireland, and the Netherlands—do not have such laws, and *droit de suite* is not really applied in three other EC countries—Italy, Portugal, and Luxembourg. In the second stage, the EC has asked an independent expert to study the laws of member states more precisely to report on the question of whether it is advisable to propose harmonization.

In addition to discussions within the EC that may result in harmonization of *droit de suite*, there have been other recent studies[23] and international conferences where *droit de suite* has been discussed as one way to improve the artist's economic status. These include both the recent conferences on artists' rights in Madrid[24] and Helsinki[25] and the ongoing UNESCO study on the status of artists.[26]

22. *See supra* note 5.

23. *See generally* WIPO-UNESCO Study, *supra* note 20; *Resale Royalty—A New Right for Artists*, 69 AUSTRALIA COPYRIGHT COUNCIL 4 (1989); GERMAN COMMISSION FOR UNESCO, SURVEY ON THE ECONOMIC SITUATION AND SOCIAL STATUS OF THE ARTIST IN GERMANY (1992).

24. INSTITUTE OF INTERNATIONAL BUSINESS LAW AND PRACTICE, INTERNATIONAL CHAMBER OF COMMERCE, FOURTH SYMPOSIUM ON LEGAL ASPECTS OF INTERNATIONAL TRADE IN ART (1993).

25. *See* AURLI IRJALA, FINNISH NATIONAL COMMISSION FOR UNESCO, PUB. NO. 64, EUROPEAN SYMPOSIUM ON THE STATUS OF THE ARTIST (1992).

26. Individual countries will report to UNESCO by December 1993.

III
Conclusions and Recommendations Found in the Resale Royalty Report

Based on its analysis of foreign and California experience with *droit de suite*, the administrative record of the hearings and written comments, and independent research, the Copyright Office concluded that sufficient economic and copyright policy justification did not exist to establish *droit de suite* in the United States. Moreover, it felt that a detailed study of current empirical data should be made, comparing the remuneration of authors who create many copies to that of artists who create limited or unique works. Further study of resale frequency would also be necessary to determine whether the resale royalty right is the best means to offset this financial disadvantage, particularly if it is not triggered with any frequency within the copyright term.

As evidenced in discussions at the international level, currently there is a great deal of interest in artists' rights, and many countries offer alternative means to improve these rights and discuss their merits in international fora.[27] The United States may want to consider some of these alternatives. For example, the Copyright Office suggested that Congress could improve artists' economic condition by amending the law to give artists a broader public display right.[28] Other alternatives include amending the copyright law to provide a commercial rental right[29] or a compulsory license.[30] Congress might encounter the same kind of difficulty enacting these legislative changes that it has with *droit de suite*. It could, therefore, emulate other countries and encourage artists by increasing federal grants or by increasing funding for purchase of artworks for federal buildings.

Based on its examination of existing *droit de suite* systems, the Copyright Office has suggested guidelines for incorporation of a resale

27. *See supra* notes 20-26.

28. Rather than depending on frequent resales, an atypical occurrence, in order to generate royalties, the Copyright Office's suggestion relies on the typical manner of exploration—public display—to trigger the royalty right. Museums and public art galleries might pay a fee to display works of art publicly.

29. Under existing law, if a work of art is alienated solely by rental, the artist retains the exclusive distribution right. The Copyright Act could be amended to allow the distribution right to survive sale of an artistic work with respect to commercial rental. The owner of the copy would receive the object, while the artist would retain the right to exploit the work by commercial rental. Thus, the owner of the copy would pay the artist a royalty for any commercial rental of the purchased work.

30. Section 109 of the Copyright Act could be amended to provide a compulsory license. Upon payment of the purchase price of a work to an artist and a licensing fee for public display, the owner of a copy would be free to display the work without having to negotiate terms with the artist.

royalty right should Congress determine that federal *droit de suite* legislation is the best way to help artists.

1. *Oversight of the Droit de Suite: Collection and Enforcement*

. . . .

The *droit de suite* has been effectively implemented only in those countries with active and efficient national authors' societies. [Congress should therefore consider collective management of the *droit de suite* through a private authors' rights collecting society. The collection of art resale royalties would be handled on a direct or contractual basis, similar to the collection of musical performance royalties by the American Society of Composers Authors and Publishers and Broadcast Musicians International.]

. . . .

The [Copyright] Office could serve a record-keeping function similar to the arts registry proposed in the Kennedy-Markey bills. Copyright Office records would be available to the artists' rights societies for purposes of collection, enforcement, and distribution. If a resale royalty were adopted in the United States, and particularly if it were extended to include dealer sales, the Office anticipates that a collection system with elements similar to the French or German systems would have the best chance of success.

2. *Types of Sales*

[I]f a resale royalty is enacted in the United States, it should apply initially only to public auction sales. Auction sales are easiest to monitor. Including dealer sales—or even private sales, as proposed in the Waxman and Kennedy-Markey bills—increases the administrative and enforcement challenge.

. . . .

3. *Measuring the Royalty*

Based on the California and European experiences, a flat royalty of between three and five percent on the total gross sales price of the work seems [most] appropriate. . . .[31]

In those countries that have most successfully implemented the *droit de suite*, including France, Germany and Belgium, the resale royalty is measured on the total resale price. Measuring the royalty by the resale price departs from the rationale of allowing artists to participate in an *increase* in value, but is considered simpler and more practical.[32] The difficulty in administering a royalty based on the difference between the purchase price and resale price may explain the law's disuse in countries such as Italy and Czechoslovakia.

. . . .

31. The Copyright Office did not feel a threshold would need to be set if limited to auction sales, since auction houses usually set their own minimum price.

32. Any resale royalty legislation could contain a rebuttable presumption that a work has increased in value between the time of purchase and resale. The purchaser/reseller would have the burden of proving to the collecting society that a work had not appreciated in value and that a royalty was not due.

4. *Term*

A term for the *droit de suite* coextensive with copyright seems appropriate. Under the current copyright law, this is the life of the author plus 50 years. Should the European Community adopt a term for the *droit de suite* of life plus 70 years, there would be justification for similarly extending the term here.

The *droit de suite* would be descendible in a manner analogous to copyright.

5. *Foreign Artists*

The resale royalty should be applied to foreign artists on the basis of reciprocity. This is consistent with the Berne Convention and [also reflects] the general consensus [of the commentators].

6. *Alienability*

The Berne Convention recognizes an inalienable right to the resale royalty. The Office concludes that if a resale royalty is enacted in the United States, it should be inalienable, but transferrable for purposes of assigning collection rights. The Office also suggests that the *droit de suite* be non-waivable. . . .

7. *Types of Works*

The Copyright Office suggests that any *droit de suite* legislation apply to works of visual art as defined in 17 U.S.C. § 101 and in the Visual Artists Rights Act of 1990, with the following exception: For works in limited edition, the Copyright Office would suggest that the statute should fix the number of copies to which the resale royalty would apply at 10 or fewer.

8. *Retroactivity*

The Copyright Office suggests that, if Congress adopts a *droit de suite*, it should make the law prospective only, i.e., effective only as to the resale of eligible works created on or after the date the law becomes effective.[33]

During the past few years, there has been a great deal of interest in the general subject of artists' rights on both the national and international levels. The international community is now focusing on improving artists' rights, including the possibility of harmonization of *droit de suite* within the EC. Countries, such as the United States, that are contemplating a resale royalty will continue to follow developments in the EC with considerable interest. To some extent, there has been a "wait and see" approach. The EC is also interested in what will happen in the United States and Japan. Should the EC succeed in harmonizing existing *droit de suite* laws, the United States may want to take a more careful look at the resale royalty, particularly if the Community decides to extend the royalty to all its member States. The Copyright Office's Resale Royalty Report contains a comprehensive review of the history of *droit de suite*, an analysis of the issues and positions, and a summary of na-

33. RESALE ROYALTY REPORT, *supra* note 7, at 151-155 (footnotes added).

tional and international developments. It can serve as a springboard for Congress to consider any new legislation, or for more intensive study or debate.[34]

34. The RESALE ROYALTY REPORT is available from the U.S. Government Printing Office. Questions on the report may be directed to the Copyright Office.

COMPARISON OF SELECTED *DROIT DE SUITE* LAWS*

Table 1

COUNTRY	WORKS	DURATION	BENEFICIARIES AFTER DEATH	TYPES OF SALE	BASIS FOR DETERMINATION	PERCENTAGE	MINIMUM	TOTAL COLLECTION
FRANCE	Graphic and plastic work	Same as for other economic rights of authors	Spouse for the usufruct, heirs excluding legatees	Sales at auction or by a dealer	Sales price	3%	100 FF (1963 "new" francs)	Approximately $14.5 million US in 1990
GERMANY, FEDERAL REPUBLIC OF	Works of (figurative) art	Same as for other economic rights of authors	Heirs and legatees	Sales at auction or by a dealer	Sales price	5%	100 DM	Approximately $3.6 million US in 1990
BELGIUM	Works such as paintings, sculpture, drawings, engravings	Same as for other economic rights of authors	Heirs and legatees	Sales at action	Sales price	2-6%	1,000 BF	Approximately $144,000 US in 1990
ITALY	Works of (figurative) art in the form of paintings, sculpture, drawings, prints and manuscripts	Same as for other economic rights of authors	Legatees. Absent Testamentary provisions, spouse and legal heirs to the 3rd degree	Public sales at auctions, exhibitions and by court order	Increase in value	1-10% for public sales and 10% or 5% for nonpublic sales	Varies with type of work and type of sale	Not collected

COUNTRY	WORKS	DURATION	BENEFICIARIES AFTER DEATH	TYPES OF SALE	BASIS FOR DETERMINATION	PERCENTAGE	MINIMUM	TOTAL COLLECTION
CALIFORNIA	Paintings, Sculpture, Drawings and works of art in glass	20 years after death	Heirs, Legatees and personal representatives	Sales at auction or by a gallery, dealer, broker, museum, or agent	Sales price	5%	$1,000	Collected intermittently
CZECHOSLOVAKIA	All works	Same as for other economic rights of authors	Spouse and children, then parents	All sales	Increase in value	To be fixed by later law	None	Not collected
URUGUAY	All works	Same as for other economic rights of authors	Heirs and legatees	All sales	Increase in value	25%	None	Not collected
YUGOSLAVIA	Works of figurative art and manuscripts	Same as for other economic rights of authors	Heirs and legatees	All sales	Sales price	To be determined by self administered agreement	None	Not collected

* All of these laws are inalienable. Based on preliminary survey in Fawcett and material provided by ADAGP and Bild-Kunst.