

Boodle
Hatfield.

More than just a passion.

Art Law & More

An abstract painting with thick, textured brushstrokes in shades of yellow, orange, red, and brown. The colors are layered and blended, creating a sense of depth and movement. The texture is very prominent, with visible ridges and valleys in the paint.

“The strength and
experience is
second to none,,

Legal 500 2022

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Welcome

Welcome to the Art Law & More team at Boodle Hatfield. We are proud of our unrivalled pedigree, having given legal advice on art and other luxury assets for 300 years.

Our large but close-knit team sets us apart from our competitors, combining truly expert know-how from across the firm, with pragmatic advice and excellent service.

Our outstanding reputation reflects the experience and expertise that we have accumulated, which helps us to understand the quirks peculiar to the sectors in which our art world clients invest, work and flourish.

Not only do we enjoy helping our clients, but we are also committed to supporting the sectors in which they operate. We have an award-winning blog and dedicated Twitter and Instagram feeds that keep our readers up to date on art law and art market news; we proudly helped to found Mayfair Art Weekend, which brings together over 30 galleries under an informal programme of tours, talks and exhibitions; and our team enjoys providing education and training to the next generation of market professionals at the Courtauld Institute, the Institute of Art & Law, Sotheby's Institute, Christie's Education and other leading art education forums.

This brochure aims to give you an overview of the team's broad expertise and our full-service offering. If you have any issues that you would like to discuss or explore, we would welcome hearing from you.

Simon Fitzpatrick

Head of the Art Law & More Team



Artists & Their Estates

We understand the issues that artists and their families face in planning, managing and administering artists' estates and legacies. Our team looks after artists from a diverse range of disciplines and backgrounds, who use many different mediums to create their art.

We advise on a variety of issues that affect those artists, including copyright, IP and artists' resale rights. We also help to structure and document the sale and commissioning of artists' works, the protection of their rights, and the lending or consignment of their works to private galleries and public exhibitions. We have recently advised an artist on his rights against a gallery that went into administration.

Artists' Estates

Dealing with artists' estates has always been an important part of the work that we do. We help artists to decide how best to safeguard and pass on their artistic legacies, to manage taxation and to provide for their heirs. We understand the unique issues that arise when dealing with artists' estates and we help them navigate what can be daunting terrain. For example, we have been advising a high profile artist on estate planning and setting up a charity which will play an important role in their legacy.



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George Frederick Hatfield Partner 1898 - 1923, Senior Partner 1900 - 1923, by Peter Alexander Hay and exhibited at the Royal Academy in 1920.



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Street Art

As well as advising 'traditional' artists, we are at the forefront of the law in relation to street artists and the ground-breaking legal issues that their art creates.

By way of example, we have acted for a charity that successfully recovered a Banksy mural called "Art Buff" (image overleaf), which had been cut out of a wall in Folkestone, Kent and subsequently appeared on the art market in Miami. You can read more about this particular case on our website and blog. In September 2020, "Art Buff" returned to Folkestone where it was on display as part of 'The Plinth' project for seven weeks.

We also act for several prominent street artists, including claims for breach of copyright for the unauthorised use of their work in advertisements.

“Standout practice,,

Chambers HNW 2020



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Art Buff, Banksy, Folkestone



Auction Houses

The UK art and luxury asset market would not be what it is today without the public platform that the auction houses provide. Our team has an in-depth knowledge of auction law and the issues which auction houses face on a day-to-day basis.

Not only do we act for internationally recognised auction houses, but we have also forged a reputation as champions of consignees who have felt let down by the professional service that they have received.

Acting on both sides of the fence enables us to understand and better appreciate the complexities and commercial sensitivities that arise from auction law.

We have been involved in a number of leading art litigation cases, dealing with claims for negligence and breach of duty against auction houses in relation to works of art by, for example, Titian and Caravaggio. More recently, we have acted in claims for artworks damaged on consignment.



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Our experience enables us to provide unrivalled advice to clients consigning items to auction, including information consignees should provide to the auction house pre-sale, and the importance of providing the auction house with clear instructions, and agreeing the most suitable auction, and price estimate and reserve. Consignees and auction houses welcome our independent appraisal and advice, as it enhances the consignee's understanding of the market and various methods of sale, including auctioneer terms and conditions and guarantees. Where appropriate we work with other art advisers to ensure our clients receive the best possible advice.

As well as acting for consignees and buyers, we also advise auction houses on their terms and conditions (both those used at auction and for private treaty sales) and assist in resolving disputes relating to title, import and export and non-payment of lots.

“Boodle Hatfield should be your first stop for
any art-related dispute,,

Legal 500 2022



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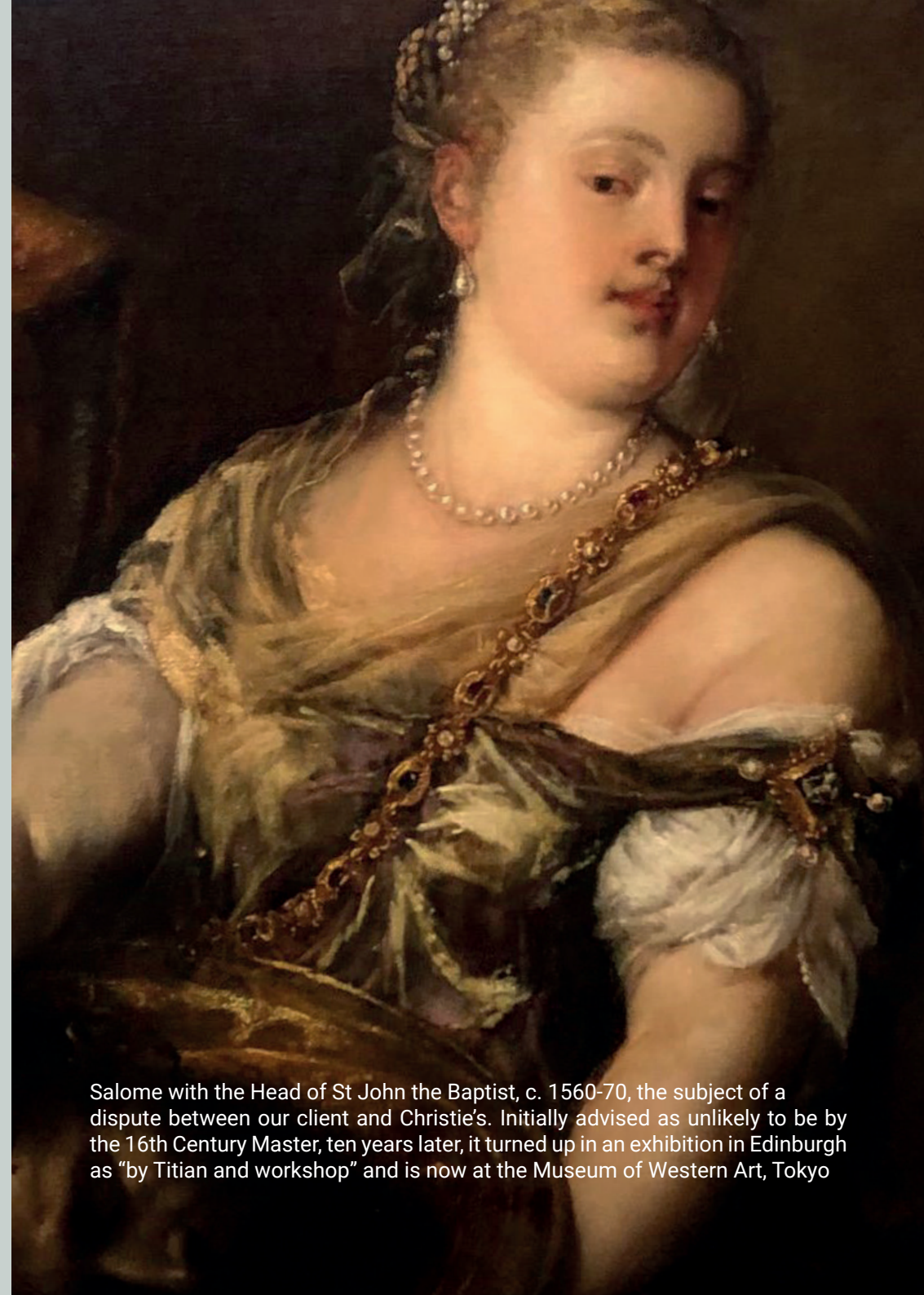


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Salome with the Head of St John the Baptist, c. 1560-70, the subject of a dispute between our client and Christie's. Initially advised as unlikely to be by the 16th Century Master, ten years later, it turned up in an exhibition in Edinburgh as "by Titian and workshop" and is now at the Museum of Western Art, Tokyo



The Cardsharps, Caravaggio, the subject of the case of *Thwaytes v Sotheby's* [2016] 1 All ER 423 considered by the late Sir Denis Mahon and other scholars to be by Caravaggio.



Engraving of the Cardsharps, Giovanni Volpato, 18th Century, said to be of the version of the Cardsharps in the Kimbell Art Museum in Texas, acknowledged as an original Caravaggio.

Collectors & Family Offices

Collecting art is a personal passion and an escape from the monotony of daily routine. In the same way that lawyers can help their clients to buy a new home, instructing a solicitor when buying or selling luxury assets such as art, wine or cars, ensures that what you are buying is what the seller says it is, and that good title is transferred.

When seeking to protect clients and minimise their risks, we draw on our extensive network of contacts, including experts, valuers and institutions, to provide specialist assistance, which complements the pragmatic legal advice that we offer. There has been a significant increase in disputes arising from private art sales, where significant sums have been paid but the artwork was not delivered or the artwork was not as it was represented to be.

We help clients sell and purchase items for their collections, lend artworks to internationally acclaimed exhibitions, resolve misattribution or title disputes between parties, and provide tax efficient solutions to holding their collection, including advice on philanthropy.

We also ensure that plans are put in place to safeguard the future of the artworks, having helped collectors and their families since 1722. We have been advising a family on their large art collection and liaising with advisers to run a complex tender process between the auction houses to obtain bids for selling the collection.



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We understand that Family Offices are as diverse as the needs of families they serve and we tailor our approach to their requirements.

We advise on ways to protect family wealth, including how to guard against financial, legal and reputational risk, and taking preventative measures designed to mitigate the impact of divorce or death. We ensure the transition of wealth and assets from generation to generation is effective, tax efficient and focused on the family's objectives.

We have particular expertise in heritage property, including historic buildings, valuable collections, and items within collections which qualify for conditional exemption claims or the Acceptance in Lieu scheme leading to reduced tax bills. We work closely with leading valuers and institutions to help our clients achieve excellent results.



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Masterclass taught by Professor Vanessa Latache with pianist and former student of The Royal College of Music, Martin Bartlett at the Boodle Hatfield 1722 Club event in 2018.

The Royal College of Music is a conservatoire established by royal charter and located in South Kensington, London. Since its opening in 1883, the RCM has benefitted from the generosity of donors who have enabled its work to grow and flourish to become one of the world's greatest conservatoires.

Private Galleries & Dealers

Mayfair and St James' have long been at the centre of the world's art market, where some of the most breathtaking private deals have been conducted with the utmost discretion, away from the public gaze.

We count ourselves very fortunate to act and advise on private treaty transactions, drafting sales agreements and conducting due diligence into the artworks and their provenance. We advise our clients on the most suitable deal structure for them, considering the risks and rewards in each individual case.

We act for galleries and dealers taking retail premises to ensure that the leases cater for the specific needs and requirements of an art gallery; amending standard clauses which can be ill-suited and potentially problematic.



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We provide employment law advice, including contracts of employment for staff, incentive arrangements for key employees and related tax advice; and we advise on and structure the best exit routes for founders and investors in galleries and dealerships.

If things go wrong, we are called upon to assist galleries and dealers to resolve a variety of disputes. These might include disagreements about authenticity, title, damaged artworks, commission arrangements or breach of contract including non-payment or non-delivery of artworks. We understand the reputational damage that such disputes can inflict upon galleries or dealers and work with our clients to achieve the best possible outcome, often by way of confidential out-of-court settlements.

In 2020/21 we have been providing pro-bono advice to the Royal Academy to support them through the pandemic. This is coordinated by our Associate, Rosie Adcock who undertook a secondment at the Royal Academy throughout 2020.



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THE GARLAND KING (2017), Ben Edge, Oil On Canvas - 75cm X 65cm

Museums, Foundations, Philanthropists & Non-profit

Public enjoyment of art is something to which we are very committed, one example being our sponsorship of and participation in Mayfair Art Weekend.

Our team enjoys relationships with a number of museums, foundations and public institutions, either acting as trustees or through our professional relationships. Some of these organisations include the Royal College of Music, the Arts Council England, the De Morgan Foundation and numerous private foundations and trusts. Our clients include artists, collectors and philanthropists committed to the support of the arts.

In 2018-19, we sponsored the Lost Treasures of Strawberry Hill exhibition, which saw the return of some of the most important masterpieces from Horace Walpole's collection. This was the first time the collection had been reunited since the great sale in 1842, allowing visitors to see Strawberry Hill House as Walpole had conceived it.



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Strawberry Hill House, Twickenham

We regularly advise museums on issues such as their loan documentation (ensuring that it adequately protects both their interests and those of the lender) and Government Indemnity Insurance, whilst also keeping them abreast of other more general changes in the law that might affect them.

In 2020/21 we advised the Herman-De-Stern Foundation, along with the L.A. Mayer Museum for Islamic Art, Jerusalem, on the ground-breaking arrangement brokered by Sotheby's with The Al-Thani Collection Foundation, a non-profit organisation whose core mission is to advance and promote arts and culture.

We act for a number of philanthropic families and individuals who have a passion for the arts and socially responsible activities, and we recognise their significance and importance to our clients. We offer them legal and practical advice on the best way to manage loans, gifts and bequests.

We also assist clients who wish to establish a charitable foundation for the arts, acting as trustees if requested, and giving ongoing advice for the charity's day-to-day management, including assisting with good governance.



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Scarlet Macaw and Blue Fronted Amazon Parrot tile panel, William De Morgan, 1888 - 1897 © De Morgan Foundation

Senior Associate, Becky Shaw is the Non-Executive Director of the Trustee of the De Morgan Foundation, an independent charity set up to safeguard, maintain and make available to the public the De Morgan Collection of paintings, ceramics, and other works of art made by Evelyn De Morgan and William De Morgan and his associates.

Financiers & Investors

The art market has become increasingly commoditised as the headline-grabbing prices soar and more and more new buyers enter the market. Some of these new buyers come from a variety of backgrounds and see the eye-catching returns that others have made.

When acting for investors looking to venture into the luxury asset market, it is important that the structuring of the transaction maximises the tax efficiencies for the client, that extensive due diligence is undertaken into the asset in question, and that third parties are consulted to advise on authenticity, quality and condition.

Financial institutions are also becoming increasingly comfortable in lending against fine art, classic cars and wine, as they look for new lending models that can give healthy returns while seeking to minimise their risk.

Our team has advised financial institutions lending against classic cars, acted for clients looking to raise funds on their art collections, and negotiated bailment terms where a gallery was tasked with holding a mortgaged artwork on behalf of the consignor and lending institution.



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We are at the forefront of new UK legislative reforms that could potentially open up the UK market in terms of luxury asset lending. We previously assisted the Law Commission and worked with other key stakeholders to ensure any changes are robust, progressive and create an opportunity for UK based financial institutions.

In 2020 we advised on a successful application for finance from the Government's coronavirus Future Fund for Cromwell Place, a first of its kind flexible art hub in South Kensington.

“This team is spot on regarding its industry knowledge and has a wealth of experience in this field of law, which make the firm a go-to address for art law”



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Luxury Assets

The luxury market is constantly growing and evolving, as tastes change. As well as advising on wine and classic cars, we help clients purchase and sell yachts, musical instruments, jewellery, handbags and watches and we count ourselves fortunate to be working with these beautiful objects on a daily basis.

Since the 1990s, fine wine has established itself as an attractive, long-term proposition for investors, often through specialist wine funds. Many find wine easier to understand than art or other non-traditional forms of investment and it also carries with it some useful tax advantages.

We are proud to act for Berry Bros. & Rudd, who hold two Royal warrants and have been in business for over 300 years. Their knowledge and understanding of the wine business is second-to-none, and having advised them for almost half a century, our team is acutely aware of the nuances of the fine wine market, the taxation of wine and the considerations that buyers need to take into account to protect themselves.



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The team's classic car expertise has grown from clients who are classic car connoisseurs who love to race and grow their collections. We have since advised on numerous private treaty transactions, and continue to advise collectors, auction houses and dealers on a range of commercial issues affecting classic cars.

We recently advised the Historic Endurance Rally Organisation (HERO) on the transfer of the Endurance Rally Association's (ERA) events programme to HERO and in doing so secured the long-term future of some of the classic car community's best-loved long-distance and endurance rallying events, including the world-famous Peking to Paris Rally and the Road to Saigon rallies.

When clients' issues turn into disputes, we are well placed to understand the peculiarities of the car trade and the difficulties that it can throw up, particularly when it comes to title, botched restorations and breaches of contract.



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Car 22, Stephen and John Ward driving a 1935 Jaguar SS100 in front of Blenheim Palace during the 2016 Royal Automobile Club 1000 Mile Trial, Image courtesy of Historic Endurance Rally Organisation



Digital Assets

Whether NFTs are the future of the art market or a bubble, the continued growth of the phenomenon of minting and selling digital artworks as NFTs means they cannot be ignored.

The rise of NFTs and digital assets has been staggering. It has been reported by NonFungible.com that more than \$2 billion was spent on them during the first quarter of 2021 alone.

The creation, distribution, ownership and trading of NFTs are new phenomena which raise a plethora of legal issues, many of which are ambiguous or unresolved. These issues include copyright, SMART contracts, money laundering, estate and succession planning and taxation. As this new area of the art market develops, our advice will continue to evolve to ensure we can navigate the legal issues raised by NFTs and digital assets for our clients.

“Their reputation for
excellence precedes them”

Chambers HNW 2021



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Outreach

Mayfair Art Weekend

We sponsored the first Brown's London Art Weekend (led by Brown's Hotel) in 2014 and, following its overwhelming success, have participated ever since. Our Partner, Simon Fitzpatrick is on the board. This event provides a unique opportunity for art lovers to explore the capital's greatest private galleries over one weekend during the summer. Rebranded as Mayfair Art Weekend in 2016, the event now includes many new initiatives such as a sculpture trail around Mayfair and three west end "gallery hops" throughout the year.

Education

Our team regularly lectures on art law developments at four of London's most prominent and well respected art education forums: the Courtauld Institute, the Institute for Art & Law, Christie's Education and Sotheby's Institute of Art. We strongly believe in educating the next generation of art market professionals to help them follow best practice and minimise their risks. All our lawyers are members of PAIAM (Professional Advisors to the International Art Market) and Fred Clark is on the PAIAM Committee which represents the younger membership.



Sotheby's
INSTITUTE OF ART

CHRISTIE'S
EDUCATION



Mayfair Art Weekend, Summer 2017, MAW Hub at the Royal Academy Courtyard



Woolwich Contemporary Print Fair

2020 saw the launch of the Boodle Hatfield Printmaking Prize in collaboration with Woolwich Contemporary Print Fair. Fred Clark is on the advisory board for the Fair. As part of our sponsorship, at the launch of the Fair in November 2019, members of the Art Law & More team selected a number of prints for a shortlist, which were marked as being shortlisted for the “Boodle Hatfield Printmaking prize” during the Fair. In February 2020, the shortlisted works were showcased at an event in our office, where the winner was announced. In November 2020, we selected a further ten artists at the virtual edition of Woolwich Contemporary Print Fair for the “Boodle Hatfield Printmaking Prize” 2021.

Street Art Tours

Boodle Hatfield’s commitment to street art and support for such artists is well known having been involved in the famous Banksy mural case in 2014. Throughout 2020 and 2021 we showcased such artists by organising virtual and in person street art tours through some of London’s most famous street art hot spots in Shoreditch.



‘Utpátturdrisur: Westwater Screees’, Sadie Tierney,
Winner of the 2020 Boodle Hatfield Printmaking Prize

Artlawandmore.com

Our award-winning art law blog features all the latest art news and exhibition recommendations, as well as longer articles and opinions from our own legal experts and invited guests.

Founded in January 2015, the blog has proved to be an incredibly successful tool for keeping in touch with our growing readership, and the quality of its content has been recognised by leading brands as an influential digital media outlet.

You can subscribe to the blog to receive notifications of new posts and keep up to date with the latest developments. We also have corresponding Twitter and Instagram pages that link through to our blog.



Street art created by the Art Law & More team and friends as part of the Ultimate Street Art Experience in Shoreditch, 8 July 2021



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