

NOTE on Art Law Conference in Istanbul: November 2019

On 25 November 2019 the IDR Group joined with Istanbul law firm Hergüner Bilgen & Ozeke and SYZ Private Banking in an “Art and Law” atelier. The event was staged at the Esma Sultan Mansion in Istanbul and celebrated Hergüner’s 30th anniversary. Over 180 delegates registered for the three -session event.

The atelier aimed to offer a discussion forum on the salient legal aspects of creating, investing in, managing and displaying works of fine art through the participation of art lovers, collectors of art, specialists, and representatives from art galleries and art museums. The focus was upon physical artworks such as painting, drawing and sculpture, but several speakers touched on issues relating to digital art.

Ümit Hergüner provided an introduction to his firm’s involvement in the arts and a celebration of 30 years since the firm’s establishment. Eric Syz discussed his own modern art collection and the background to its genesis. He also discussed art collections from the perspective of his ownership of a private bank- and so art as an alternative assets class.

The first panel focused upon methods of holding and structuring art collections and the particular challenges raised by this asset class. The four panelists were participants in the world of art inside and outside of Turkey:

- Beral Madra, a curator, discussed the copyright of an artwork, compared it to other European principles, the protections it offers and then went on to discuss the onward sale of the artwork and the legal and financial issues encountered in the process.
- Ferit Meriçten, an art collector, shared how he selects works of art for his collection, how he structures it and discussed the legal and financial issues encountered in the process.
- Moiz Zilberman, a leading gallery owner, covered some of the same issues from the perspective of a gallerist.
- Olgaç Artam, an auctioneer, discussed the issues raised when acting as an intermediary in the buying and selling of art.

The second panel was presented by the IDR Group and considered legal issues encountered in the movement of art pieces; restitution of lost or stolen art and

related dispute resolution mechanisms. The panel was moderated by Prof. Arzu Oğuz, Director of the Intellectual Property Law Research Center of Ankara University. The three panelists discussed the following issues:-

- Tim Maxwell, a UK lawyer from CRS LLP, discussed some of the cases he has been involved in and gave practical examples of issues encountered in the life cycle of a piece of art whether through its storage, transport or cross border transit. He also touched on current hot topics in the recovery and restitution of lost and stolen art including historically notable situations such as the dispute over the Hugh Lane Collection between the governments of the UK and Ireland.
- Rudy Capildeo, a UK lawyer from CRS LLP, developed some of the issues that he has encountered when dealing with transactions for the sale and purchase of works of art. He also discussed differences in the treatment of copyright in the UK and some practical ways of avoiding fakes and forgeries.
- Dr. Serhat Eskiörük, Asst. Professor, Istanbul Altınbaş University Law School and the IDR Group, analysed these issues from a governmental perspective and gave some examples of how disputed artworks have been dealt with in Turkey. He also covered the available dispute resolution methods under Turkish law.

Anthony Connerty, IDR Group, submitted a Paper on the demands for the return of national treasures and methods for dealing with the settlement of art-related conflicts by dispute resolution systems such as mediation and arbitration.

There was then a general discussion as to the merits and drawbacks of dispute resolution and how ADR can assist in the art world. Specific concerns were discussed as to the environment offered by mediation, arbitration and litigation.

The third panel was moderated by Kayra Üçer, managing partner of Herguner, Bilgen & Ozeke.

This panel discussed issues from the perspective of leaders in the field of galleries and museums; how such collections are built and how they are preserved. This led on to a general discussion of legal protections available to minimize issues for heirs or those who manage the collection.

The panel comprised:-

- Haldun Dostoğlu, an art collector and financier, who discussed commercial considerations around galleries acquiring art for display or sale purposes.

- Ayda Elgiz Gürel and Saruhan Doğan discussed this from their perspective as art lovers and also leading museum owner or operators.
- Nicholas Syz discussed the role of financing in the acquisition of works of art, how not to disregard the potential role of works of art and collections of works of art as pieces of collateral in obtaining financing for other businesses of their owners while highlighting the legal and financial issues of such a process.

The IDR Group was delighted to join with Ümit Hergüner and Eric Syz in staging a conference dealing with the increasingly important area of Art Law.



ART and LAW

Save the Date

“Syz Private Banking, Geneva” and “Hergüner Bilgen Özeke Attorney Partnership, Istanbul”, would be honored by your attendance at the “**ART and LAW**” event to be held with the contribution of “THE IDR GROUP[®], London”.

Monday, November 25th, Esma Sultan Mansion
13.30-18.00 Panels | 18.00-20.00 Reception

RSVP: +90 543 427 9567 - artandlawevent@toles.com.tr
This invitation is valid for the named recipient and is non-transferable.

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30
YEARS