

Rodin Museum Study Day

Moral Rights in the Serial Arts

Friday, October 18, 2019, Paris, Auditorium of the Rodin Museum

While economic rights no longer subsist in the works of Rodin, their use remains subject to the requirements of moral rights. This specific element of French copyright law requires the perpetual protection of the creator's attribution rights, as well as the protection of the integrity of the work. Our study day will be dedicated to this fascinating aspect of authors' rights, in its French and international incarnations, in order to explore the potential contribution of moral rights to the protection of Rodin's legacy from threats to its authenticity, and from piracy, for the benefit of the public. Among the topics that will be discussed, our expert speakers will address diverse aspects of moral rights protection for the visual arts from French, European, and international perspectives.

The three gifts of the entirety of his works made by Rodin to the French state in 1916, as well as article 10 of the French law of 26 June 1918 and the decree of 12 March 1919, define the context for the ongoing exercise of the authors' rights in Rodin's works.

Subsequently, the goals and right-holder status of the Rodin Museum were specified by the decree of 2 February 1993, consolidated version of 7 December 2005, which provides directly in its Article 2 that the mandate of the Rodin Museum is to make Rodin's work known, and to ensure that the moral rights attached to it are respected.

These different texts bear the imprint of the artist's will, which expresses itself [through time], and their primary purpose is clearly the communication, protection, and dissemination of the artist's work – and all of this, in direct echo [reflection] of the propositions that he was able to formulate for the attention of future generations.

The *moral right* is one of the major components of authors' rights. The exercise of the moral right, as it is defined by articles L121-1 to L121-9 [of the French Intellectual Property Code], includes the right of respect for the work, the right of withdrawal, and the right of paternity, as well as the right of disclosure [of the work]. The moral right, recognized by the Berne Convention, has, in France, an altogether unique significance. Nevertheless, it is possible to envisage [linkages] between some aspects of the French moral right and selected provisions in other legislation.

The exercise of the moral right – or, rather, of “moral rights” – is unlimited in time, and their perpetual character stands in contrast to the economic rights that constitute the other branch of authors' [copyright], including the right of communication to the public and the right of reproduction, as well as the artist's resale right (*droit de suite*). These economic rights terminate as soon as the work falls into the public domain, which happened to Rodin's work[s] in 1982.

As repository of the moral right, the Rodin Museum is often referenced in jurisprudence involving moral rights. The Museum must constantly adapt to the evolution of counterfeiting practices, and to globalization. For these reasons, it has entrusted an expert in art law, Professor Mira T. Sundara Rajan, with the programming of a study day entirely consecrated to this subject, which it is happy to organize in partnership with the ESSEC Business School.

Scientific Committee:

Catherine Chevillot, Director of the Rodin Museum, conservateur general du Patrimoine

Huges Herpin, Head of Department of Strategic Affairs and Events at the Rodin Museum

Veronika Korom, Assistant Professor, Law Department, ESSEC Business School

Véronique Matiussi, Head of Research at the Rodin Museum

Mira T. Sundara Rajan, Expert in Copyright and Art Law