

Screening meeting  
acquis communautaire  
Brussels, 6-7 February 2006

**CHAPTER 7 : INTELLECTUAL PROPERTY**  
**COUNCIL DIRECTIVE 2001/84/EC ON**  
**RESALE RIGHT**

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## **The resale right entitles :**

- authors of graphic and plastic art
- to receive a royalty based on the sale price
- for any resale of the work subsequent to the first transfer of the work by the author
- when the resale involves a dealer in works of art

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## Works of art concerned

- Works of art of graphic and plastic art such as paintings, drawings, engravings, sculptures, tapestries, photographs (this list is not exhaustive)
- Original works or copies which have been made in limited numbers by the artist himself or under his authority

## Payment of the resale right

- The royalty shall be payable by the seller
- Member States may provide that the dealer of arts involved shall alone be liable for the payment or shall share liability with the seller for the payment of the royalty

## Calculation of the resale price

- Member States shall set up a minimum sale price from which the sales shall be subject to resale right which must not exceed 3000 Euros.
- The sale price is net of tax
- The royalty shall be calculated according to rates set up by the Directive (4% to 0,25%).
- The amount of the royalty cannot exceed 12 500 Euros

## **BENEFICIARIES OF THE RESALE RIGHT**

- The royalty shall be payable to the author or, after his death, to those entitled under him/her, for 70 years.
- The author or those entitled under him/ her have the right to obtain information from the art market dealer about a resale, for a period of 3 years after it has taken place

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- Member States shall decide whether authors can manage their resale right on an individual basis or through a collecting society,
- Authors who are nationals of third countries shall benefit of the resale right if the legislation in their country permits resale right protection for authors from Member States (reciprocity)