

Forgeries: Civil & Criminal Issues

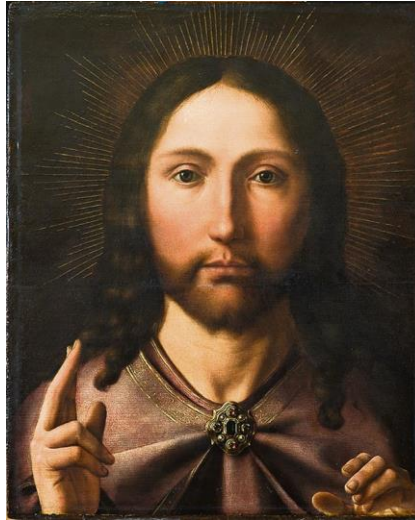
Amanda Gray
Mishcon de Reya

'I paint pastiches - not forgeries'



Is there an issue? Is the work:

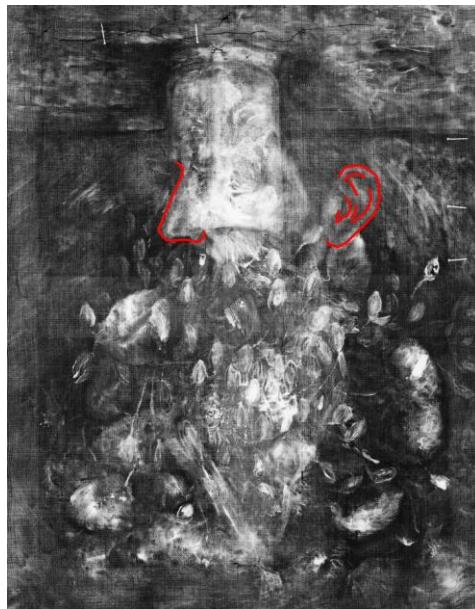
- Misattributed?
 - School of...
 - Follower of...
- A forgery?
- A copy or homage?
- A pastiche?



FORGERY: CIVIL AND CRIMINAL ISSUES

Mishcon de Reya

| Christie's | Sotheby's | Bonhams |
|---|---|--|
| 5 year authenticity guarantee | 5 year authenticity guarantee | No 5 year authenticity guarantee |
| No definition of forgery or counterfeit | Counterfeit defined: <i>A lot that in Sotheby's reasonable opinion is an imitation created to deceive as to authorship, origin, date, age, period, culture or source, where the correct description of such matters is not reflected by the description in the catalogue</i> | Forgery defined: <i>An imitation intended by the maker or any other person to deceive as to authorship, attribution, origin, authenticity, style, date, age, period, provenance, culture, source or composition, which at the date of the Sale had a value materially less than it would have had if the Lot had not been such an imitation, and which is not stated to be such an imitation in any description of the Lot.</i> |



Following an examination of the canvas, ground layer, pigments and style, as well as stylistic and art historical research, the Van Gogh Museum in Amsterdam recently confirmed a hidden image of a portrait beneath the surface, which has been authenticated as a Van Gogh.



- A still life painting at the Fine Arts Museums of San Francisco was previously dismissed by many experts as a fake Van Gogh
- The painting has recently been accepted by experts as an authentic Van Gogh
- The Van Gogh Museum have dated the painting to the autumn of 1886.



Civil

- Breach of contract – authenticity warranties
- Misrepresentation – innocent & fraudulent
- Implied terms under the Sale of Goods Act 1979 – description and quality

Criminal

- Forgery and Counterfeiting Act 1981 – false instrument with intent
- Fraud Act 2006
- Proceeds of Crime Act 2002
- Conspiracy to Defraud – Common law offence – forgery rings

Myatt and Drewe

- Over 200 Impressionist and Cubist works forged using emulsion paint rather than oil, and forged provenance



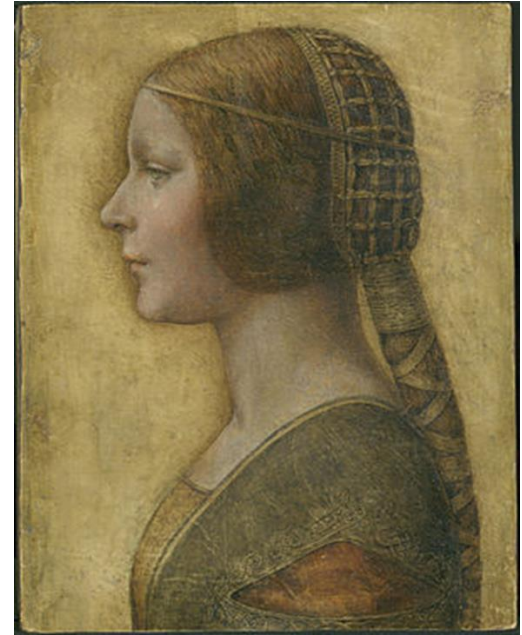
THE ARTFUL CODGERS

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