



Droit de suite: Forgotten Corner of the Copyright Canvas

January 16, 2012 by Bob Tarantino

The good folks at the Lawyers Weekly have published a short commentary of mine on the introduction in Canada of a droit de suite (or resale right) for visual artists. The article can be found in its entirety here, and here is a brief excerpt:

In an age when the challenges of digital technology dominate copyright reform discussions, the world of auctioneers and brushstrokes may seem quaint. But there is an issue among Canadian visual artists that is just as crucial as digital downloads: The lack of a droit de suite, entitling artists to a share of revenues when their art is sold, leaves Canada out of step with many peer countries.

A droit de suite entitlement may at first appear to be not even a copyright issue, since no “copying” is involved in a sale of art. However, s. 3(1)(g) of the Copyright Act already takes special account of works of visual art by granting artists the exclusive right to control public exhibition of their works, which also does not entail making any copies.

There have been a few recent discussions at other forums about droit de suite / resale rights in other jurisdictions which I thought worth highlighting:

- [UK droit de suite comes into law](#)
- [All You Need to Know About the Right of Resale Lawsuits](#)
- [Droit de suite: Lobbying for Resale Rights in the United States](#)
- [California Resale Royalties Act](#)

For previous Signal discussion on the droit de suite, see here.

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