

# Visual Artist's Rights Act of 1990\*

- I. Protects Artist's Moral Rights
  - a. Attribution
  - b. Integrity (including preventing modification/destruction)
  - c. These rights are separate from ownership and extend after transfer of ownership
  - d. **Last for 50 years after the death of the artist**
  
- II. Works that are protected
  - a. Painting, Drawings, Print, Sculpture, Photographs (created for exhibition purposes)
  - b. One copy or a limited edition of no more than 200
  - c. Artist *or* work "of recognized stature" (which can evolve over time)
  
- III. Remedies
  - a. If a work can be removed w/o damage, notify artist and provide time for removal
  - b. If damaged
    - i. Actual monetary damages including and profits resulting from infringement of attribution rights
    - ii. Statutory damages \$750-30,000 per work
    - iii. Up to \$150,00 per work for knowingly violating artist's rights
    - iv. Attorney fees
    - v. Equitable remedies including injunctions, impoundment & destruction
  
- IV. Waivers – these rights may be waived, in writing and the waiver language should be explicit

\*Visual Artists Rights Act ("VARA"), Pub. L. No.101-650, tit. VI, 104 Stat.5128 (1990) (codified in part in 17 U.S.C.§§ 101, 106A, 107, 113, 301, 411, 412, 501,506 (1994)).