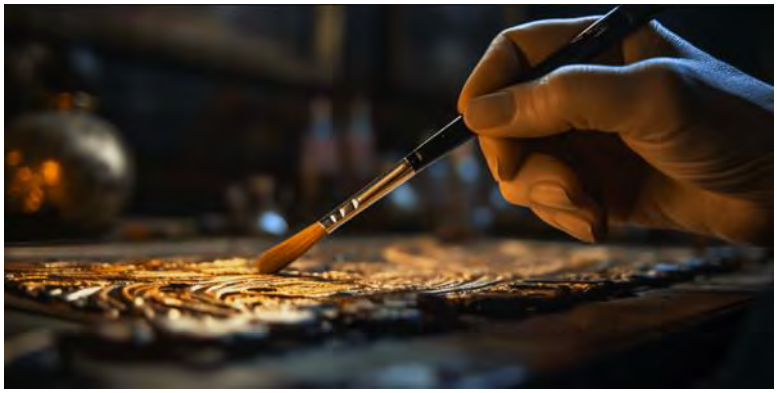
The Art of the Fraud: Copies, Fakes, Forgeries, Counterfeits, Homages and Replicas: Why Are So Many Art Frauds Never Prosecuted and Why Are Fraudsters Celebrated?



by
Prof. Steven Gallagher,
Professor of Practice in Law,
Associate Dean
(Academic & Student Affairs),
The Faculty of Law,
The Chinese University of Hong Kong

Steven Gallagher was awarded a first class LL.B. He was called to the Bar of England and Wales in 2006. Steven teaches equity and trusts, property law, and a course on art, antiquities, cultural heritage and the law. In September 2023, Steven began teaching a new course on digital technology and law. Steven has presented over 200 continuing professional development courses for solicitors in Hong Kong on many topics associated with property. Steven's research interests include equity and the law of trusts, cultural heritage law, Chinese custom and law, and legal history. In 2023, Steven published a textbook on Digital Technology and Law. He is not a technologist.

In 2011, one of the world's most renowned art dealerships, M. Knoedler & Co., based in New York City, was forced to close its doors. This was in consequence of the story breaking that the Gallery had been selling fake artworks, attributed to some of the world's most famous and expensive artists, including Jackson Pollock and Mark Rothko. Subsequently, there were high profile attempts to bring civil and criminal actions against the Gallery, its officers, those who had sold the paintings to the gallery, and the artist who created the fakes. The only person to go to prison was the art dealer who sold the paintings to the Gallery, Glafira Rosales, who pleaded guilty and served three months in prison for wire fraud, money laundering, and tax evasion. For her conviction for the fraud she was sentenced to nine months' house arrest and three years' probation. A relatively light sentence when the fraud was for over US$80 million. The artist, who admitted creating the imitation works, Pei-Shen Qian, was indicted but fled to China, where he now has a studio.

The PROFECTIONAL Company®
Professional Services to the Perfection
Telephone: **+852 3118 2371** | Facsimile: **+852 3118 2372**
Email: **info@profectional.com** | Website: **http://www.profectional.com**
Address: **P.O. Box 9993, General Post Office, Hong Kong**

KORNERSTONE
Training. Makes a difference.
Telephone: **+852 2116 3328** | Facsimile: **+852 2116 3571**
Email: **enquiry@kornerstone.com** | Website: **http://www.kornerstone.com**
Address: **15/F, Hip Shing Hong Centre,**
55 Des Voeux Road Central, Central, Hong Kong

This three-hour seminar will consider the difficulties in bringing civil and criminal actions against those involved in art frauds. The topics include the issues in deciding if an artwork is an original or a copy, a tribute, a fake, and/or a fraud. The seminar will consider the civil actions that may be pursued and the possible remedies that may be available to a successful plaintiff. The seminar will then consider the criminal actions that may be brought, and why they are often difficult to establish, especially against the artists who create the artworks. The seminar will consider some of the most famous cases which have been brought to trial involving fake artworks and why, often, these have seen the artists involved being relatively lightly punished if they are found guilty. We will also consider why these artists are often treated as the "royalty" of art crime, achieving fame and fortune after their exploits have been publicized, with published books about their lives, television shows and feature films, and their works, previously ignored or ridiculed, now collectible in their own right. This "royalty" of art "crime" includes Han van Meegeren, Eric Hebborn, Tom Keating, Elmyr de Hory, Tony Tetro, Wolfgang Beltracchi, Shaun Greenhalgh and Pei-Shen Qian; although, for clarification, a number of these artists have never been convicted of any crime. The seminar will conclude by considering how solicitors may assist their clients in avoiding buying fake artworks, if the client does not want to buy a fake.

Some of the topics considered in this seminar will be:

- Differentiating copies, homages, replicas, fakes, forgeries, and counterfeits;
- The civil actions that may be maintained involving fakes and copies of artworks;
- The crimes that may be committed using fakes and copies of artworks;
- Why so many art frauds are never prosecuted and why fraudsters are celebrated;
- Case studies of civil and criminal actions involving the "royalty" of art crime, their fakes and copies of artworks;
- Technology and fake art;
- How to advise collectors and investors to avoid fakes and copies of artworks, if they want to avoid them.

Scan to Calendar

Code:	**EVT000000443**	Level:	**Intermediate**
Date:	**4 October 2024 (Friday)**	Language:	**English**
Time:	**14:30 - 17:45** (Reception starts at 14:00)	Accreditation(s):	**LSHK 3.0 CPD Points**
Venue:	*Option of:* (1) **Online** via Zoom; *or* (2) **Kornerstone Institute** 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	**Please Contact Us for Details**

The PROFECTIONAL Company®
Professional Services to the Perfection
Telephone: **+852 3118 2371** | Facsimile: **+852 3118 2372**
Email: **info@profectional.com** | Website: **http://www.profectional.com**
Address: **P.O. Box 9993, General Post Office, Hong Kong**

KORNERSTONE
Training. Makes a difference.
Telephone: **+852 2116 3328** | Facsimile: **+852 2116 3571**
Email: **enquiry@kornerstone.com** | Website: **http://www.kornerstone.com**
Address: **15/F, Hip Shing Hong Centre,**
55 Des Voeux Road Central, Central, Hong Kong