

Resale Royalty Rights

What is the resale royalty right? ▼

The resale royalty right is a statutory claim to a share of the proceeds from resale of a work of art, if an art dealer is involved as purchaser, vendor or agent.

What is the wording of the text of Art. 26 UrhG Resale Royalty Right? ▼

http://www.gesetze-im-internet.de/urhg/_26.html

What is the purpose of the resale royalty right? ▼

The intention is to involve artists in the increase in value of their works of art, when they are resold in the art trade. With this royalty, the lawmakers are confirming the enormous significance of creative work to society and so giving credit to the individual author for what they have accomplished.

How do I as an artist obtain remuneration for the resale royalty right, if works are resold in Germany, but for example also in other European countries? ▼

The easiest way is to become a member of a collecting society. In Germany this is VG Bild-Kunst. As collecting societies have good relations with each other, they also administer the rights of members in other countries.

Who pays for the resale royalty right? ▼

Galleries, art dealers, auctioneers, i.e. those who are commercially involved in the resale of works of art. Works resold between private persons are not affected by the resale royalty right.

How and when do artists and right holders obtain the money raised by the art trade? ▼

VG Bild-Kunst charges the art trade for the shares from the resale royalty right and then pays the amounts collected to artists and heirs once a year.

What administrative costs do I pay as a member in return for VG BILD-KUNST collecting the resale royalty for me? ▼

The administrative cost rate is currently 12 per cent. We pass on the shares collected by our foreign [sister societies](#) for the resale royalty right, without deducting our own costs.

How does the remuneration for the resale royalty right reach artists or right holders, if they do not want to conclude a membership agreement with a collecting society? ▼

If the resale price of the work is known, an invoice can be made out to the art dealer. However, in Germany, only VG Bild-Kunst has a general right to information from the art trade about the resale of works of art subject to the resale royalty right.

What must I do as a gallery owner, art dealer or auctioneer, if I have resold works by artists who are members of VG Bild-Kunst? ▼

VG Bild-Kunst collects information about the resale of works of its members in the art market and once a year it sends out a request for information to gallery owners, art dealers and auctioneers. The resellers of works of art then have to reveal from which artists they have resold works and at what price. VG BILD-Kunst will send you an invoice for the shares of resale royalty rights incurred. Art dealers and gallery owners can, if they wish and if it is beneficial for them, pay a lump sum to cover the resale royalty right and contributions to the social security funds for artists ([Künstlersozialkasse](#)); in this case they must join the Ausgleichsvereinigung Kunst association. Auction houses and picture wholesalers can benefit from becoming members of this association, as it handles the obligations to provide information and make payments without bureaucratic red tape.
