

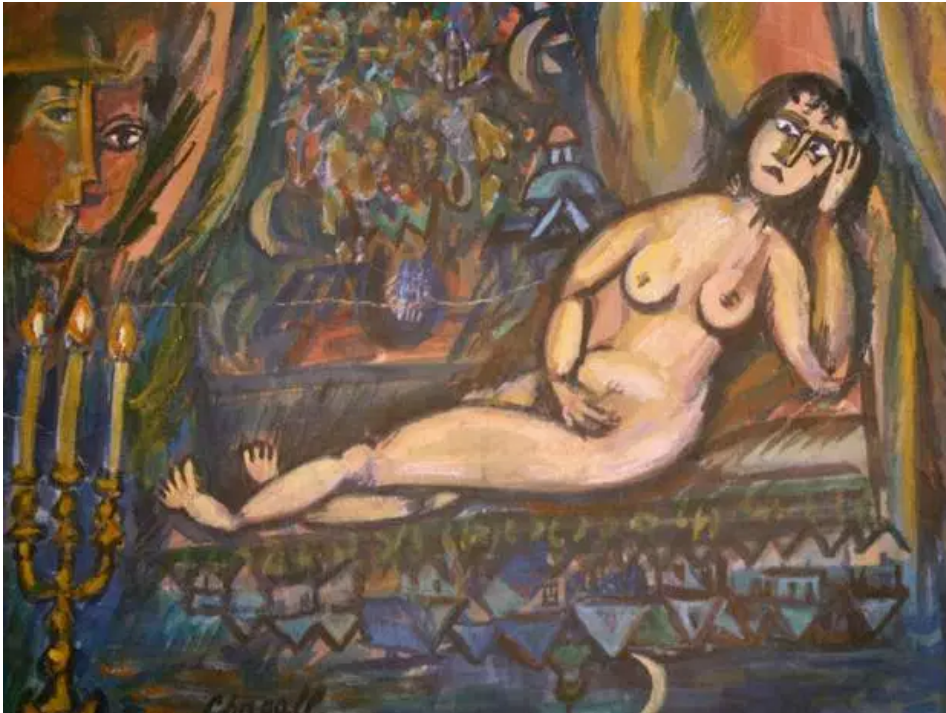
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British art collector sends painting to France to determine authenticity: French committee decides to burn it



SYLVIA HUI, THE ASSOCIATED PRESS | February 4, 2014 10:32 AM ET
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In this handout photograph made available by Martin Lang in London Monday, Feb. 3, 2014, a painting owned by him is seen.

AP Photo/Martin Lang

LONDON — When British collector Martin Lang submitted one of his paintings to a French committee, he was hoping to find out if it was an authentic work by Marc Chagall.

But not only did the Chagall Committee declare the painting a forgery, it said Lang's painting should be burned under strict French laws that protect artists' works.

Lang, 63, said Monday he was frustrated with the decision but he still hopes the painting will be returned to him. Describing his shock at the ruling, Lang said: "It was just total disbelief that they would want to destroy it."

"I'm not attacking the committee — I just want them to please reconsider. They could just mark it unoriginal and send it back," he told The Associated Press.

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The businessman bought the watercolour of a reclining nude woman for 100,000 pounds in 1992 from a London-based art consultant. The work was not authenticated, but it was believed to be a Chagall dating from around 1909 to 1910.

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surfaced in Russia after the 1991 fall of the Soviet Union and was offered to Lang at a fraction of its value.

The painting was eventually sent to the Chagall Committee in Paris for a final ruling. The committee ruled in favor of the artist's grandchildren to protect his legacy — ruled it was a fake and said it would be destroyed under the law.

Lang said he did not understand why art collectors like him should be punished for forgeries.

“It seems to be dissuading honest people from coming forward to have their art verified. It seems to me that the law is being used against collectors,” Lang, a property developer from the northern city of Leeds, told the BBC.

The Chagall Committee declined to discuss the case Monday.

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But one expert, Francois Duret-Robert, author of “The Law of the Art Market,” said that the destruction of a counterfeit painting is not only legal in France but expected. He said an artist's heirs have the right in France to destroy a work that is officially deemed counterfeit under what is called “the moral law of the artist.”

“You could say that a forgery is an infringement on an artist's work,” Duret-Robert explained, adding that French law is possibly the world's strictest when it comes to protecting the works of painters and sculptors.

A judge ruling on the case could decide upon other options, however, including clearly erasing the forged signature and marking the work as counterfeit or passing it along to a museum to help detect future forgeries.

Most committees judging artworks for authenticity ask the owner to sign a contract acknowledging they understand that their possessions could be destroyed if declared a forgery, said Pierre Valentin, a lawyer specializing in advising art collectors.

But in Lang's case, the Chagall Committee apparently didn't make that clear, he said.

“Some contracts are more explicit. I haven't seen this contract, but the paragraph was read to me and it's not at all explicit,” said Valentin, a London-based lawyer at the firm Constantine Cannon. “That's really naughty. It should be absolutely clear.”

Similar cases in the past suggest that Lang stands a slim chance of getting his painting back.

Two owners who submitted art thought to be by Joan Miro to the Miro Committee in Paris sued when their artwork was destroyed but both lost their cases, Valentin said.

Chagall, who died in 1985, was one of the most influential modernist painters and his work often sells for millions of dollars.

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