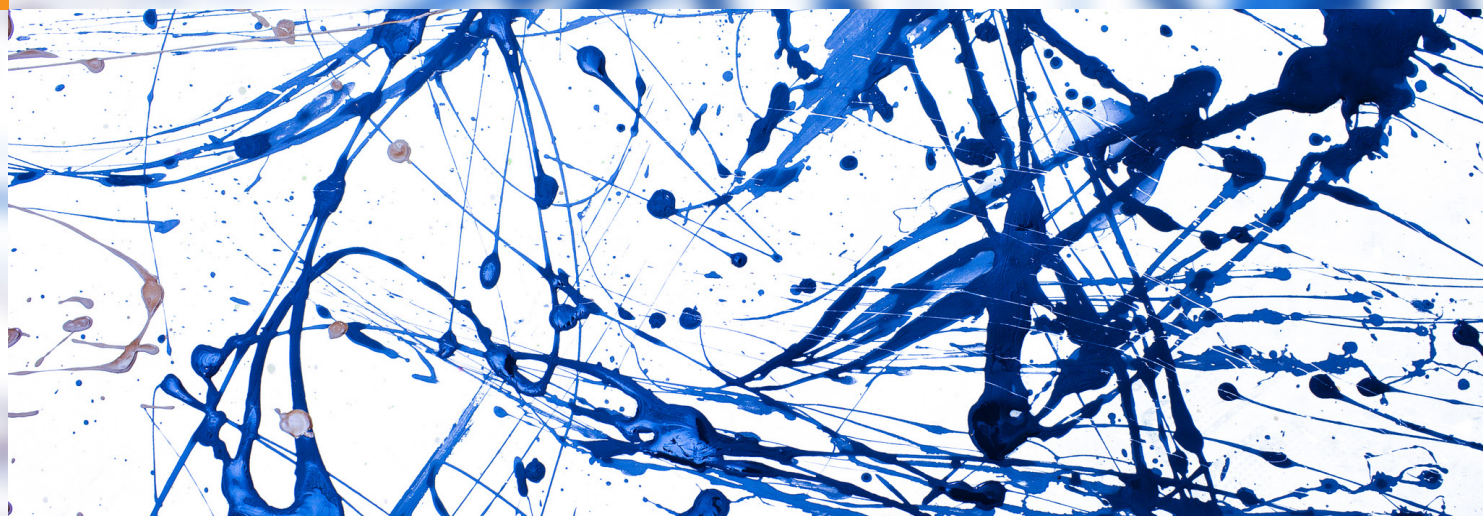


Art Law



How we help

Deacons has extensive experience assisting high net worth individuals, galleries, auction houses, and cultural institutions in buying, selling, and holding art and cultural property. We represent many collectors, artists, dealers, agents, auction houses, galleries, museums, banks and charitable foundations, in both contentious and non-contentious art matters.

Our clients can rely on us for high quality, pragmatic and comprehensive legal advice and deep understanding of market knowledge on every aspect within the art arena.

Who we are

Deacons is Hong Kong's own world-class law firm, and one of the region's leaders in the area of art and cultural properties.

The largest full-service independent law firm in Hong Kong, we are also the longest established. Since 1851 we have been developing our unique culture, which blends traditional client care with modern technology and working practices. Our integrity and dedication to the highest service standards is matched by our cosmopolitan attitude and commitment to innovation.

Our aim is always to understand our clients and their time pressures, and to act as 'trusted advisors' in helping them to take crucial decisions.

Operating from four offices in mainland China, as well as our Hong Kong headquarters, we offer clients top quality advice to support their strategic business or personal needs. Our close relationships with Hong Kong's business community, built up over many years, are also a key benefit of partnering with us.



What we do

Our multidisciplinary practice can help you with everything from acquisition and disposal of collectables, financing and lending of artworks, protection of copyrights, consignment and commercial agreements to tax and estate planning, charitable donations, and disputes over authenticity and ownership of title.

Our range of services includes:

Sale and purchase of art and cultural property

Deacons has amassed considerable experiences in art and cultural property transactions, both cross-border and domestic. We advise on the full range of issues that may arise from art transactions including due diligence in art acquisitions, the drafting and review of sale and purchase agreements including matters relating to warranties specific to art transactions, consignment agreement, anti-money laundering and terrorist financing compliance reviews, import / export restrictions and other regulatory and compliance advice. Whether it's the most expensive fine art transaction or well-known international art fair, we are dedicated to provide advice that is practical, timely and comprehensive tailored to your priorities and concerns.

Finance

Our Banking and Finance as well as Financial Services Practice Groups advise on all aspects of art financing, including:

- Loans financed by art as collateral.
- Collateral storage and management arrangements.
- Establishment of art funds, and capital raising by such funds.
- Loans to auction houses and galleries, whether unsecured or secured.
- Advice on know your client and anti-money laundering requirements.
- Advice on payment systems and methods.

Tax and trusts

Hong Kong is a free port with a unique history of exposure to the Far East region, making this city one of the premier destinations for the art trade in the world. Careful structuring is, however, required in order to maximise the advantages of Hong Kong's territorial tax regime for those seeking to buy, sell, or hold art and cultural property in Hong Kong, which very attractive tax planning opportunities. Our experienced tax team will assist you in the optimal structuring of transactions relating to art and cultural property, and advise you in establishing appropriate structures for the holding and management of an art portfolio, both for your current purposes and in order to enable you to structure your collection for the benefit of future generations.

IP

Deacons' long-established IP practice provides comprehensive legal advice in relation to all IP issues including trade marks, patents and designs, copyright, infringement, enforcement and litigation, commercial IP, internet, social media and e-business issues, advertising and media and entertainment. Copyright law is the foundation of any creative industry and the art business can raise particularly complex intellectual property issues. In the unique art market, disputes over ownership, copyright and authenticity are particularly common and we can advise established artists and emerging talents, auction houses, galleries, museums, investors and collectors on issues relating to ownership, moral rights and the authentication of works of art, public artworks, protection of relevant intellectual property, acquisition and commercialization of art works, and disputes relating to commissioned works, derivative works, infringement and fair dealing.

Litigation and dispute resolution

Our highly experienced and market-leading litigation and dispute resolution team is ready to assist on all matters relating to the sale and purchase, authenticity, and recovery and enforcement with respect to art and cultural property. We have a strong track record of acting for buyers and owners of art in actions for the recovery of property and the assertion of title, and in advising buyers, vendors, and auction houses on the enforcement of their rights in the event of commercial disputes. Our experience extends to chancery and trusts dispute resolution, including advising on contentious trusts and the allocation of family assets in the event of a death or divorce.

What we've done

We have a long track record of success across the field. Our wide-ranging experience includes:

- Advised on the importation into Hong Kong and holding structure of a Stradivarius violin.
- Advised on the holding of a portfolio of contemporary Chinese art.
- Advised on the importation of an antique ivory table following a dispute with the Agriculture, Fisheries and Conservation Department.
- Advised on the establishment of a charity for the promotion of art and artistic education in Hong Kong and the Greater China region.
- Advising an auction house and drafting all their contracts with clients and owners of art items.
- Advising on establishment of an art fund.
- Advising an auction house on its loan facility.
- Advising on IP ownership and licensing issues relating to a travelling exhibition of textile, installation and audio-visual art.

Whatever the area, you can rest assured that we will have the right person to help you. At Deacons, you're in safe hands.

Want to know more?

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