Beach Stop © Alex Katz
VAGA at Artists Rights Society (ARS), NY

The Art of Giving
Art Law & Philanthropy
L'art de donner
Droit de l'art et philanthropie

17 October 2019, 8:15-18:00
Maison des Fondations
Auditoire Louis-Jeantet, Route de Florissant 77, 1206 Geneva

FDA fondation pour le droit de l'art art law foundation

UNIVERSITÉ DE GENÈVE
FACULTÉ DE DROIT
Centre du droit de l'art

UNIVERSITÉ DE GENÈVE
CENTRE EN PHILANTHROPIE

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The Art of Giving - Art Law & Philanthropy

L'art de donner - Droit de l'art et philanthropie

Art Law Foundation, Art-Law Centre & the Geneva Centre for Philanthropy
Bilingual French and English

17 October 2019, 8:15-18:00

The annual conference of the Art Law Foundation (ALF) and the Centre for Art Law (CDA), organised in partnership with the Centre for Philanthropy of the University of Geneva (GCP), will focus on the topic of philanthropy and art. More precisely, this conference will be divided into four themes: art philanthropists, giving to museums philanthropic structures and art foundations. It aims to study the sociological, cultural, tax and economic incentives of philanthropy and patronage for individuals and companies. Moreover, leading specialists will analyse the risks and success factors of philanthropic structures, the limits of succession law and the management of an artist's estate, as well as the evolution of a donation and the contractual obligations of museums.

La conférence annuelle de la Fondation pour le droit de l'art (FDA) et du Centre du droit de l'art (CDA), organisée en partenariat avec le Centre en philanthropie de l'Université de Genève (GCP), se consacrera au thème de la philanthropie et l'art. Plus précisément, ce colloque s'articulera autour de quatre thématiques : les philanthropes dans le domaine de l'art, les donations aux musées, les structures philanthropiques et les fondations artistiques. Il visera à étudier les incitatifs sociologiques, culturels, fiscaux et économiques de la philanthropie et du mécénat des personnes privées et des entreprises. Par ailleurs, d'éminents spécialistes analyseront les risques et facteurs de réussite des structures philanthropiques, les limites successorales et la gestion d'une succession d'artiste, ou encore l'évolution d'une donation et les obligations contractuelles des musées.

8:15 Welcoming of the participants

8:45 **Introduction**
Professor Bénédict Foëx, Dean, University of Geneva Law School
Art Law Foundation (ALF) and the Art-Law Centre (ALC) / Centre for Philanthropy of the University of Geneva (GCP)

9:00 **Art philanthropists**
This panel introduces this conference by answering the fundamental question of why so many people decide to give to art-related charities. It examines the motivations behind giving to the arts sector and the emotions that are triggered by such (altruistic) behavior. This panel also addresses the role of patrons in an artist's career from an art historical perspective and through the lens of two art philanthropists.

Moderator: Philippe Bertherat, Chairman of the FONDAMCO

9:10 **Emotions and philanthropic giving in the arts sector**
Professor David Sander, Head of the Swiss Center for Affective Sciences (CISA), University of Geneva

9:25 **Freedom or coercion? The relationships between Johannes Vermeer and his patron, Pieter Claesz. van Ruijven**
Professor Jan Blanc, Dean of the Faculty of Humanities, University of Geneva

9:40 **Testimonial of an art patron and founder of a museum**
Grazyna Kulczyk, Head of Muzeum Susch, Engadin, philanthropist and art collector

9:55 **What purpose should be given to a philanthropist's collection?**
Professor Peter Nobel, philanthropist and collector, Attorney-at-law, Nobel & Hug, Zürich

10:15 Discussion and coffee

11:00 **Giving to Museums**
A frequent example of philanthropy is giving to museums. This practical example will serve as an illustration of why and how art patrons give and will show some of the specific legal issues connected to this topic.

Moderator: Professor Marc-André Renold, holder of the UNESCO Chair in international Law of Cultural Property and Director of the Art-Law Centre, University of Geneva

11:10 **Contracts with museums: donations and loans; the evolution and duration of a gift**
Professor Luc Thévenoz, Head of the Centre for Banking and Financial Law, University of Geneva

11:30 **Round table**
. Bernard Fibicher, Director of MCBA (Musée Cantonal des beaux-arts), Lausanne
. Tobia Bezzola, Director of MASILugano (Museo d'Arte della Svizzera Italiana Lugano) and President of ICOM Switzerland
. Etienne Jeandin, Notary, Geneva
. Professor Xavier Oberson, University of Geneva, Attorney-at-law, Partner, Oberson Abels

12:30 Lunch break

14:00 **Philanthropic structures**
One of the most common question philanthropists have is what is the best legal structure for their philanthropic endeavours? This panel will discuss the diversity of legal structures (trusts, holdings, companies, holding and hybrid entities) as well as their tax and succession law aspects.

Moderator: Pierre Gabus, Chairman of the Art Law Foundation

14:10 **Choosing the right structure - Dedicated trusts and foundations**
Arnaud Cywie, Attorney-at-law, Partner, Borel & Barbey Geneva

14:30 **Succession law**
Etienne Jeandin, Notary, Geneva

14:45 **Tax aspects of philanthropic structures**
Professor Xavier Oberson, University of Geneva, Attorney-at-law, Partner, Oberson Abels

15:00 **Art as a method: How the collection helps to make the company fit for the future**
Dorothea Strauss, Head of the Corporate Social Responsibility division, La Mobilière

15:15 Discussion and coffee

16:00 **Art Foundations**
Foundations are a favored legal structure for managing an artist's estate or pursuing charitable activities in the arts sector. This panel will address the advantages and limits imposed by tax law and succession law that artist-endowed foundations and foundations of art philanthropists must take into consideration. It will provide insights into the practical experience of two international art foundations.

Moderator: Anne Laure Bandle, Executive Director of the Art Law Foundation and Academic fellow of the Geneva Centre for Philanthropy (GCP)

16:10 **Succession law and art foundations**
Etienne Jeandin, Notary, Geneva

16:20 **Aspects réglementaires des fondations d'artistes**
Dominique Favre, Directeur des Autorités de Surveillance LPP et fondations de Suisse occidentale, Lausanne

16:35 **Tax aspects of art foundations, artists' foundations or artists as philanthropists**
Professor Xavier Oberson, University of Geneva, Attorney- at-law, Partner, Oberson Abels

16:45 **Managing an artist's estate**
Yann Hendgen, Artistic Director, Fondation Zao Wou-Ki

17:00 **Du soutien aux artistes émergents à l'engagement culturel, artistique et citoyen – quels sont les moyens à mettre en place par une fondation ?**
Catherine Othenin-Girard, Board member of the Fondation Leenaards and chairman of its cultural committee, Lausanne

17:15 Discussion

17:30 **Summary and closing**
Professor Henry Peter, Head of the Geneva Centre for Philanthropy (GCP)

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