



**INSTITUTE OF ART AND LAW**  
**DIPLOMA IN LAW AND**  
**COLLECTIONS MANAGEMENT**



**DipLCM for ARC**

**8-12 July 2019**

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A five-day course to run at the law offices of Clyde & Co in central Melbourne with instruction covering the law as it relates to collections management: ethical matters, acquisitions, loans, gifts, bailments, de-accessioning, repatriation, intellectual property, contractual matters and more. The course will include oral assessments and one written assignment of 3,000 words. To be led by Alexander Herman (Assistant Director, IAL) and Emily Gould (Senior Researcher, IAL), with presentations from special guest lecturers.

**Day 1** – Guiding Principles of Art and Cultural Property Law: cultural property legal claims, the legal distinction between artworks and other forms of property, best practices for avoiding disputes, record keeping and due diligence, art agreements

**Day 2** – Acquisitions, Loans and Bailments: an introduction to the acquisition of property, passing legal title and the relevance of a good faith purchase, the law relating to the sale of goods, loans and the law of bailment, the problem of old loans, the recurring gift/loan question, foreign loans-in and anti-seizure protection (Protection of Cultural Objects on Loan Act), limitation periods, joint acquisition

**Day 3** – Repatriation: foreign title claims and past ownership, the 1954 Hague Convention and the protection of cultural property during armed conflict, the 1970 UNESCO Convention and its effect on the illicit trade in looted antiquities, the Protection of Movable Cultural Heritage Act, antiquities claims, indigenous claims, Holocaust claims, restitution committees, alternative dispute resolution and voluntary returns

**Day 4** – Intellectual Property: copyright in artistic works, copyright duration, exceptions to copyright infringement (fair dealing and other exceptions), the moral rights of artists, IP and collections management, the artist's resale right, international IP considerations

**Day 5** – Law, Policy and Museum Management: ethical codes, museum practices, restrictions on disposal, trust agreements, art and tax implications, cultural property export controls, insurance

**Oral assessments**