

# CARFAC

Canadian Artists' Representation/  
Le Front des artistes canadiens

**The Artist's Resale Right (ARR)**, entitles visual artists to a royalty each time their work is resold publicly through an auction house or commercial gallery.

CARFAC recommends that the Copyright Act be amended to include an ARR.

The ARR is related to commercial sales of artworks, and requires no ongoing costs for government once it is legislated

# What the ARR could mean for Canadian artists

**Australia has had ARR since 2010.** As of March 2019, over \$7 million (AUD) has been paid to over 1,800 artists and estates. Over 63% of recipients are Aboriginal or Torres Strait Islander artists, and more than half are living artists.

**The UK has had ARR since 2006.** In 2017 alone, 1,800 artists and estates were paid over £10 million. 81% of artists reportedly use it for living expenses and 73% use it for art materials.



## *The Enchanted Owl*

Kenojuak Ashevak

Cape Dorset, Nunavut

Image courtesy of Dorset Fine Arts

Original selling price: \$24

Resold: November 2018

Price: \$216,000

**If Canada had ARR, the artist would have received \$10,800 in royalties from this sale**

## CARFAC recommends:

- The proposed term of the ARR is the same as copyright
- \$1,000 minimum qualifying sale price
- 5% flat royalty rate
- Liability for payment shared between seller and Art Market Professional (auction houses, dealers)

## The ARR does not apply to:

- The first sale of an artwork
- Private sales
- Works not covered by copyright
- Works resold for less than \$1,000
- Works sold in a country that does not have an ARR
- Works made by an artist from a non-qualifying country

**Note: these recommendations are subject to government review, and may not pass exactly as proposed**

## How is the Artist's Resale Right administered?



**1.**

A copyright collective monitors the secondary market for sales of Canadian art.



**2.**

The collective contacts the intermediary (auction houses and galleries), asking them to declare sales which may have generated an ARR royalty.



**3.**

The intermediary responds, and the collective issues an invoice for the royalty due.



**4.**

Once the collective receives a royalty payment, they pay the artist.

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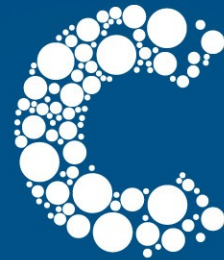


*ARR panel in 2013 featuring Mary Pratt, MP Scott Simms, and Ingrid Percy*

*“Inuit artists have brought their vision of the world to an international audience, and built an economic sector that creates jobs and contributes tens of millions of dollars every year to Nunavut’s economy... Today, we add our voice to support Artist’s Resale Rights and encourage Canada to address this critical piece of legislation.”*

**- The Honourable Peter Taptuna**





**For more information:**

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