

The Controversial Succession of Dali

Prof. Pilar Jiménez Blanco (University of Oviedo) published recently an article on the *Dali* ECJ's ruling, a case referred to the Court by the Tribunal de Grande Instance de Paris, af. C-518/08. I have asked her to summarize her opinion. Here it goes:

The most important aspect of the ECJ judgment in the *Dali* case (C-518/08) is what the Court of Justice *does not say*: which law determines the beneficiaries of the resale right of Dali's original work . The problem is analysed within French law, which establishes a specific system of succession to the *droit de suite*. But, is French law applicable to the instant case?. Actually, neither the approach from the perspective of intellectual property rights nor the approach from the viewpoint of succession law justify determining the beneficiaries of the resale right under French law. It should be for Spanish law, as the law applicable to the succession, to determine both the validity of Dali's will and whether the Spanish State is beneficiary of the resale right. However, it is unlikely that the French judge, who is the one to rule on the merits, obviates the special rule of the *Code de la propriété intellectuelle*. Even if this will be a wrong solution that does not correspond neither with the will of the artist, nor with the assumed trend in the European Union towards a unitary conception of the succession.

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