

# Art Law (IFAR) Database

## What you will find in this database

IFAR (International Foundation for Art Research) is an extensive body of primarily U.S. case law, including both litigated cases and, notably, hard-to-find, out-of-court settlements. The material is organized under eight topics:

- World War II-Era/Holocaust Related Art Loss
- Cultural Property (Antiquities)
- Disputes Over Non-United States Property
- United States Cultural Property
- Art Theft (other than World War II and cultural property looting)
- Other Ownership Title Disputes/Claims Including Conversion and Breach of Contract
- Art Fraud, Attribution, Authenticity, Forgery, Libel, and Defamatory Statements;
- Valuation/Appraisal
- Copyright, Moral Rights and Other Issues.

Under each topic, relevant cases are summarized (where possible, with images of the art objects in question). There are also links to relevant U.S. statutes, foreign legislation and a glossary.

## How to Access

From campus or home/off campus

Access the database by clicking the link on the eresources page on the library website.

### Outline View

The eight topics are listed under Case Law & Studies in an Outline View. Click on the topic you are interested in.

### Matrix View

Alternatively click Matrix View of the topic you are interested in.

**Case Law & Statutes**

Educational Resources > Art Law and Cultural Property > Case Law and Statutes

**I. World War II-Era/Holocaust Related Art Loss**  
U.S. and international civil and criminal cases relating to art believed to be looted or otherwise misappropriated during and after World War II.  
[Matrix View](#)

**II. Cultural Property (Antiquities) Disputes Over Non-United States Property**  
Includes claims, primarily by foreign countries, for art or objects said to be part of their cultural heritage under patrimony or export laws that restrict the ownership or export of certain types of objects; also includes U.S. Customs Actions or other Cases regarding cultural property brought into the U.S. in violation of U.S. law; and includes some international cases not involving people or property in the U.S.  
[Matrix View](#)

**III. United States Cultural Property**  
Includes claims concerning U.S. cultural property said to be owned in violation of the Nation...

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[Glossary](#)  
[Professional Guidelines](#)

For another view of this information, click the 'Matrix View' button

Matrix Results  
Search Results For: World War II-Era/Holocaust Related Art Loss

Case Name	Date Ended	Jurisdiction	Object in Dispute	Claims/Legal Issues	Decision/Settlement
Adler v. Taylor	2007	Federal	van Gogh painting: <i>Vue de l'Asile et de la Chapelle de Saint-Rémy</i>	Statute of Limitations	Dismissed
Altmann v. Austria	2006	Federal	Five Gustav Klimt paintings	Replevin	Arbitration Decision
Attorney General v. Trustees of the British Museum	2005	International	4 Old Master drawings	Replevin	Settled
Bamberger Heirs' Claim Against The Kunsthalle, Emden, Germany	2002	International	Nolde painting: <i>Bauernhof</i>	Title	Settled

**Matrix Results**

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Search Results For: **World War II-Era/Holocaust Related Art Loss** [Switch to Listings View](#)

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**Case Law**

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**I. World War II-Era/Holocaust Related Art Loss**  
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[Matrix View](#)

**Relevant Statutes**

- California Statute - Civil Procedure Code § 354.3, Action to recover Holocaust-era artwork
- Holocaust Victims Redress Act ("H'VRA"), Pub. L. No. 105-158, 112 Stat. 15 (1998)
- Judiciary and Judicial Procedure, 28 U.S.C. §§ 1602-1607, Foreign Sovereign Immunities Act ("FSIA")
- National Stolen Property Act ("NSPA"), 18 U.S.C. § 2314, § 2315

**Case Summaries**

**A. United States Civil Cases Relating to WWII-Era Art Loss**

1. Litigated

- Adler v. Taylor
- Altmann v. Austria
- Bannigson v. Alsdorf, Alsdorf v. Bannigson; United States v. One Oil Painting Entitled "Femme En Blanc" By Pablo Picasso

### Results:

Both Matrix and Outline Views will get you to your desired case.

1. In each view, click the case you are interested in.
2. You may be prompted to register at this point, simply fill out the registration form.
3. Each case will have information such as:
  - Citation
  - Case Summary
  - Case Details / Image
  - Associated Statutes and/or Legislation

**Case Summary**

Educational Resources > Art Law and Cultural Property > Case Law and Statutes > World War II-Era/Holocaust Related Art Loss > Case Summary

→ **Adler v. Taylor**  
*Adler v. Taylor*, 2005 U.S. Dist. Lexis 5862 (C.D. Cal. Feb. 2, 2005) (dismissing plaintiffs' suit for failure to state a claim), *aff'd sub nom. Orkin v. Taylor*, 2007 U.S. App. LEXIS 11623 (9th Cir. May 18, 2007), *cert denied*, 2007 U.S. LEXIS 11852 (Oct. 29, 2007).

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Case Summary Case Details / Image

**Précis**

At issue in this case was the rightful ownership of a Van Gogh painting owned prior to World War II by a family that left Germany because of Nazi persecution. Plaintiffs, asserting that they recently discovered that the painting was now owned by the actress Elizabeth Taylor, demanded its return. After Taylor concluded that plaintiffs did not have a timely or meritorious claim, she brought a declaratory judgment action in a California Federal District Court seeking a declaration that she was the rightful owner. The plaintiffs responded by bringing an action in the same court seeking return of the work. The court dismissed all of the plaintiffs' claims, finding that their state-law claims were barred by expiration of the statute of limitations and that the federal Holocaust Victims Redress Act of 1998 did not create a private right of action. The court also held that a 2002 California law extending the statute of limitations period to 2010 for Holocaust-related art claims brought against museums and galleries did not apply because Ms. Taylor is an individual.

**Associated Statutes and/or Legislation**

> Holocaust Victims Redress Act ("HVRA"), Pub. L. No. 105-158, 112 Stat. 15 (1998)  
> California Statute - Civil Procedure Code § 354.3, Action to recover Holocaust-era artwork

**Facts**

Plaintiffs were heirs of the late Margareta Mauthner, who bought an 1899 Van Gogh

**IFAR** International Foundation for Art Research

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» Authentication Research

**Case Summary**

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### Global Search:

There is also a search box in the upper right corner for your search terms. Be sure to select Art Law to search the Art Law database only.

### Associated Statutes &/or legislation:

This database also has a very nice presentation of relevant statutes and/or legislation regarding each case. Click the links to be taken to an outline of the Statute/legislation.

### Statute

Educational Resources > Art Law and Cultural Property > World War II-Era/Holocaust Related Art Loss > Statutes

California Statute - Civil Procedure Code § 354.3, Action to recover Holocaust-era artwork

Citation  
CAL. CIV. PROC. CODE § 354.3

**Summary**  
Cal. Civ. Proc. Code §354.3, enacted in 2002, provides that any owner, heir or beneficiary of an owner, may bring an action in a California state court to recover Holocaust-era artwork from a museum or gallery without having the claim dismissed for failure to comply with the statute of limitations, so long as the action is commenced on or before December 31, 2010.

**N.B.:** On August 19, 2009, the U.S. Court of Appeals for the 9th Circuit, in *Von Saher v. Norton Simon Museum of Art*, struck down Cal. Civ. Proc. Code §354.3, ruling that it was an unconstitutional infringement of the Federal Government's power to conduct the nation's foreign policy. *Von Saher's* application to the U.S. Supreme Court for a writ of certiorari on the matter was denied June 27, 2011.

**Text**  
DEERING'S CALIFORNIA CODES ANNOTATED  
CODE OF CIVIL PROCEDURE  
Part 2. Of Civil Actions  
Title 7. Time of Commencing Civil Actions