

Art Law & Art Litigation

Overview

Carlton Fields advises artists, collectors, institutions, and brands on legal matters across the art world, including disputes, transactions, licensing, intellectual property, and risk management. Our work covers contemporary and fine art, digital art, brand collaborations, and matters under the Visual Artists Rights Act (VARA).

Our lawyers combine legal training with hands-on experience in the art world, allowing us to guide clients through complex matters ranging from contractual arrangements to intellectual property protections. We regularly publish and speak on topics such as VARA, street art, the intersection of copyright and AI, and cultural property law, keeping our approach informed by current trends and developments in the field.

Our Approach

We combine legal knowledge and art-world experience to help clients make informed decisions. This includes advising on disputes, guiding complex transactions, and providing insights that reflect both the legal framework and the practical realities of the art market.

Our team works closely with clients to manage risk, resolve conflicts, and support initiatives in complex areas such as digital and AI art.

Experience

Litigation

We have handled a variety of high-profile and complex matters, including:

- Dispute involving the Robert Indiana estate over copyright, contract, and trademark claims (*Morgan Art Foundation v. McKenzie*).
- Federal cases addressing destruction and alteration of artworks under the Visual Artists Rights Act (VARA).
- Trademark and unfair competition claims for artists against major brands (*Futura v. The North Face*).
- Federal litigation on behalf of art foundations, including matters that ultimately reached the Supreme Court (*Warhol v. Goldsmith*).

- Confidential art authenticity disputes, including advocating for withdrawal of works prior to auction and sensitive disputes with auction houses and museums relating to condition and preservation issues.
- Copyright and trademark cases on behalf of independent artists and creators (*Dabsmyla v. Galeries Lafayette*; *O.G. Slick v. Hasbro*; *Milkcrate v. Adidas*; *Jen Stark v. Shein*).

Transactional & Advisory Work

We assist clients with commercial and intellectual property matters across the art ecosystem, including:

- Licensing, branding, and collaboration agreements with artists, institutions, and global brands.
- Contracts for galleries, museums, and relating to cultural events, art fairs, and public art.
- Guidance on copyright and trademark registration, strategy, and enforcement relating to art and cultural assets.
- Collection management, authenticity verification, catalogue raisonné issues, and navigating the art market.
- Structuring agreements and counseling on NFTs and digital art projects.

Our Team

Key Contacts



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Related Capabilities

Practices

- Litigation and Trials
- Intellectual Property
- Technology

Industries

- Technology