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USA: Cheffins v. Stewart, United States Court of Appeals, Ninth Circuit, No. 12-16913, 8 June 2016

Mark Engstrom (Wolters Kluwer Legal & Regulatory US) · Friday, June 17th, 2016

A magistrate judge properly ruled that a property owner who had intentionally burned a replica of a 16th-century Spanish galleon—a work of art that two plaintiffs had constructed over a used school bus for a Nevada arts festival—did not violate the Visual Artists Rights Act (VARA), the U.S. Court of Appeals in San Francisco has ruled (*Cheffins v. Stewart*, June 8, 2016, O’Scannlain, D.). Because the replica—named “La Contessa”—was applied art, not visual art, the circuit court concluded that work was not covered by the Act’s protection of an artist’s rights of integrity and attribution in works of visual art. The judgment of the district court was therefore affirmed. Circuit Judge Mary Margaret McKeown issued a concurring opinion.

A full summary of this case has been published on [Kluwer IP Law](#).

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