

Art Law Gallery

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[Say it Isn't Picaso - Paris Art Theft Raises Security and Title Concerns](#)

A major art heist this past week raises considerable issues regarding art security and title. At the Paris Museum of Modern Art, a brazen thief made off with five paintings, valued together in excess of \$120 million. The masked intruder's plunder included significant works by Picasso, Matisse, Braque, Modigliani and Léger. Officials in Paris decried the theft as a devastating loss to the art world that demonstrated serious lapses in the museum's security system. For instance, the thief had only to break a window and smash a grill's padlock to gain access to the museum's priceless collection. What is more, even though there were security officers on duty at the museum at the time of the theft, they witnessed nothing. The museum's security camera did yield an image of the thief, but it is not yet known whether any of the culprit's features are discernable enough to provide investigators with any useful leads. Alarming, this is the second time in less than a year that a significant work of art has been stolen in France. The last theft, which involved a Degas pastel valued at nearly \$1 million, was stolen from the Cantini Museum in Marseille.

Art theft is not a problem isolated to France, however. All over the world, robberies from art museums are becoming increasingly commonplace. In a startling 2004 heist, Edvard Munch's masterpiece, *The Scream*, was one of two paintings stolen in broad daylight during visiting hours from the Munch Museum in Oslo. Although authorities recovered the Munch paintings two years later relatively unscathed, countless art thefts remain unsolved. For example, Vermeer, Rembrandt and Manet paintings valued in excess of \$500 million stolen in 1990 from the Isabella Stewart Gardner Museum in Boston have yet to be recovered even though a handsome reward has been offered for information leading to their return.

In the face of increasingly frequent, high profile robberies, museums have begun to employ heightened security measures utilizing technology to protect their collections. Such security measures include motion detectors built into frames and radio frequency identification (RFID) tags that radio an artwork's GPS location to a tracking device. RFID technology offers advantages over traditional wired security sensor systems traditionally employed by museums – not only does it work across country borders, but also it provides tracking data on an object's location and status at all times. For this reason, RFID technology is increasingly used by museums in the protection of precious art objects and was even employed as a security measure in the recent international exhibition of artifacts from the tomb of Tutankhamun.

Fortunately, the paintings stolen from the Paris Museum of Modern art are so well-known that

that it is unlikely that they will be successfully sold on the open market. Still, the incident highlights the importance of conducting a comprehensive art title search before purchasing a major work of art. Indeed, few art transactions are properly documented, and it is not uncommon for pieces of art with defective title to be sold to the unwitting museum or collector. Art collectors and museums alike may reduce the risks associated with buying artwork with defective title by conducting a thorough title search of artwork and/or purchasing art title insurance. As is the case with most insurance policies, the specific terms and conditions of art title insurance may be quite technical, and collectors and museums alike are urged to retain legal counsel to review a policy before purchasing it.