

Practical Legal Frameworks for Global Resale Royalty Rights Implementation: A Systematic Literature

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ABSTRACT

This systematic literature review examines the practical legal frameworks necessary to effectively implement global Resale Royalty Rights (RRR) for visual artists. As artists increasingly seek fair compensation from secondary sales of their works, the evolving art market presents unique challenges and opportunities for regulatory frameworks. The problem statement addresses the inconsistent application of resale rights across different jurisdictions, highlighting gaps in legal protections that can undermine artists' economic interests. An advanced search was conducted using the Scopus and Web of Science databases, resulting in the identification of 33 relevant articles that provide insight into the current state of research on RRR. The methodology involved a thorough analysis of the literature to extract key themes related to legal frameworks, market dynamics, and the cultural implications of implementing resale rights. The finding was divided into three themes which are (1) legal frameworks and regulations for RRRVA, (2) technological impact on RRRVA and art markets, and (3) market dynamics, valuation practices, and governance. The review concludes that fostering collaboration among policymakers, legal experts, and artists is essential for developing effective regulations that ensure equitable treatment of artists and promote sustainable growth in the art sector. By addressing these critical issues, this study aims to contribute to a deeper understanding of the pathways toward enhancing the rights and protections of artists globally.

Keywords: legal framework, Resale Royalty Rights (RRR), Visual Art (VR), review



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1 INTRODUCTION

The global expansion of art markets has created both notable challenges and opportunities regarding the rights of artists, especially concerning Resale Royalty Rights (RRR) for visual artists (VA), which are often called “droit de suite” or “Artist’s Resale Rights”. These rights entitle artists or their heirs to receive a percentage of the proceeds from subsequent sales of their artworks (Budi et al., 2017; Shaffer, 1987; Banterghansa & Graddy, 2011; O’Dwyer, 2016; Sparba, 2019; EuropeanVisualArtists, 2023; Gaster, 2014). While initially emerging in Europe during the early 20th century as a response to a burgeoning art market that often-left creators marginalised from lucrative sales, the rationale and mechanisms behind these royalties have since gained traction on a global scale. However, the implementation of RRRVA across various jurisdictions remains inconsistent and fragmented, prompting the need for a comprehensive exploration of potential legal frameworks that can systematically support and enhance their application worldwide.

At the heart of this discourse are the complexities inherent in balancing the equitable remuneration of artists with the commercial interests of art dealers, auction houses, and collectors (Warchol, 2019; Wilson, 2022). Diverse interpretations of what constitutes fair compensation, legal infrastructures, and market dynamics complicate establishing a universal model for resale royalties. In countries like France and the UK, where legislative structures accommodate these rights, artists benefit from additional income streams that acknowledge their creative contributions beyond the first sale (Bianco, 2019; Gaster & Stamatoudi, 2021; Lazerow, 2016). Conversely, in jurisdictions without such legal provisions, artists may miss out on subsequent financial gains, thereby highlighting the disparity and perceived inequalities within the international art economy. This systemic gap underscores the necessity for an empirical examination of existing legal models and an exploration of innovative solutions catering to cultural patrimony and economic realities (Adane et al., 2024).

This article aims to critically analyse existing legal instruments and propose practical frameworks for the global implementation of RRRVA (Bianco, 2019; Masyhuri et al., 2023). Through a systematic review of literature and case studies from jurisdictions with established systems, such as the European Union, Australia, and the United States. This article identifies the pivotal components contributing to effective and fair resale royalty regimes. It also explores potential barriers to implementation, including enforcement challenges, variations in royalty rates, and technological advancements in digital art markets, which necessitate novel considerations in rights management. Ultimately, this work aspires to offer a blueprint that harmonises diverse legal traditions and economic imperatives, contributing to a more equitable and sustainable art market for creators worldwide (Nicolazzi & Tai, 2024).

2 LITERATURE REVIEW

RRRVA is a type of intellectual property rights (IPR) protection that is presented to creators of visual art under the copyright system. The RRRVA program provides visual artists and their heirs with the opportunity to retain an interest in any repeated commercial resale of their artwork and to receive a portion of the proceeds from the sale of the artwork. Albert Vaunois first introduced the concept of the *Droit de Suite* in an essay that was published in the *Chronique de Paris* in the year 1893. After that, Edouard Mack, a French lawyer, brought up the question of *Droit de Suite* in his report that he submitted to the Bern Congress of the International Association of Arts and Arts in the year 1896 (O'dwyer, 2018).

Since the year 1920, when France was the first country to enact legislation that formalised RRRVA, this right has demonstrated that it is also becoming politically popular in other countries. When an artist's work is resold on the secondary market, the RRRVA is a legal principle that grants the artist the right to collect a portion of the selling price. A small financial compensation can be provided to the artist through the sale of original works of art, in contrast to the enormous profits earned by art traders, collectors, and auction houses through subsequent transactions. The mechanism's goal is to redress the inequality that exists in the art market (Turner, 2012).

The International Confederation of Societies of Authors and Composers (CISAC) and others have been actively campaigning to push the issue of the RRRVA up the international copyright agenda, calling for reform of the law so that visual artists benefit each time their work is resold (Jewell, 2017). In most countries in Europe, ARR VA is implemented through national legislation or through the implementation of the European Union Directive, which requires member states to implement ARR VA for those living in the region. The percentage of royalties received by each artist usually depends on the selling price of the artwork (Scown, n.d.).

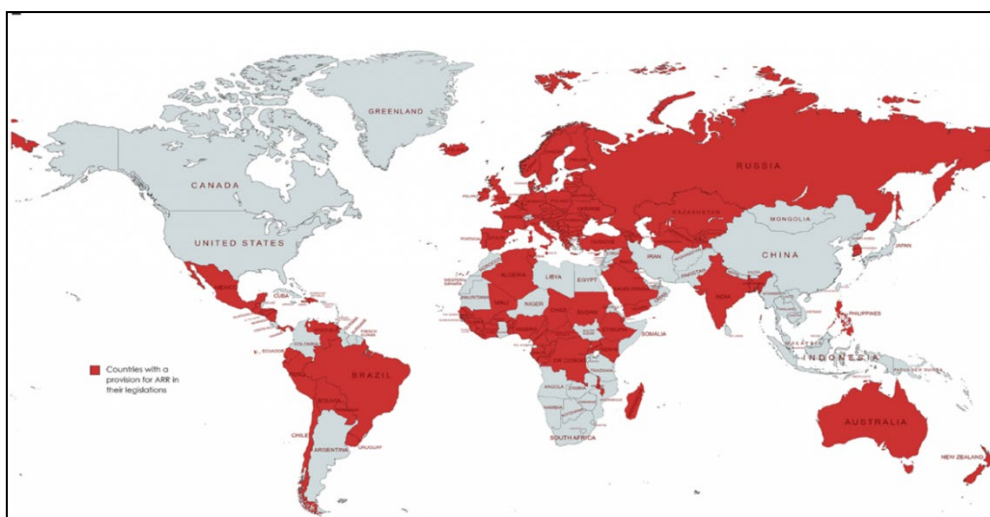


Figure 1 A Map of countries with RRRVA throughout the world

RRRVA In addition to the European Union, many other nations have incorporated the RRRVA into their legal systems, reflecting a global recognition of the rights of artists in the secondary market. Countries such as Austria, Italy, and Russia are notable examples, alongside certain regions in the United Kingdom that also acknowledge these rights. However, the specifics regarding implementation and regulatory conditions vary significantly among these jurisdictions, leading to a diverse landscape of resale rights legislation. Table 1 shows as of January 1, 2024, over 106 countries have officially included provisions for the RRRVA in their laws, signifying an important shift towards equitable remuneration for artists and providing a sustainable income source alongside the ongoing growth of the international art market (EuropeanVisualArtists, 2024).

Therefore, RRRVA holds significant potential to provide a reliable income stream for artists and their heirs, promoting financial sustainability within the creative sector. The likelihood of this becoming a reality increases as additional countries embrace these rights, thereby expanding the geographical reach of artist remuneration through reciprocal agreements. Regardless of the specific terms employed by different jurisdictions, the core principle remains the same: artists possess a nonwaivable right to earn a percentage from the resale of their works. This ensures that artists receive fair compensation for their contributions, whether viewed as royalties or remuneration, ultimately fostering a more equitable and supportive environment for creative professionals across various markets (EuropeanVisualArtists, 2023).

Table 1 List of Countries with RRRVA Implementation

Austria	Denmark	Kosovo	Romania
Albania	Djibouti	Kyrgyzstan	Russia
Algeria	Dominican Republic	Latvia	Sao Tome and Principe
Armenia	Ecuador	Liberia	Saudi Arabia
Australia	El Salvador	Liechtenstein	Senegal
Azerbaijan	Estonia	Lithuania	Serbia
Bangladesh	Ethiopia	Luxemburg	Sierra Leone
Belarus	Finland	Madagascar	Slovakia
Belgium	France	Malawi	Slovenia
Benin	Gabon	Mali	South Korea
Bolivia	Gambia	Malta	Spain
Bosnia and Hergozovina	Georgia	Mexico	Sudan
Brazil	Germany	Moldova	Sweden
Bulgaria	Greece	Monaco	Tajikistan
Burkina Faso	Guatemala	Montenegro	Togo

Cameroon	Guinea	Netherlands	Tunisia
Central African Republic (Car)	Guinea Bissau	New Zealand	Turkey
Chad	Haiti	Nicaragua	Turkmenistan
Chile	Honduras	Nigeria	Uganda
Comoros	Hungary	North Macedonia	Ukraine
Congo, Democratic Republic of The	Iceland	Norway	United Kingdom
Congo, Republic of The	India	Panama	Uruguay
Cote D'ivoire	Iraq	Paraguay	Uzbekistan
Croatia	Ireland	Peru	Vatican City
Cyprus	Italy	Philippines	Venezuela
Czech Republic	Kazakhstan	Poland	Yemen
	Kenya	Portugal	

Source: (EuropeanVisualArtists, 2024)

In conclusion, the concept of RRRVA, or droit de suite, provides creators of visual art the opportunity to receive a percentage of the revenue from the resales of their work. Introduced in the late 19th century and first legislated by France in 1920, RRRVA has expanded globally, becoming part of legal systems in Europe, Australia, China, and others. While implementation varies by country, this mechanism aims to address economic disparities in the art market by ensuring artists benefit financially from secondary sales. RRRVA represents an important, nonwaivable right for artists, offering a continuous revenue stream that acknowledges their ongoing contribution to the cultural economy.

3 METHOD

3.1 Identification

The identification phase is a crucial initial step in the systematic literature review (SLR) process, aiming to gather a comprehensive range of literature pertinent to the research question. In this study, searches were conducted using the Scopus and Web of Science (WoS) databases, focusing on keywords such as “visual art”, “resale”, “law”, and “legislation” are showing on Table 2. The results from Scopus yielded 542 records, signifying a substantial collection of academic articles, conference papers, and other scholarly contributions that address the relationship between visual art and RRR. This finding indicates the relevance of these topics in contemporary academic discourse, reflecting ongoing discussions in both legal and artistic fields regarding the protection of artists’ rights in secondary sales.

Table 2 List of Countries with RRRVA Implementation

Scopus TITLE-ABS-KEY (("Visual art" OR art OR visual) AND (resale OR sell OR buy OR auction OR purchase) AND (legal OR law OR rule OR regulation OR legislation))
Date of Access: Jan 2025
Wos ("Visual art" OR art OR visual) AND (resale OR sell OR buy OR auction OR purchase) AND (legal OR law OR rule OR regulation OR legislation) (All Fields)
Date of Access: Jan 2025

On the other hand, the search in the Web of Science produced 604 records, which reveals a slightly larger corpus of literature. This variation highlights the unique strengths of each database, as WoS generally includes a wide array of journals and reference materials that may not be present in Scopus. The difference in the total records obtained from both databases emphasises the importance of employing multiple sources in literature identification. By gathering a diverse array of scholarly works, a more holistic understanding of the current landscape regarding resale rights and visual art legislation can be achieved. This comprehensive approach reinforces the validity and robustness of the systematic review process.

In combining the records from both databases, a total of 1,146 unique entries was achieved. This significant number underscores the importance of the selected keywords and illustrates a robust body of literature focused on the essential aspects of RRR within the context of visual arts. The identification of such a considerable volume of literature allows for a more in-depth exploration of the current scholarly perspectives, revealing trends and insights relevant to the study's objectives. Furthermore, this substantial collection serves as a foundation for further evaluation in the SLR process's subsequent screening and analysis stages.

The next steps involve screening the identified records to ensure relevance and quality in alignment with the research question. This critical phase includes removing duplicate entries and the evaluation of the literature against predefined inclusion and exclusion criteria. Factors such as publication type, relevance, and methodological rigor will guide this evaluation process, ultimately narrowing the number of records to a manageable size for detailed examination. This systematic approach fosters a comprehensive understanding of existing knowledge regarding RRRVA, illuminating gaps in the literature that may prompt further research. Through rigorous identification and screening, the SLR can yield insightful findings that support sound conclusions on the practical law implementation of global RRRVA.

3.2 Screening

Body During the screening phase, research items that may be relevant are carefully assessed to ensure alignment with the established research question. This process involves selecting publications based on the practical legal frameworks applicable to the implementation of global RRRVA. At this stage, any duplicate papers are also eliminated. Initially, a total of 1,003 publications were set aside, which resulted in 565 papers remaining for further scrutiny based on specific inclusion and exclusion criteria. The first criterion focuses on the type of literature, emphasising the importance of journal articles as the primary source for practical recommendations. Alternative formats such as reviews, books, and conference proceedings from previous studies were excluded to maintain relevance and currency in the findings.

Moreover, Table 3 below shows the review process was restricted to English-language publications published between 2016 and 2025. Limiting to English-language sources can help ensure consistency in terminology and theoretical frameworks, making it easier to synthesise and compare studies. This timeframe also ensures that the literature considered reflects the most current developments and trends in the realm of RRRVA and their legal implications. Additionally, stringent criteria were applied to ensure that only the most relevant and high-quality publications inform the review. Overall, 80 publications were discarded due to duplication, highlighting the necessity of maintaining a unique collection of studies. This refined selection lays the groundwork for a thorough analysis, allowing for a systematic examination of the remaining literature and ultimately guiding the insights and conclusions drawn in the systematic literature review.

Table 3 The Search String

Criterion	Inclusion	Exclusion
Language	English	Non-English
Time line	2016 – 2025	< 2015
Literature type	Journal (Article)	Conference, Book, Review
Publication Stage	Final	In Press

3.3 Eligibility

In the third step of the systematic literature review process, known as the eligibility phase, a total of 485 articles were prepared for thorough examination. During this phase, a detailed review of the titles and key content of all articles was conducted to ensure alignment with the predefined inclusion criteria and the current research objectives. This careful assessment was essential to filter out irrelevant

literature and maintain the focus on pertinent works. As a result, 452 articles were excluded from consideration due to various reasons, including being out of the relevant field, titles that were not sufficiently significant, abstracts that failed to relate to the study objectives, and the absence of full-text access for empirical evidence.

Following this rigorous evaluation, only 33 articles remained for further review. This reduction underscores the importance of implementing strict eligibility criteria to ensure that the selected literature is both relevant and high-quality. By filtering out non-qualifying publications, the integrity of the analysis is preserved, allowing for a more focused and meaningful discussion of the remaining articles. The selected works will contribute to understanding the practical legal frameworks surrounding RRRVA implementation. This curated set of literature sets the stage for the next steps in the systematic literature review, facilitating in-depth analysis and insights that are essential for informing the research objectives.

3.4 Data Abstraction and Analysis

In an integrative analysis was employed as one of the assessment strategies in this study to examine and synthesise a range of research designs, particularly those utilising quantitative methods. The primary objective of this approach was to identify relevant topics and subtopics pertinent to the study's focus. In this data collection phase, significant attention was given to developing themes. As illustrated in Figure 1, the authors conducted a meticulous analysis of 33 selected publications, focusing specifically on claims or materials related to the subjects of the current investigation. All the numbers and details of the Primary Study (PS) Data are shown in Table 4. This analysis allowed for a comprehensive evaluation of substantial existing studies concerning RRRVA, ensuring that the research framework is built on solid foundations.

Subsequently, the methodology employed across all reviewed studies, along with their research findings, was thoroughly investigated. The authors collaborated with co-authors to establish themes based on the evidence collected within the context of the study. Throughout the data analysis process, a log was maintained to document analyses, insights, questions, or any thoughts relevant to interpreting the data. This practice was crucial in ensuring a structured approach to reviewing findings and maintaining clarity throughout the analysis. Finally, results were cross-examined to identify any inconsistencies arising from the thematic design process. Importantly, if any disagreements regarding the themes surfaced, the authors engaged in discussions to address and resolve these disparities, fostering a collaborative environment aimed at refining the study's conclusions.

The generated themes were carefully refined to ensure consistency and coherence throughout the analysis. To validate these themes, the selection process was conducted by two experts: one specialising in legislation, Muhamad Helmi Muhamad Khair, a senior lecturer in the faculty of law, UiTM Teknologi MARA Malaysia, and the other an expert in visual arts, Ishak Ramli, a senior lecturer in the faculty of fine art, UiTM Teknologi MARA, Perak Brunch. Their expertise was crucial in evaluating the relevance and accuracy of the identified issues within the study. This expert review phase served to verify the clarity and significance of each subtheme, ensuring that they were appropriately aligned with the research objectives.

Establishing domain validity during this phase was essential in confirming that the themes accurately represented the key areas of interest within the context of RRR and VA. The involvement of specialists from both fields provided a comprehensive perspective that enhanced the overall integrity of the analysis. By incorporating expert feedback, the refinement process was further strengthened, resulting in a robust framework that effectively addresses the pertinent problems identified in the literature. This collaborative approach not only validated the themes but also ensured that they were relevant and applicable to the study's objectives, ultimately enriching the research outcomes and contributing to a deeper understanding of the subject matter. Adjustments to the themes were made at the authors' discretion, based on feedback and insights provided by the experts. This leads to the

question of how the legal framework can effectively support the implementation of resale royalty rights within the art market.

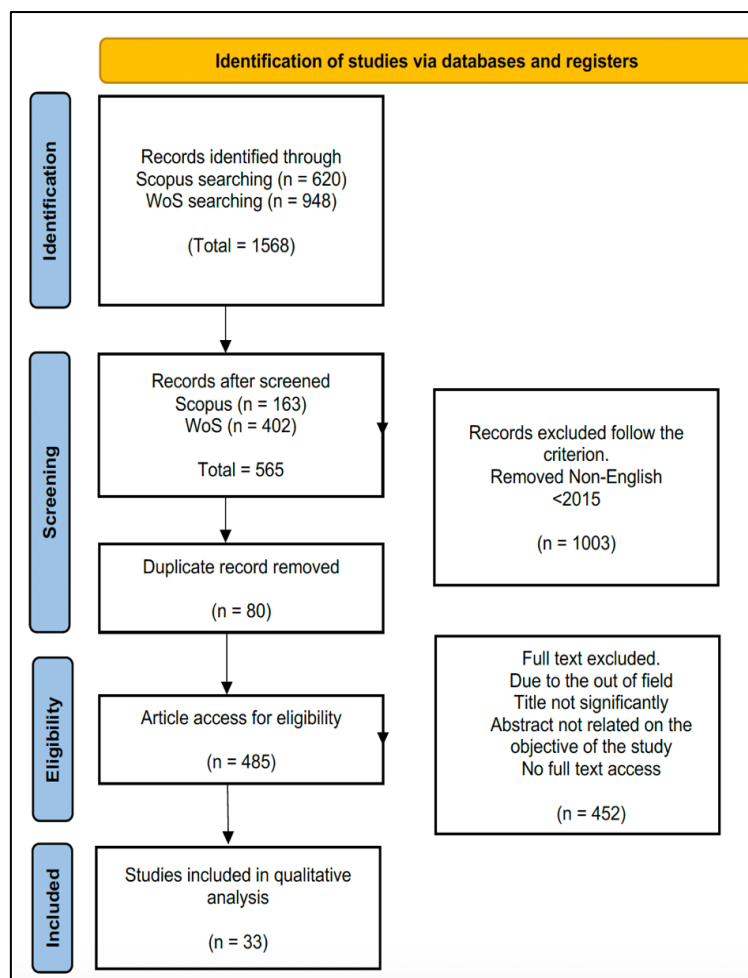


Figure 2 Flow diagram of the proposed search study

Table 4 Number and Details of Primary Study (PS) Data

No	Author	Title	Year	Source Title	Scopus	WoS
1	Balaji A.C.; Padmakumar K.; Anuradha S. (Balaji et al.,2023)	The Non-Fungible Token (Nft) Marketplace: Technological Innovation And Opportunities For Creators	2023	Indian Journal of Marketing	/	/
2	Bianco P. (Bianco, 2019)	The Droit De Suite Or Resale Royalty Right Under The Brazilian Framework	2019	IIC International Review of Intellectual Property and Competition Law	/	/
3	Van Haaften-Schick L.; Whitaker A. Van & Whitaker, 2022)	From The Artist's Contract To The Blockchain Ledger: New Forms Of Artists' Funding Using Equity And Resale Royalties	2022	Journal of Cultural Economics	/	/
4	Ashenfelter O. (Ashenfelter, 2018)	How Auctions Work For Wine And Art	2018	World Scientific Handbook in Financial Economics Series	/	/
5	Harris E. (Harris, 2023)	Mint, Sell, Repeat: Non-Fungible Tokens And Resale Royalties For Indigenous Artists	2023	Alternative Law Journal	/	/
6	Shortland A.; Shortland A. (Shortland & Shortland, 2020)	Governance Under The Shadow Of The Law: Trading High Value Fine Art	2020	Public Choice	/	/

7	Zhe D.; Yuqian Z. (Zhe & Yuqian, 2024)	Should The Artist's Resale Right Be Introduced In China?	2024	Queen Mary Journal of Intellectual Property	/	
8	O'Dwyer A. (O'Dwyer, 2021)	The Artists' Resale Right Directive 2001/84/EC: A Means Of Targeted Intervention For Visual Artists	2021	Journal of World Intellectual Property	/	
9	Oliveri V.; Porter G.; Davies C.; James P. (Oliveri et al., 2022)	Art Crime: The Challenges Of Provenance, Law And Ethics	2022	Museum Management and Curatorship	/	/
10	Lye J.; Hirschberg J. (Lye & Hirschberg, 2024)	Investment Policy Impacts On The Australian Aboriginal Art Market	2024	Australian Economic Review	/	/
11	Oosterman N.; Mackenzie S.; Yates D. (Oosterman et al., 2022)	Regulating The Wild West: Symbolic Security Bubbles And White Collar Crime In The Art Market	2022	Journal of White Collar and Corporate Crime	/	
12	Oosterlinck K.; Radermecker A.-S.V. (Oosterlinck & Radermecker, 2023)	Regulation Or Reputation? Evidence From The Art Market	2023	Journal of Arts Management Law and Society	/	
13	Zanola R.; Vecco M.; Jones A. (Zanola et al., 2021)	A Place For Everything And Everything In Its Place: New York's Role In The Art Market	2021	Research in Economics	/	/
14	Cuntz A.; Sahli M. (Cuntz & Sahli, 2024)	Intermediary Liability And Trade In Follow-On Innovation	2024	Journal of Cultural Economics	/	/
15	Masur J.S.; Larrimore Ouellette L. (Masur & Larrimore Ouellette, 2024)	Real-World Prior Art	2024	Stanford Law Review	/	
16	Klerman D.; Shortland A. (Klerman & Shortland, 2022)	The Transformation Of The Art Market: Law, Norms, And Institutions	2022	Theoretical Inquiries in Law	/	
17	Viglino M.R. (Viglino, 2021)	The Reception Of Droit De Suite In International Law: Diagnosis And Remedy	2020	Brazilian Journal of International Law	/	
18	Wen N.; Lurie N.H. (Wen & Lurie, 2019)	More Than Aesthetic: Visual Boundaries And Perceived Variety	2019	Journal of Retailing	/	/
19	Kharchenkova S.; Velthuis O. (Kharchenkova & Velthuis, 2018)	How To Become A Judgment Device: Valuation Practices And The Role Of Auctions In The Emerging Chinese Art Market	2018	Socio-Economic Review	/	/
20	Kalyatin V.; Valdes-Martines E. (Kalyatin & Valdes-Martines, 2020)	Droit De Suite Convention: To Be Or Not To Be?	2020	Information and Communications Technology Law	/	
21	Lim C. (Lim, 2022)	The Digital First Sale Doctrine In A Blockchain World: Nfts And The Temporary Reproduction Exception	2022	Fordham Law Review	/	/
22	Masyhuri M.; Nadiyya A.; Sylvana G.B. (Masyhuri et al., 2023)	The Urgency Of Regulating Resale Royalty Right On Painting Copyrights In Indonesia (Comparative Study Of Germany And Australia)	2023	Journal of Law and Legal Reform	/	
23	Fabel P. (Fabel, 2016)	Due Diligence Obligations In The New	2016	Santander Art and Culture Law Review	/	

24	Stasi A.; David T.W.C. (Stasi & David 2023)	German Cultural Property Protection Act NFT Marketplace – A Market Of Fake Artworks? Addressing The International Regulatory Vacuum Of NFT	2023	International Journal of Public Law and Policy	/	
25	Li Y.; Ma X.; Renneboog L. (Li et al., 2024)	In Art We Trust	2024	Management Science	/	/
26	Lee B.; Fraser I.; Fillis I. (Lee et al., 2022)	To sell or not to sell? Pricing strategies of newly-graduated artists	2022	Journal of Business Research	/	
27	Brodie, N (Brodie, 2019)	The Art World' of the Auction Houses: The Role of Professional Experts	2019	Arts		/
28	Romero, ZR (Romero, 2020)	Lawfulness and Ethics around Cultural Property Auctions: The Case of the Barbier-Mueller Pre-Columbian Collection	2020	International Journal of Cultural Property	/	/
29	Petrides, L; Fernandes, A (Petrides & Fernandes ,2020)	The Successful Visual Artist: The Building Blocks of Artistic Careers Model	2020	Journal of Arts Management Law And Society	/	/
30	Oliveri, V; Porter, G; Davies, C; James, P (Oliveri et al., 2022)	Art crime: the challenges of provenance, law and ethics	2022	Museum Management And Curatorship	/	/
31	Duke, B (Duke, 2023)	The Shape of International Art Purchasing-The Shape of Things to Come	2023	Arts		/
32	Jones, T; Booth, J; Acker, T (Jones et al., 2016)	The Changing Business of Aboriginal and Torres Strait Islander Art: Markets, Audiences, Artists, and the Large Art Fairs	2016	Journal of Arts Management Law And Society	/	/
33	Ekinci, Z (Ekinci, 2023)	Non-Fungible Tokens and Select Art Law Considerations	2023	Arts		/

4 RESULT AND FINDING

4.1 Legal Frameworks and Regulations For RRRVA

The application of RRRVA reflects a complex interplay between legal frameworks, cultural contexts, and the economic realities faced by artists in various regions. The concept of the *droit de suite*, originating in France, was designed to enable artists to receive a portion of the proceeds from subsequent sales of their work, protecting their financial interests as the art market evolved. Bianco discusses the Brazilian legal framework for RRRVA, emphasising its long-standing commitment to these rights while questioning their relevance in the contemporary market. This broad analysis seeks to explore whether the original intentions behind RRRVA remain valid in today's rapidly changing art landscape, where many artists have achieved entrepreneurial success. The discussion indicates that legislative frameworks must adapt to remain effective and relevant in providing support for artists.

In the context of China, the dialogue shifts toward the notable absence of resale rights despite the country's significant position in the global art market. In the view of Zhe & Yuqian (2024) highlight how the previous attempts to introduce these rights have failed due to a misunderstanding of their legitimacy and importance for artists. Their findings suggest that China's regulatory environment could feasibly accommodate the implementation of resale rights, given its established systems for managing

the art market. The authors call for a legislative framework that acknowledges the needs of artists and promotes their rights. Such a framework would not only align with international norms but also foster a supportive environment for the creative community, ultimately ensuring the protection of artists' economic interests within China.

The European model, specifically the RRRVA Directive 2001/84/EC, showcases a different approach to implementing resale rights. Based on O'Dwyer (2021) emphasises that while this directive aims for harmonisation among member states, the actual application varies significantly across jurisdictions. This divergence raises concerns regarding the overall effectiveness of the directive and whether it adequately protects artists. Some countries, like Germany and Norway, have adopted socially oriented models that reflect the initial purpose of resale rights. The ongoing discourse around these frameworks suggests a need for uniformity that can uphold artist rights effectively within the European context, indicating that diverse implementations may dilute the overall impact of resale rights at the international level.

Further analysis by Viglino (2021) sheds light on the broader implications of RRRVA in international law. The article outlines that despite the noble intentions behind the *droit de suite*, many artists remain without effective protections, largely due to the non-obligatory nature of these rights under the Berne Convention. The lack of consistent application across regions contributes to economic disparities for artists, undermining the potential benefits of RRRVA. Viglino advocates for amendments to international agreements that would enforce stronger obligations on member states to adopt resale rights. This would enhance protections for artists globally, ensuring they receive fair compensation as their works change hands. The call for international collaboration underlines the necessity for a more integrated approach to artist rights across borders.

Additionally, the situation in Indonesia presents a significant example of the urgent need for a structured approach to RRRVA. In line with Masyhuri et al. (2023) effectively highlight that Indonesia currently lacks adequate legal frameworks for securing resale rights, leading to insufficient protection for local artists. The comparative analysis with Germany and Australia showcases how these countries have successfully incorporated provisions from the Berne Convention into their respective legal systems, thus providing robust protections for artists. The authors emphasise the need for Indonesia to adopt similar practices, which could significantly enhance artists' economic rights and contribute to the growth of the nation's artistic community. Their findings articulate a compelling argument for immediate legislative reform to support artists in Indonesia effectively.

Finally, Kalyatin & Valdes-Martines (2020) delve into the challenges associated with the international recognition of the artist's resale rights. Their examination reveals that existing obstacles to these rights often stem from economic, legal, and social misunderstandings within countries that have yet to adopt them. Their conclusion suggests that with the right motivation and awareness, significant progress could be made toward embracing RRRVA on a global scale. By addressing misconceptions and fostering an understanding of the artist's rights, the study underscores the potential for widespread acceptance and implementation of resale rights internationally. The overarching analysis indicates a shared responsibility among nations to protect artists, encouraging proactive engagement in establishing comprehensive legal frameworks that honor their contributions to art.

4.2 Technology Impact on RRRVA and Art Markets

The theme "Technological Impact on RRRVA and Art Markets" explores how emerging technologies, particularly non-fungible tokens (NFTs), are reshaping the landscape of resale royalty rights and the broader art market. The advent of NFTs has introduced innovative methods for artists to authenticate their work and secure revenue from secondary sales. As reported by Balaji et al. (2023) examine the vast potential of NFTs within the creative market, noting that these digital assets can provide artists with direct access to consumers, thereby eliminating traditional barriers present in the art market. The ability of NFTs to record secure transactions on the blockchain allows for the creation

of resale royalties based on their licensing agreements, highlighting the technological advancements that facilitate new business models for artists amidst a rapidly evolving economic environment.

The analysis of the Artist's Contract, as discussed by Van & Whitaker (2022), reveals how blockchain technology transforms traditional funding mechanisms for artists. Initially developed in 1971, the Artist's Contract is now experiencing renewed interest, with blockchain enabling more actionable terms related to resale royalties. The study of contemporary platforms, such as Super Rare, which ensure artists receive royalties for their digital works, exemplifies this shift. The empowerment of artists through technology not only challenges the existing gatekeeping practices in traditional art markets but also opens up opportunities for innovative financial support structures. This indicates that technological progress can disrupt longstanding norms while fostering inclusivity for creators within the art world.

The implications of NFTs on legal protections for artists, particularly Indigenous artists in Australia, are thoroughly examined by Harris (2023). This research scrutinises whether existing legislation, such as the Resale Royalty Right for Visual Artists Act, adequately addresses the unique challenges encountered by artists within the NFT space. By contrasting smart contracts with traditional legal frameworks, the findings suggest that existing rights may not extend sufficient protection, indicating a crucial need for reform. The analysis emphasises the importance of developing a legal framework that not only acknowledges the complexities of NFTs but also safeguards economic rights in an increasingly digital marketplace, particularly for artists from historically marginalised communities.

Consistent with Lim (2022) discusses the intersection of the digital-first sale doctrine and NFTs, highlighting the challenges of applying traditional copyright law to digital transfers. The first sale doctrine, which grants ownership rights to the buyer of tangible items, has not yet been adjusted to include digital assets. This creates significant legal ambiguities regarding the resale of NFTs and the rights of copyright owners. Lim advocates for legislative intervention that explicitly recognises digital transfers under the first sale doctrine as essential for balancing the interests of copyright owners and consumers. This perspective points to the necessity for updated legal standards that reflect the realities of digital commerce, ensuring clarity and stability in the art market.

As indicated by Stasi & David (2023) further emphasise the need for regulatory frameworks to address issues of authenticity and copyright infringement in the NFT marketplace. The proliferation of online art sales during the COVID-19 pandemic has raised concerns about unauthorised reproductions and the integrity of art transactions. Their research identifies a critical gap in the regulatory landscape, underscoring the urgency for national legislatures to establish clear guidelines to protect artists' rights. This situation reinforces the idea that a cohesive legal framework is essential to fostering trust within the digital art market, which is vital for maintaining artists' economic viability and reinforcing their rights in an increasingly technology-driven environment.

Per Ekinici (2023) provides an overview of the critical legal considerations associated with NFTs, examining how their unique characteristics influence ownership, authenticity, and intermediary liability. This article discusses the necessity for legal clarity surrounding NFTs, signalling that existing legal frameworks may not sufficiently accommodate their distinct nature. By articulating the legal implications of NFTs and emphasising the need for specialised attention to art law, Ekinici sets the foundation for future legal developments that could arise as the NFT market matures. This examination indicates that as the art world continues to adapt to technological advances, a parallel evolution in legal thought and practice is paramount to ensuring that artists are properly protected and empowered.

In summary, the overarching theme of the "Technological Impact on RRRVA and Art Markets" highlights the transformative effects of NFTs and related technologies on resale rights and artist protections. The articles reviewed illustrate a landscape that necessitates legislative adaptation and cohesive regulatory measures to effectively address the complexities introduced by digital assets. While NFTs offer promising avenues for economic empowerment and direct artist-consumer relationships, significant gaps remain in legal frameworks that must be addressed to ensure that artists' rights are

upheld, and that the art market can navigate the challenges posed by innovation. Collaborative efforts between legislators, artists, and legal experts will be essential in developing a comprehensive approach that promotes a sustainable and equitable future for the art community.

4.3 Market Dynamics, Valuation Practices, And Governance

The theme of "Market Dynamics, Valuation Practices, and Governance" highlights the intricate relationships between the resale rights framework, market operations, and the valuation of artworks within the contemporary art scene. As discussed by Ashenfelter (2018), analysis of auction markets reveals significant empirical regularities across wine and art auctions, demonstrating how the mechanisms governing sales affect pricing and market behaviour. Exploring these auction dynamics underscores the importance of understanding how various factors, including market conditions and buyer expectations, influence art valuation. Insights from Shortland emphasise the challenges posed by art crime, asserting that inadequate provenance verification has profound implications for market governance. These complexities necessitate robust governance frameworks that facilitate ethical transactions while ensuring that artists receive due recognition and compensation for their works.

The governance of the art market undergoes scrutiny considering innovations such as blockchain technology. In line with Shortland (2020) examination reveals how auction houses navigate the challenges of fakes and forgeries amid a booming market. The increasing financial stakes attract opportunistic behaviours that undermine the effectiveness of private governance mechanisms. The interaction between public law enforcement and private sector protocols presents a vital area for analysis as it influences market dynamics and impacts pricing strategies. Moreover, how art is governed through the lens of institutional analysis is pivotal in identifying effective systems to maintain integrity and promote transparency. The need for systemic change becomes apparent as governance structures adapt to the pressures of a globalised art market increasingly influenced by technology and evolving consumer behaviours.

Kharchenkova and Velthuis (2018) contribute to the conversation by addressing valuation practices and the role of auctions within the emerging Chinese art market. They argue that specific judgment devices are essential for resolving market uncertainties, as they shed light on how art is valued in contexts with varying levels of institutional support. In China, auction houses have emerged as significant players in determining value and authenticity, primarily due to the lack of trust in traditional validation entities like galleries or museums. The authors highlight the impact of government support in legitimising auction practices, suggesting that a well-regulated market can foster trust and ultimately enhance the perceived value of artworks. Their insights into consumer expertise and informal practices reinforce the complex relationship between governance and valuation in art markets, emphasising the need for informed buyers in navigating these spaces.

The ongoing challenges related to art crime further amplify the urgency for effective market governance and improved provenance practices. Consistent with (Oliveri et al. 2022) focus on the intrinsic vulnerabilities that arise when authenticating artworks lacking reliable documentation. Their research draws connections between inadequate provenance processes and the facilitation of art crime, highlighting how falsified documentation can enable the sale of stolen or forged works. The critical importance of authenticating artworks as a preventive strategy against art crime indicates the need for comprehensive governance frameworks that prioritise provenance research. The incorporation of databases and new technologies, such as blockchain for tracking art history, emerges as a progressive avenue that can enhance provenance research and protect both artists and collectors within the market.

Furthermore, the global implications of governance in art markets warrant attention. Investigation into the role of regulation versus reputation reflects broader dynamics at play in art transactions Oosterlinck & Radermecker (2023). They find that regulatory frameworks like the Marcus Decree have had limited effects on firming up the market for specific types of artworks and that reputational mechanisms often carry more weight in decision-making. This underscores the need for balance

between regulation and trust, recognising that while both are crucial to market stability, their interplay can significantly influence how artworks are valued and traded. The importance of understanding these dynamics becomes central to any discussion on resale rights, as effective governance can help ensure artists achieve fair returns on their creations.

Ultimately, the interplay between market dynamics, valuation practices, and governance forms a complex yet essential framework for understanding resale royalty rights and their implementation. The analyses from various authors illustrate the necessity of developing cohesive strategies that bridge gaps in legal protections, enhance market integrity, and promote fair compensation for artists. As the art market continues to evolve in response to technological, economic, and cultural shifts, it is paramount that stakeholders actively engage in refining governance structures to ensure they are equipped to address current challenges and capitalise on emerging opportunities. By fostering collaboration between artists, regulators, and market players, a more equitable and sustainable art economy can emerge, serving the interests of all parties involved.

5 DISCUSSION AND CONCLUSION

The implementation of the RRRVA reflects a complex interconnection between legal systems, cultural settings, and the economic pressures faced by artists worldwide. Rooted in the French *droit de suite*, RRRVA was designed to guarantee that artists benefit from a percentage of profits each time their work is resold, thereby safeguarding their long-term financial wellbeing. Brazil continues to uphold a strong commitment to this principle, yet debates persist about its relevance in an art world increasingly populated by entrepreneurial artists who adopt new modes of income generation. Conversely, China, despite its standing as a dominant art market, has yet to formalise resale rights. Earlier legislative attempts collapsed largely due to a lack of comprehension regarding their significance, underscoring the necessity for legislation adapted to local realities while still aligning with international frameworks. Similarly, Indonesia's absence of resale rights highlights the vulnerability of local artists and the pressing need for comprehensive reform to secure their livelihoods.

In the European Union, the RRRVA Directive 2001/84/EC illustrates disparities in application across member states, raising concerns about its effectiveness and consistency in providing fair protection. At the international level, the voluntary nature of RRRVA under the Berne Convention leaves significant gaps, as many artists remain excluded from its benefits. This fragmented global scenario makes it imperative for countries to embrace stronger and more harmonised agreements, ensuring that artists' rights are recognised and adequately enforced.

The theme of technological disruption has become increasingly relevant, particularly with the rise of non-fungible tokens (NFTs). These innovations are reshaping the practice of resale royalties by allowing artists to verify authenticity and claim revenue from secondary sales. Blockchain technology, in particular, provides a transparent mechanism for artists to directly interact with collectors, removing barriers that traditionally disadvantaged creators. Yet, legal challenges persist. Current frameworks remain inadequate for addressing issues such as digital transfers, marginalised artists' protection, and the growing risks of copyright infringement in virtual marketplaces. This points to the urgent need for updated legislation that incorporates digital realities and provides clear regulatory guidelines.

Market dynamics, valuation processes, and governance also form central concerns in the discourse on resale rights. Auction practices and pricing mechanisms shape how artists are compensated, while issues of provenance and art crime demand stronger systems of verification. Although technologies such as blockchain offer potential solutions, they also complicate governance structures. Beyond regulation, reputation continues to play a significant role in art market operations, suggesting that both formal governance and informal trust must be balanced. As the art ecosystem continues to evolve, collaboration between artists, policymakers, and market participants will be crucial. Only through such integrated approaches can RRRVA truly secure equity for artists, reinforce market integrity, and ensure that cultural contributions are rewarded.

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CONFLICT OF INTEREST

The author declares that this research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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