



## Dr. Friederike Gräfin von Brühl, M.A.

### Partner

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### OVERVIEW

Friederike Gräfin von Brühl is a partner at K&L Gates and a member of the Intellectual Property Litigation Group. She focuses on Fine Art and Cultural Property practice.

Her practice covers a wide range of domestic and cross-border matters pertaining to copyright, product piracy, software licensing, data protection law, marketing and advertising issues as well as unfair competition law. She has more than a decade of experience in intellectual property litigation and other dispute resolution matters in various industries, including technology, entertainment and luxury goods.

Further, she has extensive experience in providing legal advice to the art market. Her clients include art dealers and collectors, galleries and auction houses, artists and their estates as well as museums and charitable institutions. She regularly deals with disputes on authenticity and complex title issues, including Nazi-looted art, trophy art and artworks protected under cultural heritage laws. Her transactional experience in the art market includes lending against art, charitable planning, auction and gallery sales and export and import restrictions. She further advises, in tandem with members of the firm's Private Client Group, art collectors and other high-net-worth individuals on tax, trust and estate planning matters.

Friederike Gräfin von Brühl is since 2018 recommended by *The Best Lawyers in Germany*™/*Handelsblatt* as a leading practitioner in Art Law and recognized as “Lawyer of the Year” in Berlin for the 2022 edition of *Best Lawyers*®. She is regularly recognized by *Chambers Europe* (Band I) in the inaugural “High Net Worth Guide” ranking for Art and Cultural Property Law in Germany. Clients describe her as “very good and thorough. I would refer work to her; she is top of my list.” The German magazine *Der Spiegel* has called her “among the best art law experts of the Republic”. She was the only European lawyer listed in “The Power List: Top Female Attorneys in the Art World” by *ArtSheSays* in 2020.

### PROFESSIONAL BACKGROUND

Friederike lectures copyright and art law at *Freie Universität Berlin* since 2010. She has contributed the German Chapter to the “Art Collecting Legal Handbook”, *Thomson Reuters*, 2016, and regularly publishes in professional journals and handbooks. Before joining the firm in November 2008, Friederike worked in the Hamburg office of another international law firm, where she also focused on intellectual property and art law. She studied law and

art history in Freiburg i. Br., Bonn and Paris and continued her academic career with a doctorate on the "Market Power of Art Experts as a Legal Problem" at the University of Lausanne. She was admitted to the bar in 2006 and is an accredited "Specialist Lawyer for Copyright and Media Law" (*Fachanwältin für Urheber-und Medienrecht*).

## ACHIEVEMENTS

- Recognized by *The Legal 500 EMEA* as a Next Generation Partner for Entertainment in Germany, 2024

## PROFESSIONAL / CIVIC ACTIVITIES

Friederike is a member of the newly-launched *Court of Arbitration for Art* (CAfA) at the *Netherlands Arbitrage Institute* in The Hague (NAI), after having been an active member of the working group charged with its design and, ultimately, launch. She is also active on the advisory boards of several art charities, including of the *Freunde der Nationalgalerie e.V.*, *Outset Contemporary Art Fund Germany\_Switzerland*, *Stiftung Federkiel* and *Karl und Emy Schmidt-Rottluff Förderungstiftung*. Furthermore, Friederike is a member of GRUR (German Association for Intellectual Property), *Tönissteiner Kreis e.V.* and *Collections Legal* and an appointed Academician of The International Academy of Estate and Trust Law. Friederike is an alumna of the *Scholarship of the German Nation* (Studienstiftung des deutschen Volkes), where she had a scholarship both during her graduate studies and her doctoral thesis.

## SPEAKING ENGAGEMENTS

- "Avantgarde, Art Market and Crime - The Dark Side of the Boom," Speaker at the Symposium "*Russian Avantgarde: Original and Fake*", Museum Ludwig, Cologne, 7 November 2020
- "Wer kann da noch ruhig schlafen? Werkverzeichnis und zivilrechtliche Haftung" (*Who can still sleep soundly? List of works and civil liability*), Speaker at the *Conference by the German Catalogue Raisonné Working Group (Arbeitskreis Werkverzeichnis)*, Staatliche Kunstsammlungen in Dresden, 15 October 2020
- "Fakes! How, When and Why! - Wolfgang Beltracchi," Teaching Engagement at *The Royal Academy of Arts*, London, 19 November 2019
- "Cultural Property Law," Panelist at the *Art Business Conference*, London, 4 September 2019
- "Disputes on art sales - What makes galleries close down and auctioneers wake up at night?" *DIS Autumn Conference*, Berlin, 26 September 2018
- "Arbitration and Litigation in the Art Market," Speaker at the *Art Business Conference*, London, 1 September 2018
- "The new Court of Authentication in Art from a European perspective," Speaker at the *Authentication in Art Conference*, The Hague, 8/9 June 2018
- "Art and Inheritance," Speaker at *3rd Estate Planner Forum*, Berlin, 28 March 2017

- “Who is supervising the supervisors? The Power of Art Experts in the Light of Antitrust Law,” Speaker at the *Geneva Art Law Foundation Conference*, Geneva, 8 November 2016
- “Art and Dispute Resolution,” Speaker at the *DIS40 Autumn Conference*, Berlin, 27 September 2016
- “Keeping the Legacy Alive,” Chair of Panel on *Catalogues Raisonnés - When Form is Function, The Institute of Artist Estates*, Berlin, 14/15 September 2016
- “The ABC of art purchase agreements,” Speaker at “*Die Betreuung privater Vermögen - Recht und Steuern*”, Forum - Institut für Management, Frankfurt, 10 July 2015
- “The Catalogue Raisonné: The legal perspective,” Speaker at Art and Law Conference jointly held by *Art Basel* and *Universität Basel*, Basel, 19 June 2015
- “The growing relevance of purchase agreements and due diligence in the art market,” Chair of Panel at *Art Congress Cologne*, Euroforum, Cologne, 17 April 2015
- “ABA Section of International Law,” Panelist at *Europe Forum 2015*, Berlin, 27 March 2015

## EDUCATION

- Dr. iur., University of Lausanne, 2007
- Second Legal State Exam, Frankfurt a.M., 2005
- M.A., University of Freiburg, 2004 (*Art History*)
- First Legal State Exam, University of Bonn, 2003

## LANGUAGES

- English
- French
- German
- Italian

## THOUGHT LEADERSHIP POWERED BY HUB

- 21 March 2019, Trademark, Design and Copyright Update For Fashion Brands
- 6 May 2016, Is Social Media Sharing of Sports Clips Copyright Infringement? Recent UK Judicial Clarification and International Implications
- 12 February 2016, Are You Ready to Implement the New EU Rules on Alternative Dispute Resolution?
- 16 October 2015, Authenticity in the Art Market

- 14 October 2015, Transfer of Employees' Personal Data from Germany to the United States under German Data Privacy Law
- 13 October 2015, Transfer of Employees' Personal Data from Germany to the United States under German Data Privacy Law
- 3 July 2015, Klimt Foundation Deal with Heirs of Portrait Owner Comes to Fruition at Sotheby's

## OTHER PUBLICATIONS

- "Again and Again: Gotha is writing Legal History," in: *Back Again in Gotha: The Lost Masterpieces*, Exhibition Catalogue, Imhof Verlag, Petersberg 2021
- "The Art Forgery in Law, *Russian Avantgarde in the Museum Ludwig*," R. Kersting, P. Mandt (eds.), Köln 2020, pp. 124-131, together with Ruth Lecher
- "Quis custodiet custodes ipsos? The monopoly power of art experts in the light of anti-trust law," *Risques et périls dans l'attribution des oeuvres d'art: de la pratique des experts aux aspects juridiques*, Anne-Laure Bandle, Frédéric Elsig (eds.), Geneva/Zurich 2018, pp. 72-83
- "Germany, a chapter on the legal situation in Germany," in: *The Art Collecting Legal Handbook*, B. Boesch, M. Sterpi (eds.), second edition, Thomson Reuters, 2016, pp. 119-130
- "Standards of Care in the Art Market: A Comparative Study on What is Expected of Buyers, Sellers and Consignors in the United States, Germany and England," *Art, Antiquity and Law*, Vol. XXI, April 2016, pp. 1-30, together with Birgit Kurtz and Gregor Kleinknecht
- "Der Catalogue Raisonné im Recht" (*The Catalogue Raisonné in the Field of Law*), in: *Kunst & Recht (KUR) 2015 / Art & Law 2015*, Presentations of the same-named event at the Basel University Faculty of Law, Peter Mosimann, Beat Schönenberger (eds.), Bern 2016, pp. 15-27 (German article)
- "Deutsches Fluchtgut als Rechtsproblem" (*German Flight Art as Legal Problem*), in: *Fluchtgut - Geschichte, Recht und Moral*, Presentations of the Conference at Museum Oskar Reinhart in Winterthur on 28 August 2014, Peter Mosimann, Beat Schönenberger (eds.), Bern 2015, pp. 149-160
- "E-Mail-Überwachung am Arbeitsplatz" (*Monitoring Emails at Work*), in: *Zeitschrift für Datenschutz (ZD)*, 9/2015 edition, pp. 415-421 (German article)
- "Germany, Chapter on the legal situation," in: *The Art Collecting Legal Handbook*, Bruno Boesch, Massimo Sterpi (eds.), Thomson Reuters, London, 2013, pp. 119-130
- „Cyberbedrohungen: Rechtliche Rahmenbedingungen und praktische Lösungen" (*Cyber threats: Legal framework and practical solutions*), in: *Der IT-Rechtsberater* 2013, pp. 260-263
- „Sorgfaltspflichten von Kunstauktionshäusern" (*Due diligence of auction houses*), in: *Kunst und Recht (KUR), Tagungsband zur Basler Kunstrechtstagung vom 15. Juni 2012*, Peter Mosimann, Beat Schönenberger (eds.), Basel, 2012

- „Wie es Euch gefällt? Zum Antagonismus zwischen Urheberrecht und Eigentümerinteressen“ (*As you like it? On the Antagonism between Copyright and Ownership Interests*), in: *Gewerblicher Rechtsschutz und Urheberrecht (GRUR)* 2012, pp. 126-133, together with Dr. Lucas Elmenhorst
- „Nach dem Urteil“ (*After the judgement*), in: *Weltkunst*, Nr. 11/2011, p. 104
- „Sorgfaltsstandards im Kunsthandel: Vertrauen ist gut, Kontrolle ist besser“ (*Due Diligence Standards in the Art Market: Trust is good, control is better*), in: *Artnet*, 21 June 2011
- „Kein Zugang zur Art Basel – eine kartellrechtliche Anmerkung“ (*No access to Art Basel – a comment under anti-trust law*), in: *Kunst und Recht (KUR)* 2011, pp. 110-112, together with Dr. Lucas Elmenhorst
- „Rechtsschutz durch die europäischen Gerichte / Rechtsschutz durch die deutschen Gerichte“ (*Legal Protection under European Courts / Legal Protection under German Courts*), in: *Zivilrecht unter europäischem Einfluss*, M. Gebauer / T. Wiedmann (eds.), 2nd edition, Stuttgart-München 2010, pp. 2335-2379, together with S. Wienhues
- „Der Begriff der Echtheit von Kunstwerken im Zivil- und Strafrecht“ (*The Authenticity of Works of Art under Private and Criminal Law*), in: *Kulturgüterschutz – Kunstrecht – Kulturrecht: Festschrift für Kurt Siehr*, K. Odendahl / P. J. Weber (eds.), Baden-Baden 2010, pp. 303-312
- „Kunstexperten in Justitias Armen“ (*Art Experts in the Arms of Justitia*), in: *Handelsblatt*, 4./5.12.2010, pp. 82-83
- „Der Hundekorb im Museum – Leihverträge zwischen Museum und Sammler“ (*The Dog Basket in the Museum – Loan Agreements between Museums and Collectors*) in: *ArtValue*, no. 7, vol. 4, 2010, pp. 59-61
- „Auslandsverlagerung und Käuferumlage - Wie der Kunsthandel die deutsche Folgerechtsabgabe vermeidet“ (*Shifting abroad or to the clients - Art Dealer's Strategies to Avoid the German droit de suite*), in: *Gewerblicher Rechtsschutz und Urheberrecht (GRUR)*, 2009, pp. 1118-1122
- „Kunstexpertisen als Machtfaktor – die Position des Außenstehenden“ (*Art Authentication as a Matter of Market Power – the Position of the Outsider*), in: *Kulturgüterschutz – Künstlerschutz*, Tagungsband des II. Heidelberger Kunstrechtstags, Weller/Kemle/Lynen (eds.), Volume on the occasion of the 2nd Heidelberger Kunstrechtstag, Nomos Verlag, Baden-Baden, 2009, pp. 179-194
- „Marktmacht von Kunstexperten als Rechtsproblem“ (*Market Power of Art Experts from the Legal Perspective*), Nomos and Carl Heymanns, Cologne/Munich, 2008
- „Große Münze oder kleine Münze? Zum Abbildungsschutz bei Münzen und Medaillen“ (*Big or Small Coin? Picture Rights of Coins and Medals*), in: *Kunst und Recht (KUR)*, 2008, pp. 120-124
- „Le pouvoir de l'expert face au droit de la concurrence“ (*The Influence of Experts from the Perspective of Antitrust Law*), in: *L'expertise et l'authentification des œuvres d'art, Etudes en droit de l'art*, Vol. 19, Marc-André Renold / Pierre Gabus / Jacques de Werra (eds.), Schulthess Zürich 2007, pp. 135-147
- „Der Abkauf von Wettbewerb aus Kartellrechtssicht“ (*The Purchase of Competition in the Context of Antitrust Law*), in: *Wirtschaft und Wettbewerb (WuW)*, issue 1/2007, pp. 18-25, together with T. Mäger



- „Die Schweiz und die Raubkunst“ (*Switzerland and Looted Art*), in: *OSTEUROPA*, 56th volume, issue 1/2006, pp. 341-353, together with T. Giovannini, M.-A. Renold, C. Olsburgh
- „Die Fusion von Stiftungen“ (*The Merger of Foundations*), in: *Stiftung & Sponsoring*, supplement „Die Roten Seiten,” issue 3/2005, together with C.-H. Heuer

## NEWS & EVENTS

- 27 March 2024, K&L Gates Recognised in 2024 Edition of *The Legal 500 EMEA*
- 22 June 2023, Nearly 50 K&L Gates Lawyers Throughout Europe Recognized in 2024 Best Lawyers, Ones to Watch Editions
- 6 January 2020, K&L Gates Advises KKR on Sale of European Locomotive Leasing
- 12 May 2017, K&L Gates Advises CLX Communications on Cross-Border Acquisition of Dialogue Group Ltd.
- 26 July 2016, K&L Gates Advises Luye Pharma Group Ltd. on European Market Entry
- 15 October 2015, K&L Gates Participates in Innovative Program Aimed at Preventing Art Forgeries

## MEDIA MENTIONS

- 6 July 2021, THE NEW YORK TIMES, “Did the Nazis force an art sale? The question lingers 88 years later” by Catherine Hickley (*“It can be very difficult to determine whether a sale was under duress or not,” says Friederike von Brühl, a Berlin-based lawyer specialized in art law. “In practice, we are looking at numerous criteria: Was the purchase price adequate? Was the seller free in spending the proceeds? When exactly was the sale?”*)
- 7 January 2021, THE ECONOMIST, “New tools are making it easier to authenticate paintings,” by Bruce Clark (*“Canvases rescued from Stalin present specific problems, but tracing the story of a 17th-century Old Master ... can be just as fraught,” says Friederike von Brühl, a Berlin-based art lawyer. “If great collections were to turn the full light of science on their venerable oil paintings,” she reckons, “they will find many wrong attributions.”*)
- 23 January 2020, Interview in TAGESSCHAU and TAGESTHEMEN (German national evening news)
- 17 January 2020, DER SPIEGEL, “Wie die Alten Meister wieder auftauchten,” by Konstantin von Hammerstein (*Friederike Gräfin von Brühl has advised him so. The Berlin-based lawyer is among the best art law experts of the Republic. / Friederike Gräfin von Brühl hat ihm zugeraten. Die Berliner Anwältin zählt zu den besten Kunstrechtsexperten der Republik.*)
- 6 December 2019, DEUTSCHLANDFUNK, “Gemälde als spektakulärem DDR-Diebstahl wieder da,” by Stefan Koldehoff and Tobias Timm (*Juristisch dagegen ist im Fall Gotha vieles längst verjährt. Strafrechtlich können wegen des damaligen Einbruchs keine Vorwürfe mehr erhoben werden, erklärt die Berliner Rechtsanwältin Friederike von Brühl, die in dieser Sache die Stiftung Schloss Friedenstein vertritt.*)

- 29 September 2016, THE NEW YORK TIMES, “Cultural Property Protection Law comes under fire in Germany,” by Conrad De Aenlle (*If that is an intention of the law, it may backfire, said Friederike Gräfin von Brühl, a partner in Berlin for the law firm K&L Gates who focuses on art issues. German tax rules confer benefits on collectors who lend their works to public institutions, but the raised profile that comes from public exhibition has made some clients reluctant to lend their art, regardless of the breaks, Ms. von Brühl said. “I hear from collectors that they don’t want to put works on display because they will become known and be considered part of the national heritage,” she said.*)
- 6 November 2013, THE WALLSTREET JOURNAL, “U.S. pushes Germany for details of art cache,” by Mary M. Lane und Harriet Torry (*“The Gurlitt find is crazy, everyone in the art world knew about Gurlitt and his role, but it was thought the paintings had been lost,” said Friederike von Brühl, a lawyer for K&L Gates LLP specializing in art.*)
- 7 December 2012, HANDELSBLATT, “Ende eines Zivilstreits,” by Christiane Fricke (*Der befriedigende Ausgang war möglich, weil Friederike Gräfin von Brühl, Rechtsanwältin der die Trasteco vertretenden Kanzlei K&L Gates, Berlin, nicht nur gegen Lempertz, sondern auch gegen den Fälscher Wolfgang Beltracchi und seine Frau Helene prozessiert und in beiden zivilrechtlichen Verfahren in erster Instanz gewonnen hatte. Auf dieser Grundlage sollen nun aus dem Vermögen beider Schuldner, von Lempertz und dem Ehepaar Beltracchi, Teilbeträge an Trasteco geflossen und damit der gesamte Schaden ersetzt worden sein. Rechtsanwältin von Brühl: „Wir sind sehr zufrieden mit dem Ausgang des Verfahrens. Sämtliche Schäden unserer Mandantin sind ausgeglichen.“*)
- 16 May 2012, TAGESSPIEGEL, “Kunstfälschung - Ein Pferd auf der Flur,” by Christiane Fricke (*...und letztlich kam hier alles ins Rollen, weil 2008 die Berliner Rechtsanwältin Friederike von Brühl eine Zivilklage gegen das Auktionshaus anstrebte.*)

## AREAS OF FOCUS

- IP Litigation

## INDUSTRIES

- Consumer Products
- Fine Art and Cultural Property

## REPRESENTATIVE EXPERIENCE

### IP Litigation and Technology Transactions

- Advised a leading European provider of parking spaces with regards to GDPR compliance.
- Advising a global provider of high performance material with regards to GDPR compliance in the European market.

- Advised an international pharmaceutical company on several research and development agreements with German universities and research institutes.
- Advising on various licensing template agreements regarding a trademark-protected Japanese cartoon character, including licensing agreements for digital content.
- Advised a national research center regarding a complex licensing agreement for a Covid-19 app.
- Represented a sportswear company in a strategic trademark campaign in the German market against various competitors, leading to the negotiation of various out-of-court settlements and coexistence agreements.
- Represented a provider of anti-malware software in several preliminary injunction proceedings in German courts regarding unfair competition claims against a competitor blocking the client software as a "potentially unwanted program."
- Represented an international provider of luxury goods in drafting and negotiating a licensing and cooperation agreement with a virtual fashion and beauty blogger.
- Represented a leading international fashion company in various IP disputes in the German market.

## **Fine Art and Cultural Property**

- Represented the heirs of an art collection looted by the Nazis in the 1930s in negotiations against the German Taskforce established to resolve provenance issues surrounding the Munich art trove of the Gurlitt collection.
- Advised an important German old master collection on various legal issues.
- Representing Stiftung Schloss Friedenstein Gotha in the successful restitution negotiations of the five old master paintings stolen from the city of Gotha in 1979.
- Advised an international asset management company in a complex cross-border financing project involving five artworks as collateral.
- Representing numerous clients in art authentication disputes in German courts from various different angles; including from the perspective of the authenticator refusing authentication, the collector seeking authentication and the auction house refusing to sell without authentication.
- Represented a leading international technology and real estate development company on a permanent basis on art-related commission, sponsorship, and cooperation agreements.
- Advised several victims of the German Beltracchi art forgery scandal, including successful filing of a criminal complaint against art forger Wolfgang Beltracchi.
- Advising on the legal structure of an art investment club with an international investor base and a US\$17.5 investment against art as collateral, including coordination of corporate and tax teams in three different jurisdictions.
- Advised a German art museum on import restrictions under German cultural property law for a work stolen as trophy art in the Second World War.