



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

### Partner

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### OVERVIEW

Friederike Gräfin von Brühl is a partner in the firm's Berlin office with a focus on IP/IT and art law.

She works with leading international corporations, mid-sized enterprises, and high-growth companies on an advisory basis, as well as representative in litigation disputes, particularly regarding complex licensing contracts, IT law, data protection law, copyright law, and entertainment law, as well as press law, marketing and advertising law, and competition law. Her experience in matters pertaining to the protection of intellectual property rights extends from national and international disputes, including out-of-court arbitration to transactions and outsourcing projects.

Moreover, Friederike is knowledgeable in product piracy and data protection regulation compliance. Her work attracts clients from various industries including e-commerce, software development, entertainment, sports, consumer goods, and the fashion industry.

In addition to the above, she advises art dealers, auction houses, museums and cultural institutions, as well as private collectors, art estates, copyright associations, and foundations, primarily in dispute resolution, negotiations, and strategic projects.

Her experience covers matters pertaining to counterfeiting, restitution claims, and artwork with complex ownership issues, collateral security, copyright and cultural asset property rights, and the legalities involved in lending, transporting, and insuring artwork. Together with the private client team, she advises on the correct foundation structure with regard to tax and inheritance law pertaining to artwork.

Friederike is recommended for art law by *Best Lawyers/Handelsblatt*.

### PROFESSIONAL BACKGROUND

Before joining the firm in November 2008, Friederike worked in the Hamburg office of another international law firm, where she also focused on IP, copyright, media, and art law. She was admitted to the bar in 2006 and is an accredited "Specialist Lawyer for Copyright and Media Law" (*Fachanwältin für Urheber- und Medienrecht*). She regularly publishes in professional journals and is lecturer for copyright and art law at the *Freie Universität Berlin*.

## PROFESSIONAL / CIVIC ACTIVITIES

Friederike is a member of GRUR, IFKUR, CAA, Tönissteiner Kreis and Freunde der Nationalgalerie. She is also on the board of trustees of the foundation “Stiftung Federkiel”. She is an alumna of the “Scholarship of the German Nation” (Studienstiftung des deutschen Volkes), where she was a member both during her graduate studies and her doctoral thesis.

## EDUCATION

- Dr. iur., University of Lausanne, 2007 (*Doctoral Thesis*)
- 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 (*Webinar*)
- 08 March 2018, Global Voice | Conversations on Art (*Video*)
- 21 October 2016, Getting the Deal Through – Fintech 2017 (*Articles*)
- 6 May 2016, Is Social Media Sharing of Sports Clips Copyright Infringement? Recent UK Judicial Clarification and International Implications (*Alerts/Updates*)
- 12 February 2016, Are You Ready to Implement the New EU Rules on Alternative Dispute Resolution? (*Alerts/Updates*)
- 16 October 2015, Authenticity in the Art Market (*Webinar*)
- 14 October 2015, Transfer of Employees’ Personal Data from Germany to the United States under German Data Privacy Law (*BlogPost*)
- 13 October 2015, Transfer of Employees’ Personal Data from Germany to the United States under German Data Privacy Law (*Alerts/Updates*)

- 3 July 2015, Klimt Foundation Deal with Heirs of Portrait Owner Comes to Fruition at Sotheby's (*Alerts/Updates*)

## OTHER PUBLICATIONS

- "Germany," a chapter on the legal situation in Germany, in *The Art Collecting Legal Handbook*, B. Boesch, M. Sterpi (eds.), second edition, ThomsonReuters 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, in collaboration with Birgit Kurtz and Gregor Kleinknecht
- "The Catalogue Raisonné in the Field of Law," *Kunst & Recht 2015 / Art & Law 2015*, Presentations of the same-named event at the Basel University Faculty of Law, P. Mosimann, B. Schönenberger (eds.), Bern 2016, pp. 15-27 (German article)
- "Monitoring Emails at Work," *Zeitschrift für Datenschutz (ZD)*, 9/2015 edition, pp. 415-421 (German article)
- "Germany Chapter," *Getting the Deal Through – Fintech 2017*, 21 October 2016
- "Germany Chapter," in *The Art Collecting Legal Handbook*, B. Boesch / M. Sterpi (eds.), ThomsonReuters 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, Tagungsband zur Basler Kunstrechtstagung vom 15. Juni 2012* (Art and Law, Art Law Conference in Basel, June 15, 2012), ed. B. Schönenberger / P. Mosimann, 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 *GRUR 2012*, pp. 126-133 (together with L. 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. Juni 2011
- "Kein Zugang zur Art Basel – eine kartellrechtliche Anmerkung," (No access to Art Basel – a comment under anti-trust law), in *KUR 2011*, pp. 110-112 (together with L. 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*, ed. M. Gebauer / T. Wiedmann, 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*, ed. K. Odendahl / P. J. Weber, 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), *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 ed. *Weller/Kemle/Lynen*, Volume on the occasion of the 2nd Heidelberger Kunstrechtstag, Nomos Baden-Baden 2009, pp. 179-194
- “Marktmacht von Kunstexperten als Rechtsproblem,” (Market Power of Art Experts from the Legal Perspective), Carl Heymanns, Cologne et al. 2008
- “Große Münze oder kleine Münze? Zum Abbildungsschutz bei Münzen und Medaillen,” (Big or Small Coin? Picture Rights of Coins and Medals), in *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, ed. Marc-André Renold / Pierre Gabus / Jacques de Werra, Schulthess Zürich 2007, pp. 135-147
- “Der Abkauf von Wettbewerb aus Kartellrechtssicht,” (The Purchase of Competition in the Context of Antitrust Law), in *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

- 6 January 2020, K&L Gates Advises KKR on Sale of European Locomotive Leasing (*Press Release*)
- 26 July 2016, K&L Gates Advises Luye Pharma Group Ltd. on European Market Entry (*Press Release*)
- 15 October 2015, K&L Gates Participates in Innovative Program Aimed at Preventing Art Forgeries (*Press Release*)

## AREAS OF FOCUS

- IP Litigation
- Data Protection, Privacy, and Security
- Estate Planning and Trusts & Estates
- IP Procurement and Portfolio Management
- Technology Transactions and Sourcing

## INDUSTRIES

- Consumer Products
- Luxury Products and Fashion
- Sports

## EMERGING ISSUES

- Social Media Law