



2021
Activities
Report

@dagp key figures

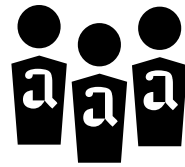
05-31-2022

14 276

living artists

17 015

direct members



More than

200 000

represented artists
in the world

2 739

estates

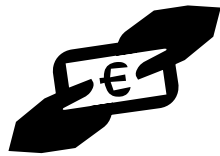
113 nationalities
70 countries

+ 1 380

new members this
year

65

employees



11,6%

average commission rate

49 M€

collected rights
in 2021



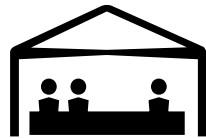
More than 40
art
disciplines



54

sisters
compagnies
abroad

More than 100



festivals, fairs and other events
supported each year by ADAGP
cultural action department

630

galleries

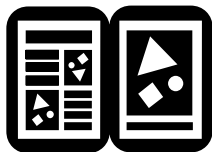
and 450
auction houses

administrated
for resale right



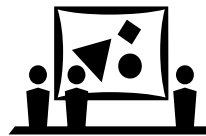
133

press titles
under contract



227

museums, art center
and foundations
under convention



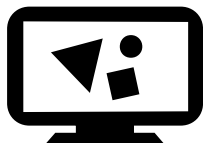
More than 1 100

authorized
movies



280

contracts with
TV broadcasters



44 000

images
displayed
on the image
bank



More than 2 500

annual
withdrawals
counterfeit
works online



Editorial

This editorial is written with real satisfaction: not only did art and cultural venues reopen in May 2021, but also the long and difficult battles led by the ADAGP are now yielding fruit, which is scattered throughout the pages and figures of this transparency report.

The first achievement of these battles was the historic partnership forged with Google in June 2021. Many years of work and negotiations have resulted in the signing of two major agreements for the support and remuneration of visual artists. The first payments to artists were made in November 2021 for the support fund and in May 2022 for the licence.

We would like to take this opportunity to thank the public authorities, and above all the Ministry of Culture, Matignon and the Elysée, not forgetting French and European MEPs, without the support of whom the ADAGP would not have been in a position to seriously negotiate with the world's largest technology firms.

Our second point of satisfaction is the rise of exhibition royalties, which are coming into effect, albeit delayed by months of public health crisis. This is being implemented in art centres, museums and regional contemporary art collections (FRACs), as demonstrated by our yearly indicator for these royalties. As the figures show, between 2019 and 2021, the amount of these royalties collected for artists was five times greater.

Here, we would like to recognise the work of the fund of the Departments and Cabinet of the Ministry of Culture and the determination of the minister Roselyne Bachelot-Narquin, who refused to see failure to comply with artists' rights as inevitable. We would also like to pay tribute to the commitment of many venue directors to paying exhibition royalties, despite clearly sensitive budgets. Our work will of course continue in order to cement the long-term application of these royalties.

All this has naturally led to excellent figures for 2021: collections reached 49 million euros, up 8% on the previous year, and 75% of members received royalties in 2021. This proves just how effective the teams of the ADAGP are in accomplishing their mission: fair pay of all artists in the visual arts.

Finally, I could not conclude this editorial without giving my deepest and most heartfelt thanks to Christian Jaccard for the immense work he accomplished alongside us through his two mandates as president, or six years in charge of the ADAGP. He was a president who was attentive to all, driven by an unerring sense of commitment. He will continue to strive for artists' rights on the board of directors.

I am delighted to welcome his replacement, Hervé Di Rosa, who was elected in December 2021. His energy and keen understanding of the issues for visual artists will be of great value, particularly regarding artists' rights in the digital sphere (NFTs, metaverses, metadata, etc.), which will be very much in question in the coming months.

I have no doubt that the ADAGP will succeed in furthering artists' rights, thanks to its formidable team and the incredibly strong support from artists.

Marie-Anne Ferry-Fall,
Managing Director

Activities for the 2021-2022 financial year

Elements required under article R.321-14, II-paragraph 2 of the French Intellectual Property Code

The ADAGP is taking action in light of the booming NFT market

2021 saw NFTs (“non-fungible tokens”) burst onto the art market, beginning with the record sale at Christie’s (69 million dollars) in March of an NFT linked to a digital artwork (“Everydays – The First 5000 Days”, by the artist Beeple).

NFTs offer a technical response to a hitherto unsolvable problem: how to sell an original digital work, as one would a material work, when, like any computer file, it is by nature endlessly clonable. Based on “blockchain” technologies, which offers strong guarantees in terms of security and traceability, NFTs are a kind of digitised property certificate associated with a digital file: authors who link an NFT to their digital creation can give the latter a unique character, and therefore value, on the art market.

In response to contact from both members and technology companies offering NFT-related services, the ADAGP has taken an interest in the issue from the beginning. In 2021 and 2022, it took part in several conferences on the subject (Institut Art & Droit symposium on “NFTs and the art market – Law, practice... and the future”, The Art Market Day conference on “NFTs: how to enter this new market? Good practices and traps to avoid”, the symposium of the Conseil des Ventes Volontaires on “NFTs: evolution or revolution in the art world?”) and is active in various working groups that bring together artists’ representatives, art market professionals, IT specialists, academics and lawyers. It is also working closely with the CSPLA (Higher Council for Literary and Artistic Property) on NFTs, the report of which should contribute to the government’s consideration of the issue.

While NFTs are currently at the heart of a speculative bubble, the phenomenon does not appear likely to disappear in the coming years.

Nevertheless, it is clear that the young NFT market, which has been somewhat anarchically built without any substantial consideration of the underlying economic and legal models, will become more mature. Most marketplaces feature terms of use that offer little protection for artists, while others are simply derisive, obliging the creator of the NFT to transfer copyrights for the work to the purchaser.

The challenge for the future is to work on a framework for practices, to allow these NFTs to develop in compliance with artists’ rights and within a legal framework that limits risks to both NFT creators and art market operators. The ADAGP has set up a dedicated monitoring group and think tank made up of legal experts, IT specialists, copyright managers and accountants, in order to identify any projects that could be conducted to benefit artists, both in the short and long terms. This could range from the drafting of a charter of good practices, possibly supplemented by a form of certification for compliance platforms, to IT developments to secure the creation of NFTs (certificate of identity for members, in particular, to combat forgery) or even to manage them on behalf of its members.

In May 2022, the ADAGP co-wrote an opinion column on NFTs and artists’ rights with artists’ heirs. This column, along with a dedicated website (nft-artists-rights.com), offers a reminder – if one were needed – that this technology, when combined with creation, must be implemented in compliance with artists’ rights.

The coming months will allow the ADAGP to work with other relevant stakeholders (public authorities, technology companies, art market professionals), to establish an appropriate legal framework, granting conditions that enable the market to develop sustainably through the legal security necessary to any economic activity, and guaranteeing the consideration of artists and their beneficiaries.

9 challenges for the visual arts

2022 has brought two electoral highlights: the presidential election in April and the legislative elections in June. The ADAGP brought the voice of artists to public authorities and submitted nine proposals for the French art scene, for the attention of candidates in these elections. The ADAGP will continue to put these forward to the government formed after this electoral period. These 9 challenges are grouped into 3 themes:

A. Providing artists with the means of creation

1. Elective application of exhibition royalties in distribution venues
2. Improvement of the contractual practices of public institutions
3. Encouragement to create workshops and artists' residences in built programmes

B. Promoting access to art

4. The creation of an obligation to produce and disseminate audiovisual programmes dedicated to the visual arts
5. Implementation of systems to promote the acquisition of works by living artists on the French scene by private individuals and freelance professions
6. Establishment of measures to support the development of art libraries

C. Increasing the influence of the French scene

7. Implementation of measures encouraging the predominant featuring of artists on the French scene (exhibition venues, media, etc.)
8. Creation, via the CNAP, of a automatic financing system for production on the French art scene
9. Reinforcement of resources dedicated to the international influence of the French art scene

The complete file can be found on the ADAGP's website.

Protecting artists' rights

Contracts signed with Google

In 2021, the ADAGP, the Saif and Google signed historic partnership and licensing agreements intended to support and remunerate visual artists in the digital sphere.

These ten-year agreements are part of a long-term approach and include a fund to support the expansion of artists' professional activity in the digital era.

In addition, a licence authorises the use of works in the ADAGP and Saif's repertoire to be used, in France, in Google's various products and services.

The first payment from the fund was made to artists during the rights payment scheme of autumn 2021. For the first two years (2021 and 2022), it aims to financially support artists in light of the public health crisis. In accordance with the terms of the fund and the distribution rules drawn up by the board of directions, all living artist/author members of the ADAGP who have received over 15 euros in rights in the past year (or 45 euros over the past three years) and less than 10,000 euros, are eligible for this support. The 2021 rights of the licence were paid during the May-June 2022 payment scheme.

The rise of exhibition royalties

The minimum remuneration model for artists, negotiated under the aegis of the Ministry of Culture and published in 2019, is entering into force after the long months of the public health crisis. It is now that we will begin to feel the effects of the payment of exhibition royalties by the exhibition venues receiving public grants.

In January 2022, a bill was put forward by Mrs Fabienne Colboc and 44 other deputies, most of them from the majority party, seeking to introduce the effective remuneration of exhibition royalties into the French intellectual property code. The deputies' law applies to all "establishing receiving direct state support" and refers to a decree to establish the fee framework. This law is still being drafted and will be examined during the next term, in 2022-2023.

In parallel to this, the ADAGP is pursuing its fruitful exchanges with both cultural institutions, increasing numbers of which are signing agreements aimed at implementing this right, and with the different departments of the Ministry of Culture, both centralised and decentralised, to support the elective implementation of these royalties.

Thanks to the combined efforts of all stakeholders in the sector, exhibition royalties have been increasing significantly in art venues since May 2021. The exhibition royalties indicator, published every year in January in the ADAGP's newsletter, *Esquisses*, illustrates this historic rise in collections.

There is still much to do in order for these royalties to become truly widespread and the teams of the ADAGP will keep up their intense efforts to achieve this over time.

Resale Right

Resale rights, fundamental artists' rights that are specific to the visual arts, are now present in the legislations of 90 countries.

Since 2020, the ADAGP has been an observer accredited by the Standing Committee on Copyright and Related Rights (SCCR) of the WIPO (World Intellectual Property Organization).

In 2021, the SCCR held a videoconference from 28 June to 1 July. This meeting was an opportunity for the ADAGP to issue a reminder, in response to questions raised by the Japanese delegation at the prior session in November 2020, of the grounds of fairness of resale rights and the guarantees of traceability for artworks and transparency for the art market offered by the implementation of these rights.

As part of its continuing discussions with the Secretariat of the SCCR and the resale rights task force established in 2018 by this committee, the ADAGP is also helping to develop a tool kit for resale rights, which will include a legislative element and a practical aspect on collective management methods. For this latter aspect, the ADAGP is lending its lengthy experience in managing these specific rights to the SCCR, in order to open up the different options and tools currently available in states that are already successfully implementing these rights to other states seeking to adapt resale rights to their legislation (or that already have it but lack the resources or tools to enforce them).

A new SCCR was held in a hybrid format (in Geneva and by videoconference) on 13 May 2022 to explore the elements to include in this tool kit in detail.

The fight against forgeries and counterfeits

Throughout the 2021-2022 period, the ADAGP continued its work to discourage forgeries. It was asked to work with the departments of the Central Office for Combating Trafficking in Cultural Property (OCBC) on various matters and, as part of its commission to discourage forgeries and counterfeits, worked to implement an awareness-raising programme for members of the legal profession on artists' rights and art market law, in partnership with the *École Nationale de la Magistrature* (ENM).

The committee also launched a project on the potential means of conducting an economic study exploring the impact of forgeries on the art market and in collections. The ADAGP also took part in the symposium of the *Institut Art&Droit*, "Legislation on art forgeries: the necessary reform" on behalf of the committee in March 2022.

Discussions have also begun with eBay on the procedures to implement in order to improve the detection and removal of listings for counterfeit items.

Of note in the legal sphere is a decree by the Court of Cassation, issued on 24 November 2021, which marked a rather concerning development in these matters surrounding forgeries. The case related to a painting attributed by its owner to Marc Chagall but which, following expert analysis, proved to be a copy produced without permission by a third party. The painting was both a forgery (it was not painted by Chagall but bore his signature) and a counterfeit (it was a copy of one of the artist's pre-existing works). In 2019, the Paris Court of Appeal nevertheless refused the request for the contentious work to be destroyed, and instead ordered that the wording "REPRODUCTION" be added to the back of the counterfeit work, indelible and visible to the naked eye. Judging that this measure would certainly inform the public that this was a copy (and not an original) but would not make it possible to know whether this copy was made in agreement with the artist or his beneficiaries (and therefore whether it was lawful), the artist's beneficiaries appealed to the Court of Cassation. Unfortunately, the Court of Cassation upheld the decree of the Paris Court of Appeal, judging that the addition of the wording "REPRODUCTION" on the back of the painting was sufficient to guarantee that it would be removed from commercial channels.

This decision, which was vehemently criticised by art law specialists, is a good illustration of the difficulty, with current legislation, in obtaining the forced destruction of counterfeits and forgeries, which are therefore liable to continue circulating on the market. Moreover, the CSPLA recently launched a mission in the fight against art forgeries, which could result in changes to the legislative and regulatory framework on the issue. This may be an opportunity to clarify the terms under which it would be possible to obtain forced destruction.

Photographers' rights

At the end of a two-year public health crisis that has heavily affected the photography sector, the Ministry of Culture published two reports that take stock and make a number of recommendations. During interviews conducted in order to produce these reports, the ADAGP was able to assert its positions in favour of the protection of artists' rights.

First, the CSPLA's mission on metadata related to fixed images, initiated in December 2020 with its report published in July 2021, aimed to enable better identification of online works via using. This information recorded in the image files, which many professional photographers use as part of their work, makes it possible to precisely identify the work and its author, to ensure the traceability of the images and, therefore, to facilitate the remuneration owed to creators. Unfortunately this metadata is all too often deleted by distributors, despite the law that provides for the protection of this data and without any sanctions being applied. The report makes two sets of recommendations to remedy this: ensure that existing provisions remain elective (and in particular articles 15 and 17 of the "DAMUN" directive) or, failing that, rewrite the sanctions on technical information measures and strengthen the role of ARCOM (the administrative authority created by the merger of the CSA and Hadopi) in this area.

Second, in March 2022, the Ministry of Culture also published the highly-anticipated report by state advisor Laurence Franceschini on the financing of the production and dissemination of photographic works. In order to support the sector in a sustainable way, the report proposes a series of measures, several of which concern compliance with of photographers' rights, such as preventing excessive use of the term "rights reserved", supporting the development of tools for watermarking and tracing images, implementing the sharing of remuneration for photojournalists under related rights, protecting metadata and making the payment of exhibition royalties systematic.

The ADAGP took part in the third Parliament of Photography organised by the Minister of Culture in June 2022, an opportunity to remind all stakeholders in the sector of the challenges for transposing the European directive on copyright and related rights in the Digital Single Market.

Finally, through its Photography committee, the ADAGP launched a vast communications campaign in support of the French photography scene (see below, "The work of advisory committees in the repertoire"), in partnership with key players in the sector.

Other professional actions

In France

- **The 3D Printing Charter is finally signed**
Long championed by the ADAGP, the Charter of best practice in the field of additive manufacturing and 3D printing applied to art was signed by the Minister of Culture, Mrs. Roselyne Bachelot-Narquin.

Drawn up under the aegis of the CSPLA, this charter, which is essentially educational in nature, reminds stakeholders in the 3D printing market of their obligations in terms of literary and artistic property in the context of their activity.

ADAGP will play a central role in informing 3D printing providers and the public about the rules relating to artists' rights and art fraud.

- **Implementation of the 2019 directive on copyright and related rights in the Digital Single Market**

The transposition into French law of the directive of 17 April 2019 on copyright and related rights in the Digital Single Market was completed in November 2021 in terms of the legislative aspect.

From July 2019, article 15 of the directive, establishing related rights to benefit publishers and press agencies in terms of the use of their press publications by online platforms, was transposed into a law that, in particular, provides for the payment of part of the remuneration received by publishers and agencies to the authors of works included in these publications.

Since then, a new collective management organisation (DVP) has been set up in order to collect and distribute the sums due to publishers and agencies. The ADAGP will begin negotiations with these parties in order to collect the share of remuneration due to its members.

In May 2021, the government transposed by ruling the articles of the directive relating to contracts signed with operators (articles 18 to 23) and included several provisions to reinforce artists' rights (obligation for transparency from operators, right of artists to terminate an exclusive sale in the event of total absence of use, right of artists to additional remuneration when the proportional remuneration provided for in the contract proves to be unreasonably low in relation to the income gained from the use of the work).

This ruling also transposed article 17 of the directive that creates a new regime of responsibility for platforms offering access to works protected by copyright.

These platforms now assume liability when works are uploaded without the permission of their creators, unless they can demonstrate that they have made their best efforts to obtain such permission and, failing such an agreement, to remove the works and prevent them from being uploaded again. An annulment appeal for this article was filed by Poland, which believed that, in order to be exempt from all liability, platforms would have to conduct automated filtering measures for published content that could jeopardise freedom of expression. In a decree dated 26 April 2022, the Court of Justice of the European Union rejected this request, judging that this provision does not disproportionately restrict freedom of expression.

In November 2021, a second ruling finalised the transposition of the directive by modifying the field of certain copyright exceptions (namely the exception for "text and data mining", the teaching exception and the exception for reproduction for the purposes of cultural heritage conservation) and enshrined into French law the mechanism for extended collective licensing, enabling collective management organisations to extend the benefits of licenses signed with users to non-member authors.

Such a system is being considered to allow for the digitisation and dissemination of works not available with libraries and museums, or the reproduction and dissemination of visual artworks for the purposes of illustrating publications as part of research or higher education activities. This will also be open to the visual arts under the implementation of article 17.

● The Conseil Permanent des Ecrivains

The Conseil Permanent des Ecrivains (Permanent Council of Writers, CPE) brings together some fifteen organisations representing several tens of thousands of book and image authors, including the ADAGP.

2021 saw the renegotiation of agreements signed in 2014 on the balance of the contractual relationship between publishers and authors. Pierre Sirinelli, professor of literary and artistic property law appointed by the Ministry of Culture, oversaw an initial phase of negotiations which, in February 2022, resulted in 5 points of agreement liable to improve the transparency of information provided by publishers to authors, as well as in the establishment of a "continuation of negotiations clause", focused on the issue of remuneration for creators.

A new engagement letter was sent to Prof. Sirinelli in April by the Minister of Culture in order to complete the draft agreement and discuss the subject of remuneration for authors, particularly of young adult literature.

Abroad

● The annual report of the CISAC

The International Confederation of Societies of Authors and Composers (CISAC) represents over 230 societies of authors in more than 120 countries.

Through this community, the CISAC supports the global network of collective copyright management.

As demonstrated in its latest Global Collections Report for 2020, published in October 2021, total collections fell to 9.32 billion euros. On a global scale, royalties collected for creators of music, audiovisual, visual arts, drama and literary works fell by 9.9% in 2020, with losses amounting to more than €1 billion as a result of the global pandemic. Paradoxically, collections from the visual arts repertoire increased by 19.6% in 2020.

The severe impact of the pandemic was offset by the successful negotiation of back-payments in Europe. Reprography royalties, obtained from the sale of photocopiers and printers, grew by 70.7% following payments amounting to 17.2 million euros in Germany and 10.2 million euros in the Netherlands.

Excluding the impacts of these one-off payments, the visual arts sector declined by 8.4% as lockdown measures drastically reduced activity and led to the suspension of exhibitions, auctions and other income streams.

Collections from resale rights fell by 18%, or a loss of 8.4 million euros for the visual arts repertoire. This decline was observed particularly in the United Kingdom, France and Italy, amounting to around 25% for each. However, it should be noted that many auction houses conducted their activity online over the course of the year.

● The CIAGP

The CIAGP (International Council of Creators of Graphic, Plastic and Photographic Arts) was held from 26 to 28 October 2021 by videoconference. Discussions were therefore shortened and limited to the key issues in managing artists' rights during a pandemic. It was noted that digital exhibitions generated between 10 and 20% less royalties for artists than physical exhibitions.

Moreover, the traditional themes relating to the development of resale rights around the world and in international treaties, the attempts to create new exceptions to artists' rights at the WIPO (requested in particular by the national libraries of certain countries) and changes to AIR (Automated Image Recognition) software, spearheaded by the ADAGP and used by eight other sister societies, were addressed as usual.

The next CIAGP is planned for 2022, again by videoconference. In 2023, the CIAGP will take place in Paris to celebrate the 70th anniversary of the ADAGP.

● The EVA Forums

European Visual Artists (EVA) represent the interests of visual arts in Europe and, more specifically, among the institutions of the European Union.

An initial session took place in July 2021, with a focus on the national transpositions of the 2019 European Directive on Copyright. Related rights for press publishers were at issue, as the visual arts should benefit from a portion of these rights, as well as the application of artists' rights to online platforms and social media.

The aim of this forum was to inform societies of authors and artists of the advances and guiding principles of the Member States that have made the most progress in transposing the Directive.

A second forum took place in February 2022 in the form of four weekly videoconference sessions. This forum was an opportunity to address the following themes: how to work with galleries and online auction houses for resale rights, new technologies (blockchain and NFTs), the responsibility of online platforms and the negotiation of collective rights for the visual arts.

At the ADAGP

Repertoire

From 1 June 2021 to 31 May 2022, the ADAGP welcomed 1,380 new members, and now boasts 17,015 direct members and 195,850 artists represented through sister societies and photo agencies.

Internal reorganisation

Having observed that the distribution of works in France and abroad are now mostly multi-media, since December 2020 the ADAGP has been exploring the issue of how to facilitate the work of its teams, but also and above all, the interactions with artists on the one hand and distributors on the other.

At the end of this study, it appeared necessary to group the management of certain rights together in cases where they are implemented in a cross-disciplinary way for a single project. As such, within a single France Permissions department, the management of all rights for a temporary exhibition (right of presentation, reproduction in catalogues, posters, brochures, newsletters, invitations, screenings, etc.) is grouped together under one Exhibition Hub.

Similarly, advertising permissions are managed in a centralised way for all media (TV, posters, internet, etc.). Finally, the Foreign Permissions department is now the sole manager of distribution abroad.

This reorganisation, designed to clarify the remits of rights management departments and simplify exchanges, came into force on 3 May.

Work of the consultative committees of the repertoire

● Applied Arts

The Applied Arts committee is continuing its "Polyvalence" events, in which carte blanche is given to a creator/designer to present one of their projects, in collaboration with different professional partners. In December 2021, a Polyvalence was dedicated to the designer Philippe Apeloig and his work on the visual identity of the Céret museum. These events can be viewed on-demand on the ADAGP's YouTube channel. The committee is also considering the launch of a creation grant entitled Émergence, designed to reward the project of a designer who has been working professionally for at least 5 years.

Graphic Novels

For the third consecutive year, the Graphic Novel committee published the BD 2022 Calendar, with each month offering valuable illustrated advice aimed at authors of graphic novels and partners in this discipline. The committee is also working on a new writing format on social networks to make graphic novel authors more aware of championing their rights.

Children's Book

The children's book committee came together around two events. A live drawing event at the Salon Livre Jeunesse in Troyes saw the production and projection of 3,000 drawings on the façade of Troyes town hall. In March 2022, the committee also initiated a round-table entitled "Literary agents and children's book: why is there so much reticence?", available on-demand on the ADAGP's YouTube channel.

Photography

In 2021, the Photography committee chose to focus its efforts on developing a broad communication campaign to champion French photography. By launching the campaign "Une photo, ça se paie" ("A photo should be paid for") in the summer of 2022, the ADAGP, in association with several other professional organisations and associations in the sector (les Agents Associés, CLAP, les Filles de la Photo, France PhotoBook, the Diagonal network, the Saif and the Union of Professional Photographers (UPP)), wishes to raise awareness among the general public about the principle of fair remuneration for photographers.

Events at the ADAGP

Workshops

Every month, the ADAGP organises training sessions for its members via three formats: ADAGP en pratique (the ADAGP in practice), Angle Droits (with a focus on rights) and Ateliers Pros (workshops for professionals).

Led by the rights management departments, every month the ADAGP en pratique workshops raises artist members' awareness of best practices and the concrete methods used by the teams of the ADAGP to manage their rights. With a more legal focus, Angles Droits, run monthly by the legal department, teaches ADAGP members about the foundations of artists' rights or more specific points, according to contracts and disciplines.

Finally, the Ateliers Pros complete the programme by offering artist members training in very small groups on a precise issue. Led by experts and educators, each day-long workshop aims to give artists in-depth solutions and practical tools for their professional work.

Visual arts events

Every quarter, the auditorium of the ADAGP hosts "Causeries" ("Chats") and "Débats !" (Debates!), two series of round-tables organised around visual arts and the key issues that run through the art world. Since 2019, nine Causeries and five Débats ! have taken place at the ADAGP, despite the public health restrictions since 2020. Recent themes include graphic novels, with "Is the 9th art a synthesis of the previous eight?", gastronomy with "Taste buds and pupils – When cooking meets art", and public commissions. These round-tables are available on-demand on the ADAGP's YouTube channel.

Occasional round-tables dedicated to grants or artistic disciplines are also regularly organised in the auditorium, such as the round-table dedicated to the first winners of the Bourse Arcane grant for art books, Renaud Ego and Bernard Moninot, as well as a conversation between Christian Jaccard and the art critic Stéphane Corréard that took place in December 2021, both of which are available on YouTube.

Rights management

New contracts with sister societies

An all-rights contract with the Icelandic association Myndstef-Myndhöfundasjóður Íslands has been signed. Myndstef (The Icelandic Visual Art Copyright Association) was founded in 1991 by the Association of Icelandic Visual Artists, the Association of Icelandic Illustrators and Graphic Designers and the Association of Professional Photographers of Iceland.

New contracts

The ADAGP negotiates individual or joint contracts for its members on a daily basis.

Audiovisual:

General contracts were signed throughout 2021 and at the start of 2022 with: Disney+ (SVOD), Allindi (SVOD), Educ'ARTE and ARTECAMPUS (SVOD), the Via Occitanie Group (local TV channels: Via Toulouse, Via Perpignan, Via Montpellier, Via Nîmes), ZITATA TV (local TV channel), DIGICIEL (digital offers of linear or OTT TV services in the French West Indies and Guyana), M Paris (local TV channel). Negotiations on contract renewals were also finalised with: YouTube, the TF1 group (TF1, TF1 Séries Films, TMC, TFX, My TF1, Histoire TV, TV Breizh, Ushuaïa TV and LCI) and the OCS channels.

Press and educational publishers:

In 2021, the ADAGP signed general contracts with the ART Presse website and Côté Maison SAS publications. A new contract was renegotiated with Paris Match and Le Journal du Dimanche from the Lagardère group, taking the number of agreements with press titles to 133. A general contract was also signed in January 2022 with Editions Hatier for the publication of their educational books.

Digital uses:

Following the signing of the contract amendment for the Centre Pompidou in March 2021, a contract was also signed with the Centre Pompidou-Metz in July 2021 under the same terms. As such, the uploading of the ADAGP's artwork images in high definition is now permitted, subject to the implementation of efficient technical measures.

A contract with La Villette was signed for the "Micro Folies" project. This project, led by the Ministry of Culture and coordinated by La Villette, aims to establish cultural venues in areas otherwise isolated from them, via digital access to works in the collections of France's top museums. An amendment to the 2016 contract with the Département of the Dordogne for Lascaux IV - Centre International de l'Art Pariétal, which features a gallery dedicated to modern contemporary art using virtual reality devices, renewed the contract for 5 years.

Some twenty agreements were also signed with several museums, including the Musée des Beaux-Arts in Reims, the Musée d'Art et d'Histoire Paul Eluard (Saint-Denis), the Museums of the cities of Amiens, Poitiers and Valence, the Collection Lambert (Avignon), the Fondation Art Explora (Paris), the Musée Magnelli (Vallauris) and the Musée des Impressionismes de Giverny.

ADAGP Images

The ADAGP Images image bank aims to showcase the works of the ADAGP's artist members, guaranteeing them fair remuneration for the use of images of their works. In 2021, the Fondation Giacometti decided to entrust the ADAGP with the management of its artists' rights, as well as its very sizeable photography collection, adding over 800 images to the image bank. In early 2022, the photographer Bettina Rheims entrusted ADAGP Images with the dissemination of over 300 of her shots.

Cultural actions

The cultural action initiated new support mechanisms for artists by creating two new grants in 2021-2022:

Fanzine

Free in form and spirit, the fanzine is an essential alternative medium for the dissemination of visual arts. The Fanzine grant was created to support projects that champion the experimentation and creative freedom inherent to the genre.

Stampa

The Stampa grant aims to support the publication of an original graphic work through lithography, engraving, xylography or chalcography as part of a project presented by an artist with the support of a studio.

2021 Revelations

Every year, the ADAGP Revelations encourage the emergence of talents in 8 disciplines of the visual arts repertoire. Winners receive a €5,000 grant, a filmed portrait broadcast on the Arte website and a presentation on the walls of the ADAGP.

The artistic disciplines covered are: digital and video art, visual arts, urban art, graphic novels, design, artist books, young adult literature and photography.

In 2021, these eight Revelations were chosen by dedicated panels made up of artists and professionals with links to the discipline. Due to the public health context, the special annual ceremony, held at Centquatre-Paris to honour the winners, was once again unable to take place.

This annual activity report is an opportunity to mention the artists chosen in 2021.

Anhar Salem – Digital Art – Video Art Revelation

In partnership with Le Fresnoy – Studio national des arts contemporains, the Digital Art – Video Art Revelation was awarded to Anhar Salem for his work "Love & Revenge".

—
Anhar Salem was born in Jeddah, Saudi Arabia. After studying IT at the Arab Open University, she enrolled at Le Fresnoy. The frugality of her personal equipment allows her to access more private spaces, forge new relationships, bridge gaps and challenge the capacity of marginalised societies for self-representation.

Yue Yuan – Visual Arts Revelation

In partnership with the 65th Salon de Montrouge, the Visual Arts Revelation was awarded to Yue Yuan.

—
Having graduated from the Ecole Nationale Supérieure des Beaux-Arts in Paris in 2019, Yue Yuan pays particular attention to the trivial moments of daily life. His stories showcase daily life within a world of absurdity, magic, poetry and humour.

Samuel Bosseur – Urban Art Revelation

In partnership with the Palais de Tokyo, the Urban Art Revelation was awarded to Samuel Bosseur.

—
Samuel Bosseur is a graduate of the Ecole des Beaux-Arts of Brest and Nantes. His artistic work covers both a personal practice of graffiti, painting and drawing, and collective experience of work, celebration and struggle.

Simon Lamouret – Graphic Novel Revelation

In partnership with the Quai des Bulles festival (Saint-Malo), the Graphic Novel Revelation went to Simon Lamouret for "L'Alcazar", published by Éditions Sarbacane.

—
Simon Lamouret was born in Toulouse in 1987, where he still lives.

After studying illustration at the Estienne School (Paris), Beaux-Arts in Angoulême and Arts Décoratifs in Strasbourg, he moved to Bangalore, in India, to teach drawing between 2013 and 2018. This experience would give rise to two projects : "Bangalore" (Warum, 2017) and "L'Alcazar" (Sarbacane,2020).

Alexis Foiny – Design Revelation

In partnership with the Ecole des Arts Décoratifs in Paris, the Design Revelation was awarded to Alexis Foiny for his work "Tant que les fleurs existeront encore" (As long as flowers still exist).

—
A graduate of the École Nationale des Arts Décoratifs in Paris, Alexis Foiny specialises in designing objects. Alexis strives to combine a focus on beautiful, decorative items with a real quest for meaning, which has led him to work on issues such as biodiversity and ecology.

Paul Heintz – Artist Book Revelation

In partnership with the MAD (Multiple ArtDays) fair, the Artist Book Revelation was awarded to Paul Heintz, for his work "CharacterJournal".

—
Paul Heintz twists the pretence and subterfuge that structures our social, political and artistic relationships. Using archive, filmed image and installation, he reveals the inner workings of a social reality that is at times absurd or fictitious. He always uses encounters with individuals and real-life situations to deconstruct our relationships with work and identities.

Saehan Parc – Children's book Revelation

In partnership with the Charte des Auteurs et des Illustrateurs Jeunesse, the Children's book Revelation was awarded to Saehan Parc for "Papa Ballon", published by Éditions 2024.

—
Illustrator and designer Saehan Parc was born in 1989 in Bucheon (South Korea). She currently lives and works in Strasbourg, having taken a course in illustration at the Haute École du Rhin. Her work stands out for its naïve geometric illustrations.

Marine Peixoto – Photo Revelation (LE BAL/ADAGP Prize for Young Creation)

In partnership with LE BAL, the Photo Revelation was awarded to Marine Peixoto, for her creative project "De la Force".

—
Marine Peixoto is a graduate of the École Supérieure des Arts Décoratifs in Strasbourg. Using mainly photography, video and publishing, she captures the habits and rituals of those around her, family or folkloric scenes, taking a resolutely subjective position.

Exploitation of rights

Elements required under article R.321-14, II-paragraph 7 and 9d of the French Intellectual Property Code

2021 Collections

Collections rose from €45.16 M in 2020 to €49.02 M in 2021, up by 8.5% or €3.86 M.

The highlights of 2021 were:

-in France, the return of collections for categories of rights that had suffered the most from the public health crisis in 2020, and a fall in collections from private copy, which was expected as 2020 was marked by an one-off collection combining two years of private copy ;

-abroad, the increase in rights mainly due to the signing of new agreements with a major internet stakeholder.

Internationally, collections increased significantly by €5.1 million (+150%).

In detail, primary fees decreased by -0.2 M€ (-6.9%) to 2.3 M€, while collective fees increased by 5.3M€ (+554%) and went from 1.0 M€ in 2020 to 6.3 M€ in 2021. This strong increase abroad is explained, on the one hand, by an effect rebound in sums coming from sister companies after a year 2020 strongly affected by the health crisis and, on the other hand, by the effects of an agreement reached during the year and relating to the management of a support fund for artists.

● Resale Right

Resale rights collections amounted to €16.1 M, a strong recovery (up €4.6 M or 40%) from the previous year. It is worth remembering that in 2020, resale rights fell by 26.4%. This was the right that was most vulnerable to the public health crisis.

This increase is more marked for French rights (+41%) than foreign ones (+37%). In France, auctions saw a much greater recovery (+52%) than gallery sales (+7%).

● Reproduction and related rights

Collections were down by 13% compared to 2020, a drop of €3.4 M, to €22.1 M in 2021.

This result is due to highly contrasting developments, as French collective rights were down significantly, while foreign rights rose sharply.

At the national level, primary rights were down by €0.1 M (or 3.4%) to €2.8 M. As for collective rights, the €8.4 M (44%) decrease can be attributed to remuneration for private copy, which fell exceptionally by €8.5 M compared to 2020, for the reasons mentioned in the introduction (double private copy collection in 2020). Reprography rights were stable at €0.6 M, while library loan collections doubled to €0.18 M due to arrears payments.

● Representation rights: audiovisual and multimedia rights

Overall, representation rights are up 31.5% (or + €2.6 million) from €8.2 million in 2020 to €10.8 million in 2021.

In France, television broadcasting rights increased by 6.9%, to €6.0m in 2021 from €5.6m in 2020. Multimedia rights are also up, from €1.3m in 2020 to €1.7m in 2021 (+29%).

Abroad, telediffusion rights have decreased by 28% to €0.7M compared to €1.0M in 2020. Regarding multimedia rights, the 2.1 million increase in multimedia rights was mainly due to a new contract with an Internet player.

@dagp

pour le droit des artistes

2021 Activities Report

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