

According to the new [article 2224](#) ^[1] (Act of 17 June 2008) of the French civil code, personal or property actions are limited to five years and this limitation applies to actions for payment of the resale royalty.

Therefore, the resale royalty can be claimed, from the art professional involved, for five years from the declaration and, as such, Adagp may claim the resale royalty for artists or their beneficiaries who were not members on the date of the sale and who became members subsequently, particularly through research Adagp is required to carry out by law.

The art market professional must then pay the resale royalty and apply to the seller who, in accordance with the law, is required to bear the final cost (art. [L. 122-8](#) ^[2] of the French intellectual property code).

In practice, there are two options for art market professionals for managing this responsibility :

- Setting aside the sums concerned and returning them at the end of the five year period if no claim has been made.
 - Ensuring it is contractually possible to collect the amount of the resale royalty from the seller during the period covered by the law.
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Links

[1]
<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000019017112&cidTexte=LEGITEXT000006070721>

[2]
<http://www.legifrance.gouv.fr/affichCodeArticle.do?idArticle=LEGIARTI000006278925&cidTexte=LEGITEXT000006069414>