

Sculpting an end to the Chadwick feud

This claim arose from a dispute as to whether the ‘prodigious artistic legacy’ of Mr Lynn Chadwick, a leading British sculptor who died in 2003, were owned, both in terms of physical property and in terms of copyright, by Mr Chadwick’s estate or by the First Defendant, Lypiatt Studio Limited, a company through which Mr Chadwick had traded for many years.

The Court found that both the tangible property and the beneficial title to copyright in the artistic works created when Mr Chadwick was a sole trader, prior to the date on which the First Defendant started trading, were transferred to the company. There was no written assignment or agreement to assign, but the finding was based in particular upon evidence as to the intention of the relevant parties at that time, which demonstrated that the First Defendant was acquired as a successor to the business of Mr Chadwick, that the First Defendant continued to exploit Mr Chadwick’s copyright works thereafter, without payment of any royalties, and that the closing accounts of the sole trader business showed an identical “stock” value to the opening balance in the company’s books

The Court further found that both the tangible property and the copyright in the artistic works created after the date on which the First Defendant started trading were owned by the company. Mr Chadwick was not only a director of the First Defendant but also its employee and he created his artistic works using materials of the First Defendant; the artistic works created were also thereafter exploited by the First Defendant.

[Amanda Michaels](#) acted for the First Defendant, instructed by Foot Anstey LLP.

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