

Counterfeit artworks

Counterfeit T'ang Haywen works proliferate on the market

All footnotes are inserted by T'ang Haywen Archives

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Against a backdrop of dispute between two art dealers, investigations have been opened in Paris and Brussels relating to suspicions of counterfeit works of the Chinese born French painter, deceased in 1991. For the author of the *catalogue raisonné*, hundreds of works, of which several dozen are contested, are circulating on the world market.

Paris, Brussels – On 10 June 2016, the *Auction House Cornette de Saint Cyr* proposed for auction three works presented as being by the artist T'ang Haywen (1927-1991). Little did they suspect that they would be drawn into the maelstrom that surrounds the legacy of this painter originally born in China and raised in Vietnam who passed away in obscurity in Paris at the age of 64.

A resident in France since 1948, T'ang was born in 1927 in Xiamen, in the province of Fujian, where his grandfather taught him the rudiments of calligraphy. His family migrated to Saigon in 1937, following the Japanese invasion. This prolific artist who though at the time remained an unknown, evolved from portraiture and landscapes to an art inspired by calligraphy, leaving in his passing, works in ink and washes halfway between Western abstraction and the artistic traditions of the Far East.

Two days before the auction, Philippe Koutouzi, who has spent the past two decades preparing the *catalogue raisonné* of the artist and who is the legal holder of the copyrights to the artist's works, approached the *Auction House Cornette de Saint Cyr* to point out that the signatures were in his opinion false. He revealed a dozen or so anomalies in the written signature form that is specific in that it combines both Vietnamese spelling and Roman characters for the patronymic "T'ang" with Chinese ideograms for the remainder of the name.

The auction nevertheless went ahead. A single lot was sold for 6 000 euros. It resurfaced on 03 October 2016 at Sotheby's in Hong Kong, who withdrew it from auction due to doubts concerning its authenticity. Meanwhile on 05 August 2016, on behalf of Philippe Koutouzi, Maître Léa Forestier, filed a lawsuit against X for counterfeit and possession of counterfeit works. The Prosecutor's Office has entrusted a preliminary enquiry to the anti-fraud police brigade whose task it will be to resolve this complex affair.

Neither Pierre Cornette de Saint Cyr nor his son Arnaud, were willing to answer to our questions. They did however cite some unusually formulated *certificates of authenticity* signed by a "*T'ang Haywen committee*". No address or contact is displayed on the certificates, which were signed by an unidentified individual. There is no mention of the dating of the pieces or of the presence or not of an artist's signature. The dimensions are indicated in metres and there is even an error in the artist's name which is written as "Tang".¹

Upon further investigation it was discovered that the committee registered its articles on 06 June 2016, on the same day as the issuance of its *certificates of authenticity*. They were published in the

¹ The certificates do not mention either the medium of the work i.e., ink or watercolour

official Journal² on the 18 June 2016, one week after the sale at Cornette de Saint Cyr. The committee president is designated as a French person residing in Luxembourg; Jean-Robert Pellotier, assisted by a secretary, Thierry Lamarre. The purpose of this committee is stated as “to make known, to disseminate, to defend and to protect the works of the artist by all possible means”, and “the certification and authentication of the body of work with a view to publication of a *catalogue raisonné*”.

Expert’s report

It appears that the two men are behind several contested works circulating on the market. A gallery owner, Hervé Courtaigne, indicated to investigators that Thierry Lamarre contacted him in July 2014, presenting himself as an “intermediary”, for twelve diptychs, purportedly by T’ang, for which he had paid 80 000 euros to Pellotier’s company, *Azart*, in Luxembourg. A colleague, Hervé Péron, himself indicates to have acquired two years later, through a Luxembourg intermediary, three diptychs for 14 800 euros that he paid for by cheque in July 2016 in the name of Pellotier. He took five other pieces on consignments. On 07 February, Mrs. Liliane Noël, writing expert before the Paris and Versailles Court of Appeal, submitted a 25-page written report on the signatures³ of two of these pieces, for which the verdict is categorical: “There are significant differences in all of the signature characteristics” that “enable the conclusion that they were not by the artist, but are imitations far removed from authentic signatures”. In addition, samples of the Arches paper from fourteen of these pieces were sent to the laboratories of the Federal Institute of Technology at the University of Zurich, which performed a carbon 14 dating analysis. This analysis concluded that the fibres were of cotton harvested between 2008 and 2011, i.e., approximately twenty years after the artist’s death. For comparison, six uncontested diptychs by the artist, submitted to the same analysis gave a carbon dating between 1986 and 1989.

Philippe Koutouzi, himself an art dealer, and who holds pieces by the artist, became the copyrights holder of the works of T’ang by virtue of a contract signed by his brother four years after the artist’s death. He is regularly consulted by auction houses such as Christie’s for his expert opinion. He has also exhibited works by T’ang at the Guimet Museum in Paris (where he was granted a retrospective exhibition, editor’s note) as well as at the Shiseido Foundation in Tokyo, the Taiwan Museum and at the Oceanographic Museum of Monaco. He tells of “having first suspected the trafficking of counterfeit works between 2007-2010”. He was surprised to see a large number of pieces bearing the alleged signature of the artist when according to him “T’ang rarely signed his work”. This was the case in July 2015 when his expert opinion was requested by *China Guardian Auctions* for three pieces that were put up for auction by a company called *Prosuccess Business*, located at the same address in Luxembourg as the company *Azart*. He also filed a lawsuit for counterfeit and possession of counterfeit pieces, in Belgium on 28 May 2015 following the proposal for auction of 63 pieces by the Internet site *The Bru Sale*. Assigned to the Brussels judge Olivier Anciaux, the investigation gave rise to conflicting expert appraisals.

The Domains⁴ sale

Upon questioning, Thierry Lamarre presented himself as an artist with an eccentric spirit “who displays posters in the street and is very proud to have a criminal record”. “I am not a dealer, I am an artist”, he explained. “I simply accepted to act as middle man for Jean-Robert Pellotier. He registered me on the statutes of the committee because three names were required, that’s all. He is a friend of mine, I wanted to help him out. But he did everything; the committee never even met together. As

² Gazette or legal registry where the status of association is published

³ The journalist wrote “paraphe” in the French version, they were in fact full signatures

⁴ **The Domains** is the DNID, French Administration of the National Domains, known as “Les Domaines”. In France when a person dies without any known heir, The Domains, in most cases, organize the auction of the property of the deceased person.

for the pieces, he acquired them at a sale organised by the Domains. I doubt that the State would put counterfeit works on the market!"

Jean-Robert Pellotier himself readily admits to being "the origin a lot of the T'ang pieces on the market". "I was a friend of the artist" he says, "and I acquired them when the contents of the artist's studio were dispersed by Maître Yves-Marie Le Roux in December 1992 and January 1993 in Drouot". He also produced a purchase slip of this sale, in the name of the company *Azart*. "So I fail to see what I can be blamed for. At one time I sold through a Hong Kong gallery and I recently decided to put more on the market".

When it was pointed out to him that the creation of the T'ang committee enabled him to deliver certificates of authenticity for pieces that he himself was putting up for sale, he retorted: "I don't see where the problem is. These are two separate issues. Philippe Koutouzi is not doing anything different; he proclaimed himself the expert to control the market. Since he has obtained the approval of the great auction houses, if pieces do not originate from him, he contests their authenticity. It's the oldest confidence trick in the world! For my part I will prepare my *catalogue raisonné* by accepting all of the works, his, mine and those belonging to others".

For Philippe Koutouzi, the purchase slip delivered by Drouot is not proof of origin. The recovery of the contents of the artist's studio and their sale was arranged by the Domains, the artist having died with no known heir. The operations were handled one after another in an appalling disorder. A number of polyptychs were subdivided and their parts sold separately. There was no catalogue, no reproductions (photos), or even a list of works, so that there is no way of knowing to what in fact the numbers on the purchase slip correspond!"

Jean-Robert Pellotier refuses to back down. In his opinion, "Koutouzi is a usurper". Joining with one of his colleagues, Enrico Navarra, he also declares doubting the very existence of the artist's brother (read the boxed article on page 6). In Brussels the director of *The Bru Sale*, Didier Sacareau, uses the same terms, contesting all of the allegations: "There is no official expert on T'ang. The 63 lots are from the sale by Maître Yves-Marie Le Roux". He has filed a lawsuit for slander and fraud. The ongoing legal process in his native Belgium⁵ has given rise to widely conflicting expertise. The same French writing expert⁶ has indicated having found "massive and irrevocable differences" in the signatures featuring on 42 pieces, while a Belgian expert⁷, in an expert report dated 12 January 2017, concluded that the signature on 3 lots were by the artist's hand and those signatures on 35 other lots were "very probably" by his hand. It was for him "impossible to confirm or deny" the authenticity of 3 monograms with the initials "TH".

Vincent Noce

⁵ Actually Mr. Didier Sacareau is French and has moved to Belgium where it is very easy to become an auctioneer. A simple declaration to the police station and the assistance of a bailiff during the auction process are enough. In France it is much more difficult to become an auctioneer.

⁶ Mrs. Liliane Noel

⁷ Appointed by the Belgian judge

Art dealers' dispute

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Paris – The circumstances in which Philippe Koutouzi came to acquire the rights to works by T'ang Haywen have been relentlessly contested for a number of years by Parisian gallery owner and self-appointed spokesperson in this case, Enrico Navarra.

Following the death of the artist, Philippe Koutouzi embarked on a search for surviving family members, declaring in 1994 to have located the younger brother of the artist in the town of his birth. Through a notarial deed said brother entrusted Philippe Koutouzi with the restoration of the artist's legacy, ceding the copyrights¹ for a symbolic payment of one franc. Designated as representative of the estate, Philippe Koutouzi specifies that he forwarded the sum of 250 000 francs to the brother resulting from the auction organized by The Domains². For his own part he pledged to achieve recognition for a previously unknown body of work, through exhibitions and the preparation of the *catalogue raisonné*.

For Enrico Navarra, who also holds paintings by the artist and who himself wanted to prepare the *catalogue raisonné*, this account is a deception carried out with the complicity of the notary, his contention being that the man located in China was unrelated to T'ang. In September 2011, he filed a forgery and fraud suit. At the conclusion of an almost 5-year investigation carried out by the official French agency for the prevention of illegal trafficking in cultural works (OCBC), the examining magistrate dismissed the case. Nevertheless, in June 2015, Enrico Navarra filed a second suit. On 18 April 2017, in accordance with submissions from the prosecutor's office, the magistrate Marine Fontange again dismissed the case considering that the plaintiff had merely reiterated the same argument that enabled "no charge to be brought against anyone".

The Chu Teh-Chun affair

Philippe Koutouzi declares himself to be a victim of the relentlessly litigious Parisian gallery owner (Navarra), in a long-running and very public dispute. For Koutouzi the proof is another lawsuit of Navarra which has just been dismissed. The dispute arises from a contract signed in 2003 by another Chinese artist, Chu Teh-Chun, who passed away in 2014, authorising the production 1152 ceramics from 24 of his designs, of which a part would return to the Navarra gallery on the condition of collection of royalties for the artist fixed at 14%. In 2007, the artist's attorney Me. William Bourdon, alleged a breach of contract due to failure to observe obligations. He accused the Navarra gallery of not paying the stipulated percentage for sales in 2006, to have failed to systematically submit pieces to quality checks and to have failed to produce the agreed minimum number of 240 ceramics each year. The artist demanded an end to production, the discontinuation of exhibitions and the return of pieces already produced. The gallery contested these accusations, reproaching the artist for having been eight months late in the delivery of the original designs.

At the same time, Chu Teh-Chun signed an agreement with the *Manufacture nationale de Sèvres* and the Marlborough gallery to produce 57 hand-painted vases. The dispute was aggravated when the artist's legal representative contacted Christie's the following year to direct them to withdraw twelve

¹ Copyrights

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ceramics put up for auction in Hong Kong by Navarra, while simultaneously publishing an announcement in *Le Journal des Arts* advising readers of his actions. In 2010, Enrico Navarra launched a first suit in New York for unfair competition, misleading advertising and commercial defamation. His suit was dismissed. He returned to the attack in 2013 accusing Marlborough and his associate, Philippe Koutouzi, of tortious interference with a contract. Essentially, he accused them of having manipulated an artist in a weakened state in order to eliminate any competition. In its judgement of 05 April 2013, the court considered that he had not provided any evidence of fraud and dismissed the suit. Enrico Navarra expects to appeal the court's decision.³

³ In fact, Navarra has appealed on May 5th, but the journalist ignored it when he wrote his article.