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Dalí foundation sues California museum for use of artist's name and image

Monterey's Dalí17, which displays the 500-work private collection of the Ukrainian-born real estate developer Dimitry Piterman, features the Surrealist's face—complete with upturned moustache—on its logo

[HELEN STOILAS](#)

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The website for Monterey's Dalí17

The Fundació Gala-Salvador Dalí in Figueres, Spain has sued the museum Dalí17 in Monterey, California over its use of the artist's name and imagery. The museum's logo, which features a sketch of Dali's face complete with upturned moustache, and its "unauthorised" use of the artist's work on its website, social media accounts and merchandise "unfairly and unlawfully wrest from the Foundation control over its DALÍ marks and its reputation, particularly as the Foundation has no control over the quality of Defendants' goods or services," according to the complaint. "As a result, the Foundation's extremely valuable reputation is being irreparably damaged."

Dalí17 opened with much fanfare—and a \$20 entry fee (plus tax)—in July 2016 in the former home of the coastal city's historical museum, and reportedly attracted more than 50,000 visitors in its first year. The Monterey History and Art Association turned over the space to the Ukrainian-born, Pebble Beach-based real estate developer Dimitry Piterman to permanently display his 500-piece collection, billed as the largest private holdings of the Surrealist's work on the West Coast. In addition to exhibiting drawings, etchings, lithographs and sculptures—including Dali's famous Mae West Lips sofa—the museum documents Salvador and Gala's time in Monterey during the Second World War, when they became local celebrities. The artist even hosted a "A Surrealist Night in an Enchanted Forest" fundraiser in the city's Del Monte Hotel in 1941 to aid refugee artists in Europe.

But the Figueres foundation, which controls the artist's intellectual property rights for the Kingdom of Spain, Dali's sole heir, says the museum is using his name without its authorisation and "have reproduced and displayed copyrighted artworks" that the museum does not own. "Defendants have been informed that their conduct is unlawful, but remain undeterred and continue to advertise and provide goods and services infringing on the foundation's intellectual property and publicity rights," the foundation's lawyers say.

The foundation is seeking the destruction of any merchandise or promotional material from the museum bearing Dalí name or image

as well as real and punitive damages, including any profits made by the museum, and court fees. It also wants the museum to hand over its website domain name *dali17.com*.

Piterman and the Monterey History and Art Association did not immediately return a request for comment, but when the museum first opened the collector told the Monterey Herald: “To be able to share with people his best-known works is special to me. I hope it brings memories and fame to the city and back to Dalí.” Lawrence Chavez, the president of the Monterey History and Art Association, said at the time: “I think it’s going to be good for the community and it’s going to be good for the MHAA because we can really concentrate on our mission, which is to preserve art and adobes in Monterey.” He added: “Monterey won’t be a one-trick pony anymore.”

