

## Artistic criteria of the Gala-Salvador Dalí Foundation regarding sculpture and three-dimensional works by Salvador Dalí

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## **ARTISTIC CRITERIA OF THE FUNDACIÓ GALA-SALVADOR DALÍ FOR SCULPTURE AND THREE-DIMENSIONAL WORKS**

The study of Salvador Dalí's sculptural work resulted in the publication in 2014 of an initial document entitled 'Artistic Criteria of the Fundació Gala-Salvador Dalí on Sculpture and Three-Dimensional Work'. Since then, the ongoing study of the works by the Centre for Dalinian Studies and the investigation of specific collections have made it possible to extend—and, to some extent, to complete—the various characteristics that define and distinguish the artist's sculptural oeuvre.

The revised and expanded classificatory proposal presented here continues to comply with national and international legal regulations and is in accordance with some of the most authoritative artistic standards in relation to sculpture editions, particularly the standards established by the College Art Association of America.<sup>1</sup>

As detailed below, Dalí's sculpture and three-dimensional works are classified in the following categories: original work; multiple work; enlargements/reductions authorized by the artist. There are also specific criteria for reproductions of Dalí's works authorized by license from the Fundació Gala-Salvador Dalí or approved by this foundation.

By way of further clarification of the difficulties that often attend the artist's sculptural work, which can lead to confusion in its identification, the present document includes an epilogue with two cases that cannot in any way be ascribed to Dalí's authorship and are therefore excluded from this body of work: 'D'après Dalí' sculptures and transformations or derivative works.

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<sup>1</sup> Statement on standards for the production and reproduction of sculpture. Publ.: <http://www.collegeart.org/guidelines/sculpture> [Accessed: 25/04/2025].

## **ORIGINAL WORKS**

### Unique original work by Salvador Dalí (single item)

- Unique original work by Salvador Dalí
- Unique original work with versions by Salvador Dalí
- Unique original version by Salvador Dalí

### Original edition by Salvador Dalí (<12 copies)

- Original work by Salvador Dalí
- Unique original piece by Salvador Dalí

### Posthumous original edition by Salvador Dalí (<12 copies)

- Posthumous original work by Salvador Dalí

## **MULTIPLE WORK**

### Multiple edition by Salvador Dalí (>12 copies)

- Multiple work by Salvador Dalí

## **ENLARGEMENT/REDUCTION**

- Enlargement/reduction of a work by Salvador Dalí authorised by the artist

## **REPRODUCTION**

- Reproduction of a work by Salvador Dalí authorised by licence from the Fundació Gala-Salvador Dalí
- Validated reproduction of a work by Salvador Dalí

## **Epilogue. Works with no valid claim to authorship by Salvador Dalí**

- 'D'après Dalí'
- Transformation or derivative work

### **Unique original work by Salvador Dalí**

A **Unique original work by Salvador Dalí** is considered to be any sculpture or three-dimensional work conceived and executed by the artist himself as a single item; in other words, one that was not conceived or executed for an edition of multiple pieces.

Therefore, a three-dimensional sculpture or object will be classed as a Unique original work by Salvador Dalí on condition that:

- (i) it can be credited with Dalí's intellectual and material authorship, and reflects the artist's personality in a new way<sup>1</sup>
- (ii) it was conceived and created as a single item by Dalí during his lifetime

However, given the particularities of Dalí's work, variants can be identified within this category. These are, specifically, those instances in which the artist modified one of his unique original works to give rise to a new creation that can be defined as a version possessing an equally unique character.

Although the occasions in which we identify this fact are punctual, this process gives rise to new typologies which must be included within these categories: Unique original work with versions by Salvador Dalí and Unique original version by Salvador Dalí.

It should also be noted that in Dalí's artistic output there are instances of unique original works, created at a particular moment, from which the artist later authorised the making of an edition. Of note among these are, for example, some of his most famous surrealist objects, which were conceived as unique works in the 1930s and then used to produce editions during the Sixties and Seventies on the specific instruction of the artist himself. In these cases, we continue to assert the existence of a unique original work or unique original work with versions, and to class the subsequent pieces as original works in accordance with the criteria set out in the section Original edition by Salvador Dalí.

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<sup>1</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, 2013, pp. 52-54.

### Unique original work by Salvador Dalí

Unique original work by Salvador Dalí

*Babaouo*, 1932 ([Cat. No. OE 2](#))

It is very likely that Dalí conceived this work as a means of promoting his book *Babaouo: scénario inédit précédé d'un abrégé d'une histoire critique du cinéma et suivi de Guillaume Tell, ballet portugais*, published in 1932 by Éditions des Cahiers Libres de Paris. The object consists of a wooden box containing seven sheets of glass painted by the artist, set one behind the other inside and lit from behind. The iconography is related to some of the sequences of the film project, featuring cyclists with stones or loaves of bread on their heads.



*Babaouo*. 1932. Fundació Gala-Salvador Dalí, Figueres ([Cat. no. OE 2](#)) © Salvador Dalí, Fundació Gala-Salvador Dalí, VEGAP, Figueres, 2025

## Unique original work by Salvador Dalí

Unique original work with versions by Salvador Dalí

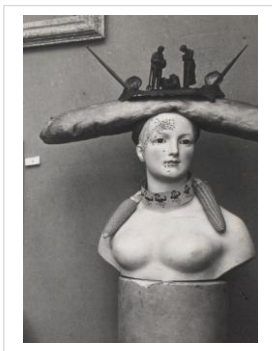
*Retrospective Bust of a Woman*, 1933 ([Cat. No. OE 14](#))

*Retrospective Bust of a Woman* is one of the first surrealist objects created by Dalí in the early 1930s. It is currently in the Museum of Modern Art (MoMA) in New York. Research carried out by the Centre for Dalinian Studies has shown that Dalí made several versions of this work after its first public exhibition at the Galerie Pierre Colle in Paris in 1933.

From 1934 on, period photographs show that Dalí subsequently presented this sculpture with a slightly or significantly different appearance, and that he even altered its title on occasion. Based on the information available today, it appears that the changes were always made to the same porcelain bust, which has enabled us to identify this work of art in constant transformation through different versions. At the present time, four versions created between 1934 and 1939 have been catalogued, all of which are considered to be Unique original versions, despite their ephemeral nature, since each successive version ceased to exist when Dalí returned to the work to modify it and create a new version.

Therefore, a sculpture or three-dimensional object will be considered a **Unique original work with versions by Salvador Dalí** on condition that:

- (I) it can be credited with Dalí's intellectual and material authorship and reflects the artist's personality in a new way<sup>1</sup>
- (II) it was conceived and created as a single unit with versions by Dalí during his lifetime



Man Ray, *Exposition surréaliste* at Galerie Pierre Colle (detail), 1933 © Man Ray Trust, VEGAP, 2025



Man Ray, *Exposition surréaliste* at Galerie Pierre Colle, 1933 © Man Ray Trust, VEGAP, 2025

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<sup>1</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, 2013, pp. 52-54.

## Unique original work by Salvador Dalí

Unique original version by Salvador Dalí

*Retrospective Bust of a Woman Devoured by Ants and Spoons*, 1939 ([Cat. No. OE 34](#))

This is the last documented version of *Retrospective Bust of a Woman*. The work was identified thanks to a photograph by Eric Schaal, conserved in the archive of the Centre for Dalinian Studies. It is, quite clearly, one of the versions in which the continuous transformation of the original 1933 work can be seen most clearly. Dalí incorporated a shark's mandible into the head of the bust, perhaps the same one he had previously used in one of his *Rainy Taxi* mannequins at the 1938 *Exposition Internationale du Surréalisme*. The zoetrope features a succession of men with umbrellas, a very different motif from the one in the version presented in London the previous year. The artist completed this new ephemeral creation by adding spoons, a snail, and a broken eggshell to the torso of the bust. These elements can also be related to the iconography of the mannequin in Dalí's *Passage des Panoramas* installation, presented at the abovementioned exhibition in 1938.

Therefore, a sculpture or three-dimensional object will be considered a **Unique original version by Salvador Dalí** on condition that:

- (i) it can be credited with Dalí's intellectual and material authorship and reflects the artist's personality in a new way<sup>2</sup>
- (ii) it was conceived and created as a single unit with versions by Dalí during his lifetime, on the basis of an already existing work



*Retrospective Bust of a Woman Devoured by Ants and Spoons*, 1939. Lost / Ephemeral work ([Cat. no. OE 34](#))

© Salvador Dalí, Fundació Gala-Salvador Dalí, VEGAP, Figueres, 2025. Eric Schaal ©Fundació Gala-Salvador Dalí, Figueres, 2025

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<sup>2</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, 2013, pp. 52-54.

## Original edition by Salvador Dalí

An **Original edition by Salvador Dalí** is considered to be a limited edition of a sculpture or three-dimensional work created by the artist himself, restricted to no more than 8 copies + 4 artist's proofs, and based on a model conceived and created by Dalí.

An edition of this kind must be backed by a contract between Dalí and the producer of the edition, signed before 23 January 1989, specifying the details of the edition. Consequently, a sculpture or three-dimensional object that belongs to an original edition will be considered an original work by Salvador Dalí on condition that:

- (I) it can be credited with Dalí's intellectual and material authorship and reflects the artist's personality in a new way<sup>1</sup>
- (II) it is one of a limited edition of a maximum of 12 copies, 8 copies + 4 artist's proofs, made by Dalí during his lifetime, and under his supervision
- (III) the three-dimensional model used to make the edition was created by Dalí during his lifetime
- (IV) there is a contract signed by Dalí which refers to the edition
- (V) the dimensions and materials are those authorised by Dalí
- (VI) the numbering of the work coincides with one of the copies envisaged in the edition
- (VII) the stamp of the foundry, if there is one, is that of the foundry that made the edition

The fact that an edition must be restricted to 12 copies is due, firstly, to the terms of French law regarding the rates of taxation applicable to works of art, specifically in Annex III of the Code Général des impôts du Décret n° 67-454 du 10 juin 1967,<sup>2</sup> and subsequently to Ley 37/1992, de 28 de diciembre, del Impuesto sobre el Valor Añadido. According to Article 136 of the aforementioned Spanish Law, the following are considered to be works of art: 'original sculptures and statues in any material, on condition that they have been entirely executed by the artist; casts of sculptures, with a limited edition of eight copies controlled by the artist or their successors in title (CN code 9703 00 00).'<sup>3</sup> In addition to these eight copies, four more copies or artist's proofs are provided for, which should, in principle, be kept out of the market, not for sale.<sup>4</sup>

Although the copies in an edition are never truly identical, they cannot be classified as unique sculptures or pieces, with the only exception by which a copy may be considered unique being when one of the copies presents specific characteristics that clearly distinguish it from the rest. Furthermore, these specific characteristics must necessarily be modifications expressly intended

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<sup>1</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, 2013, pp. 52-54.

<sup>2</sup> Décret n° 67-454 du 10 juin 1967. Publ.:

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000338193&dateTexte=> [Accessed: 25/04/2025].

<sup>3</sup> Translated from: 37/1992, de 28 de diciembre, del Impuesto sobre el Valor Añadido (BOE of 29 December). Publ.: <http://www.boe.es/buscar/act.php?id=BOE-A-1992-28740> [Accessed: 25/04/2025].

<sup>4</sup> Gilles Perrault, 'L'œuvre originale et la sculpture d'édition', *Revue Experts*, No. 85, August 2009, p. 29.



and effected or supervised by Dalí himself during his lifetime. Of course, this category does not apply to any copy forming part of a posthumous original edition.

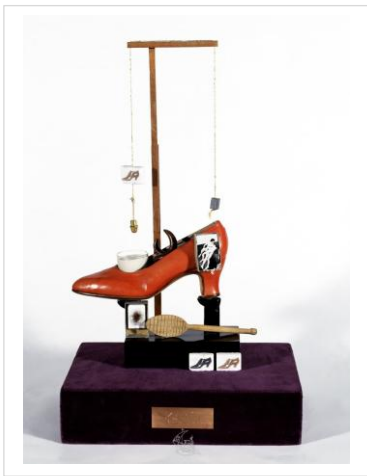
## Original edition by Salvador Dalí

Original work by Salvador Dalí

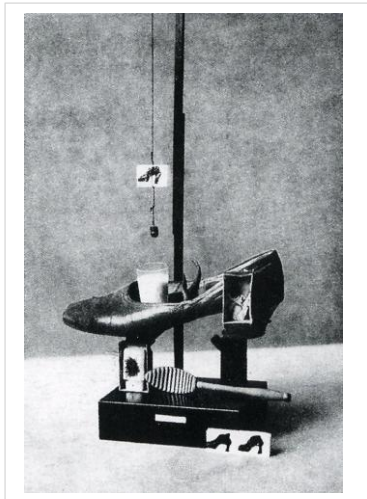
### *Surrealist Object Functioning Symbolically*, 1931/1973

This is one of the artist's copies (EA) in the original edition of *Surrealist Object Functioning Symbolically*. In this instance we are dealing with the edition of a unique original work created by Dalí in 1931 ([Cat. no. OE 1](#)), of which we only know of a photograph accompanying an article by Dalí entitled 'Objets surréalistes', published in *Le Surréalisme au service de la révolution*, No. 3-4, December 1931, Paris.

This original edition was produced around 1973 and is the result of an agreement between Dalí and the Galerie du Dragon in Paris. We are aware of the existence of other copies of this edition, which are currently in other public and private collections in several countries.



*Surrealist Object Functioning Symbolically*, 1931/1973. Fundació Gala-Salvador Dalí © Salvador Dalí, Fundació Gala-Salvador Dalí, VEGAP, Figueres, 2025



*Object Functioning Symbolically*, 1931. Location unknown ([Cat. no. OE 1](#)) © Salvador Dalí, Fundació Gala-Salvador Dalí, VEGAP, Figueres, 2025

## Original edition by Salvador Dalí

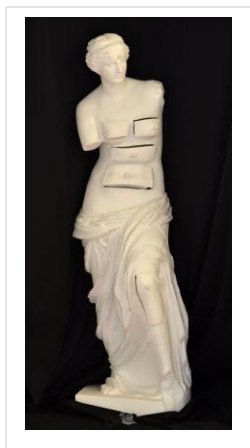
Unique original copy by Salvador Dalí

*Venus de Milo with Drawers*, 1936/1964

This piece, displayed in the Dalí Theatre-Museum in Figueres, was part of the original edition of *Venus de Milo with Drawers* produced in 1964 by the Galerie du Dragon in Paris. This was an edition of a unique original work by Dalí, made in 1936 and currently conserved in the Art Institute of Chicago ([Cat. No. OE 24](#)).

In this instance we can consider the piece to be a unique original copy. According to Antoni Pitxot, director of the Dalí Theatre-Museum between 1974 and 2015, the artist wanted to differentiate this piece destined for his museum from the other copies in the edition, and to this end he did not attach a pompom to each of the drawers, such as can be seen on other copies in this same edition, such as the one in the Museum Boijmans Van Beuningen in Rotterdam.<sup>1</sup>

A unique original copy must, of course, meet the same criteria required for an Original work by Salvador Dalí.



*Venus de Milo with Drawers*, 1936/1964. Fundació Gala-Salvador Dalí, Figueres © Salvador Dalí, Fundació Gala-Salvador Dalí, VEGAP, Figueres, 2025

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<sup>1</sup> See <https://www.boijmans.nl/en/collection/artworks/40643/venus-de-milo-aux-tiroirs> [Accessed: 25/04/2025].

### Posthumous original edition by Salvador Dalí

A **Posthumous original edition by Salvador Dalí** is considered to be a limited edition of a sculpture or three-dimensional work made after the artist's death (23 January 1989) that does not exceed 8 copies + 4 artist's proofs and is derived from a model created by Dalí. The fact that a limited edition of 12 copies made after the artist's death is considered an original edition is due to the previously cited Ley 37/1992, de 28 de diciembre, del Impuesto sobre el Valor Añadido, which contemplates the possibility that the successors or heirs to the reproduction rights of the artist's work may authorise an edition.<sup>1</sup>

Consequently, a sculpture or three-dimensional object that belongs to an original posthumous edition will be considered a **Posthumous original edition by Salvador Dalí** on condition that:

- (I) it can be credited with Dalí's intellectual and material authorship and reflects the artist's personality in a new way<sup>2</sup>
- (II) it is one of a limited edition of a maximum of 12 copies, 8 copies + 4 artist's proofs, made by Dalí during his lifetime, and under his supervision
- (III) the three-dimensional model used to produce the edition has not been made from an overmould
- (IV) the three-dimensional model used to make the edition was created by Dalí during his lifetime
- (V) there is a contract signed by Dalí which refers to the edition
- (VI) the dimensions and materials are those authorised by Dalí
- (VII) the numbering of the work coincides with one of the copies envisaged in the edition
- (VIII) the stamp of the foundry, if there is one, is that of the foundry that made the edition
- (IX) in its public dissemination it is presented as such; that is, as a posthumous work/edition
- (X) the edition was previously authorised and supervised by the Fundació Gala-Salvador Dalí

This would be the case of a sculpture of which no previous edition had been made during Dalí's lifetime, but of which the three-dimensional model conceived and created by him had been preserved. On these occasions, the Fundació Gala-Salvador Dalí will restrict the posthumous edition to a single limited and numbered edition, in accordance with the criteria itemised here.<sup>3</sup>

The official position of the Fundació Gala-Salvador Dalí is to study each specific case and, as a general rule, to regard these posthumous works as of lesser value, both artistic and commercial,

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<sup>1</sup> Ley 37/1992, de 28 de diciembre, del Impuesto sobre el Valor Añadido (BOE de 29 de diciembre). Publ.: <http://www.boe.es/buscar/act.php?id=BOE-A-1992-28740> [Accessed: 25/04/2025].

<sup>2</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, p. 52-54.

<sup>3</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, p. 52-54.

given that the artist was not able to execute them, supervise them or declare them to be definitive.<sup>4</sup>

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<sup>4</sup> At this point we refer to the conclusions set out in the *Statement on Standards for the Production and Reproduction of Sculpture*. Publ.: <http://www.collegeart.org/guidelines/sculpture> [Accessed: 05/09/2024].

## Multiple edition by Salvador Dalí

A **Multiple edition by Salvador Dalí** is considered to be an edition of sculptures or three-dimensional works made by the artist himself that exceeds the number of 8 copies + 4 artist's proofs and is derived from a model made by Dalí.

An edition of this kind must be backed by a contract between Dalí and the producer of the edition, signed before 23 January 1989, specifying the details of the edition.

Consequently, a sculpture or three-dimensional object that belongs to a multiple edition will be considered a **Multiple work by Salvador Dalí** on condition that:

- (I) it can be credited with Dalí's intellectual and material authorship and reflects the artist's personality in a new way<sup>1</sup>
- (II) it is one of a limited edition of a maximum of 12 copies, 8 copies + 4 artist's proofs, made by Dalí during his lifetime, and under his supervision
- (III) the three-dimensional model used to make the edition was created by Dalí during his lifetime
- (IV) there is a contract signed by Dalí which refers to the edition
- (V) the dimensions and materials are those authorised by Dalí
- (VI) the numbering of the work coincides with one of the copies envisaged in the edition
- (VII) the stamp of the foundry, if there is one, is that of the foundry that made the edition

In some cases, the number of copies to be included in each edition was not stipulated in the contract itself but was in all probability agreed on after the fact. Therefore, the documentation on the number of copies in the edition and the numbering of these will be studied in each case on the basis of the certificate of authenticity issued by Dalí himself, as well as the numbering on the surface of the work itself.

We can confidently assert that Dalí was fully aware that what he authorised as a multiple edition was clearly different from an original edition. This assessment is based on a comparative reading of the various contracts signed by Dalí during the same period in which he authorised not only limited editions of 8 copies + 4 artist's proofs but also editions with a larger number of copies. This being so, a very clear distinction must be made between an original edition and a multiple edition, with a work belonging to the former or the latter being considered an original work or a multiple work, respectively. Of course, both original works and multiple works are authentic works by Dalí, provided they meet the required criteria.

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<sup>1</sup> See Lluís Peñuelas Reixach, 'Casos problemáticos de autoría y originalidad de las obras de arte'. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, 2013, p. 52-54.

## Multiple edition by Salvador Dalí

Multiple work by Salvador Dalí

*The Young Trajan*, 1973

This sculpture is one of the works in the Clot Collection. Between 1973 and 1975, Dalí signed a series of contracts with Isidro Clot Fuentes, in which he undertook to create a set of wax models as the basis for the creation of sculptures. Some of these were produced as multiple editions—that is, of more than 12 copies—such as this sculpture, on display in the Dalí Theatre-Museum in Figueres since its inauguration in September 1974.



*The Young Trajan*, 1973. Fundació Gala-Salvador Dalí, Figueres © Salvador Dalí, Fundació Gala-Salvador Dalí, VEGAP, Figueres, 2025

### **Enlargement/Reduction of work by Salvador Dalí authorised by the artist**

An **Enlargement/Reduction of work by Salvador Dalí** is considered to be an enlargement/reduction conceived, authorised, and executed by Dalí during his lifetime if it is an enlarged or reduced version of a preexisting work that was conceived and executed by the artist himself.

Therefore, a sculpture or three-dimensional object will be considered to be an **Enlargement/Reduction of work by Salvador Dalí** on condition that:

- (I) it is an enlarged or reduction of a preexisting work that was conceived and executed by Dalí himself during his lifetime
- (II) there is a contract or other document in which Dalí authorises the enlargement/reduction
- (III) the dimensions and materials are those authorised by Dalí
- (IV) if the work belongs to an edition, the numbering coincides with one of the copies envisaged in the edition
- (v) the stamp of the foundry, if there is one, is that of the foundry that made the edition

It goes without saying that in the event of the enlargement/reduction being in the form of a limited edition, original, or multiple, the same criteria required by the Fundació Gala-Salvador Dalí for each of these categories must be met.

A work by Dalí whose dimensions have been changed in any way other than that explicitly authorised by the artist during his lifetime cannot be identified as an authorised enlargement/reduction and cannot be considered part of Dalí's sculptural oeuvre. This is especially true in the case of a posthumous modification made without the artist's approval. The commitment of the Fundació Gala-Salvador Dalí to the artist's work does not allow it to authorise any enlargement/reduction carried out after his death. The only case in which this could be considered would be the existence of very specific guidelines or indications set out by Dalí himself during his lifetime demonstrably validating the alteration of the dimensions of the work in question.

In this matter we are in agreement with the stipulations of the principal authorities on fine art, and in particular with the College Art Association of America: 'A second unethical practice of sculptural reproduction is the enlargement of a sculptor's work by his or her heirs or executors or the owners of the work. Even if an artist enlarged works during his or her life, to enlarge works after the artist's death is presumptuous and unethical on the part of those responsible. [...] The only exception to the foregoing occurs if the artist left specific and verifiable instructions about the future enlargement of his or her sculpture and its location, and that these wishes were scrupulously adhered to.'<sup>1</sup>

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<sup>1</sup> Publ.: <https://www.collegeart.org/standards-and-guidelines/guidelines/sculpture> [Accessed: 25/04/2025]



## **Reproduction of a work by Salvador Dalí**

### **Reproduction of a work by Salvador Dalí authorised by licence from the Fundació Gala-Salvador Dalí**

In this category we include any other edition of sculptures made posthumously (after 23 January 1989) by the holders of the reproduction rights of the artist's work that does not adhere to a limited edition of 8 copies + 4 artist's proofs as stipulated in the section Posthumous original edition by Salvador Dalí, backed by a licence from the Fundació Gala-Salvador Dalí.

Therefore, a sculpture or three-dimensional object will be considered to be a **Reproduction of a work by Salvador Dalí authorised by licence from the Fundació Gala-Salvador Dalí** on condition that:

- (i) the three-dimensional model used to make the reproduction is based on a work conceived and created by Dalí during his lifetime
- (ii) it faithfully reproduces all the characteristics of the work conceived and created by Dalí during his lifetime
- (iii) there is a contract signed by Dalí which refers to the edition and this contract has been ratified by the Fundació Gala-Salvador Dalí
- (iv) the dimensions and materials are those authorised by Dalí
- (v) the edition has been previously authorised and supervised by the Fundació Gala-Salvador Dalí

In order to provide maximum clarity and facilitate a better understanding by the public of this type of sculpture legitimised by the rights of reproduction of Dalí's work held by the producer of an edition, such a piece will be identified on its surface with the word 'Reproduction' and classified in the related documentation as a 'Reproduction of a work by Salvador Dalí authorised by license from the Fundació Gala-Salvador Dalí.'

A reproduction of a work by Salvador Dalí must incorporate and therefore reproduce the precise characteristics of the work created by Dalí, specifically the form, dimensions, and materials chosen by the artist.

The legitimacy of these reproductions derives from a reproduction right granted in contract by Dalí himself. This being so, it is necessary to differentiate between those editions deriving from such a contract, which Dalí himself was able to supervise during his lifetime—and which, therefore, he approved—and those that may continue to be produced posthumously, when the artist can no longer validate them.

The Fundació Gala-Salvador Dalí therefore undertakes to study in full the validity of any reproduction rights held by a third party on a case-by-case basis and, where appropriate, to validate these. In the event of a positive assessment, the copies resulting from these editions will be considered reproductions of the work, given that, since they cannot have been approved by Dalí, they may not be identified as the artist's posthumous work, but rather as reproductions.

These sculptures will be provided with accreditation issued by the Fundació Gala-Salvador Dalí, establishing the correlation of the authorised reproduction with the work created by Salvador Dalí.

## **Reproduction of a work by Salvador Dalí**

### **Validated reproduction of a work by Salvador Dalí**

In this category we include any other edition of sculptures made posthumously (after 23 January 1989) by the holders of the reproduction rights of the artist's work that does not adhere to a limited edition of 8 copies + 4 artist's proofs, as stipulated in the section Posthumous original edition by Salvador Dalí, and is not previously backed by a licence from the Fundació Gala-Salvador Dalí.

Although such an edition is not the result of a prior licence from the Fundació Gala-Salvador Dalí, it must be able to meet the same requirements as hold for a reproduction of a work authorised by licence.

Therefore, a sculpture or three-dimensional object will be considered to be a **Reproduction of a validated work by Salvador Dalí** on condition that:

- (i) the three-dimensional model used to make the reproduction is based on a work conceived and created by Dalí during his lifetime
- (ii) it faithfully reproduces all the characteristics of the work conceived and created by Dalí during his lifetime
- (iii) there is a contract signed by Dalí which refers to the edition and this contract has been ratified by the Fundació Gala-Salvador Dalí
- (iv) the dimensions and materials are those authorised by Dalí
- (v) the edition was previously authorised and supervised by the Fundació Gala-Salvador Dalí

In order to provide maximum clarity and facilitate a better understanding by the public of this type of sculpture legitimised by the rights of reproduction of Dalí's work held by the producer of an edition, such a piece will be identified on its surface with the words 'Validated Reproduction' and classified in the related documentation as a 'Reproduction of a validated work by Salvador Dalí'.

A validated reproduction of a work by Salvador Dalí must incorporate and therefore reproduce the precise characteristics of the work created by Dalí, specifically the form, dimensions, and materials chosen by the artist.

The validation of these reproductions derives from a reproduction right granted in contract by Dalí himself. This being so, it is necessary to differentiate between those editions deriving from such a contract, which Dalí himself was able to supervise during his lifetime—and which, therefore, he approved—and those that may continue to be produced posthumously, when the artist can no longer validate them.

The Fundació Gala-Salvador Dalí therefore undertakes to review these types of reproduction on a case-by-case basis. If the evaluation is positive, the reproduction will be approved.

These sculptures will be provided with accreditation issued by the Fundació Gala-Salvador Dalí, which will establish the correlation of the validated reproduction with the work created by Salvador Dalí.



## Epilogue. Works with no valid claim to authorship by Salvador Dalí

In addition to the categories described above, a series of very specific cases have been identified that cannot be identified as sculptural works by Dalí.

### ‘D’après Dalí’

Occasionally, a piece which appears to possess all the characteristics of a reproduction of a Dalí sculptural work is submitted for examination, and on close inspection is found to present changes or modifications with respect to the original three-dimensional work conceived, created, and validated by the artist during his lifetime.

This tends to occur more frequently in editions made posthumously on the basis of the reproduction rights granted by Dalí to third parties. Although the legitimacy of such editions is not disputed here, it is obvious that the resulting pieces must fully respect the artist’s work.

Therefore, any modification of the characteristics of the work not authorised by the artist during his lifetime may lead to such pieces being classified as **‘D’après Dalí’**, as in the following cases:

- Any modification of the composition or arrangement of the work not conceived, created, and approved by Dalí during his lifetime
- Any modification of the materials and/or patinas of the work not approved by Dalí during his lifetime
- Any modification of the dimensions of the work not approved by Dalí during his lifetime
- Any other change that cannot be shown to have been approved by Dalí during his lifetime

The expression ‘D’après’ is taken from Article 7 of the Décret n° 81- 255 du 3 mars 1981.<sup>1</sup> According to this regulation established by French law, ‘D’après’ does not confer any guarantee of the identity of the artist or the date of the work. The Fundació Gala-Salvador Dalí understands that pieces classified as ‘D’après Dalí’ cannot be accredited as works or reproductions of works by Dalí, although they are understood to follow or take as a reference a specific work by the artist. ‘D’après Dalí’ can be translated literally as ‘after Dalí’.

### Transformation or derivative work

Other types of pieces that should not be identified with sculptural work by Dalí are transformations or derivative works. Article 11 of Real Decreto Legislativo 1/1996, de 12 de abril, defines a derivative work as: ‘Any transformation of a literary, artistic, or scientific work<sup>2</sup>’. Article 21 of the same Decree goes further: ‘The transformation of a work includes its translation, adaptation, and any other modification in its form from which a different work is derived.’ Regarding the result of the transformation: ‘The intellectual property rights of the work resulting from the transformation shall correspond to the author of the latter, without prejudice to the

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<sup>1</sup> Publ.:

[https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=96ACB0AE0E71AB101F7FCDB6D6A37FDF.tpdjo11v\\_2?cidTexte=JORFTEXT000000684875&dateTexte=20010930](https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=96ACB0AE0E71AB101F7FCDB6D6A37FDF.tpdjo11v_2?cidTexte=JORFTEXT000000684875&dateTexte=20010930) [Accessed: 25/04/2025]

<sup>2</sup> Translated from: Real Decreto Legislativo 1/1996, de 12 de abril. Publ.:

<https://www.boe.es/eli/es/rdlg/1996/04/12/1/con> [Accessed: 25/04/2025]

right of the author of the pre-existing work to authorise, during the entire term of protection of their rights over it, the exploitation of these results in any form and in particular through reproduction, distribution, public communication, or new transformation.’ The resulting creation is therefore considered to be authored by a third party, so that the authorisation of the author of the original work, namely Dalí, is required.<sup>3</sup>

It follows that any claim to Dalí’s authorship is rejected in cases where the transfer of his original work to a medium or format other than those conceived by the artist during his lifetime is evident. In this regard we have detected a significant number of cases in which a drawing or iconographic motif taken from Dalí’s paintings has been transformed into a three-dimensional work by a third party. These creations, if authorised by Dalí, would be considered transformations authored by a third party.

These cases should not be confused with drawings or other preparatory work carried out by Dalí himself as a preliminary step to the creation of a sculptural work, in that this is an integral part of the creative process.

The transformation of an artist’s two-dimensional work into a three-dimensional work is a practice deplored by leading authorities in the art world. According to the standard criteria of the College Art Association of America: ‘A less frequent but equally disturbing practice is that of heirs making sculptures from drawings or paintings by artists who had little, if any, knowledge of such transfer. In all cases those responsible for this new form of reproduction have the serious responsibility of proving without doubt that they are carrying out the explicit intentions of the artist at the time of his or her death rather than acting on their own initiatives.’<sup>4</sup>

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<sup>3</sup> See Lluís Peñuelas Reixach, ‘Casos problemáticos de autoría y originalidad de las obras de arte’. In Lluís Peñuelas Reixach (ed.), *Autoría, autenticación y falsificación de las obras de arte*. Figueres, Fundació Gala-Salvador Dalí / Barcelona, Ediciones Polígrafa, 2013, p. 90-91.

<sup>4</sup> Publ.: <https://www.collegeart.org/standards-and-guidelines/guidelines/sculpture> [Accessed: 25/04/2025]