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**Federal State Autonomous Educational Institution of Higher Education
PEOPLES' FRIENDSHIP UNIVERSITY OF RUSSIA
RUDN University named after Patrice Lumumba**

LAW INSTITUTE

educational division (faculty/institute/academy) as higher education programme developer

COURSE SYLLABUS

ART AND CULTURAL HERITAGE LAW

course title

Recommended by the Didactic Council for the Education Field of:

40.04.01 JURISPRUDENCE

field of studies / speciality code and title

The course instruction is implemented within the professional education programme of higher education:

INTERNATIONAL PRIVATE LAW

higher education programme profile/specialisation title

1. COURSE GOAL(s)

The goal of the course «Art and Cultural Heritage Law » is:

- 1) To develop knowledge of the master-students on protection и due circulation of cultural objects,
- 2) To form the systemic and special knowledge and skills regarding legal instruments in the sphere of cultural heritage (public and private law issues), legal implications on art objects and art-market participants, including contemporary issues of digital art, authorship, due diligence, authentication.

2. REQUIREMENTS FOR LEARNING OUTCOMES

Mastering the course (module) «Art and Cultural Heritage Law» intends to train and guide students to achieve the development of following competences (competences in part):

Table 2.1. List of competences that students acquire through the course study

Competence code	Competence descriptor	Competence formation indicators (within this course)
UC-7	UC-7. Able to: search for the necessary sources of information and data, perceive, analyze, memorize and transmit information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; evaluate information, its reliability, build logical conclusions based on incoming information and data	UC-7.1. Searches for the necessary sources of information and data, perceives, analyzes, memorizes and transmits information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; UC-7.2. Evaluates information, its reliability, builds logical conclusions based on incoming information and data.
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	GPC-1.1. Possesses general and special knowledge to identify and resolve non-standard situations (situations in which uniform approaches to the application of the law have not been formed) in law enforcement practice; GPC-1.2. Analyzes non-standard situations in law enforcement practice, including identifying legal and other causes and/or conditions for their occurrence; GPC-1.3. Develops optimal options for solving non-standard situations of law enforcement practice, taking into account possible legal consequences and draws up these decisions in the form prescribed by law.
GPC-2	GPC-2. Able to independently prepare expert legal opinions and conduct an examination of normative (individual) legal acts	GPC-2.1. Knows the rules for preparing expert legal opinions and the rules for conducting an examination of normative (individual) legal acts; GPC-2.2. Able to independently conduct a legal examination of normative (individual) legal acts; GPC-2.3. Possesses the skills of preparation and execution of expert legal opinions and expert examinations of normative (individual) legal acts.
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations	GPC-3.1. Knows the essence and specifics of the ways and methods of interpreting legal acts, ways to eliminate gaps and conflicts in law;

Competence code	Competence descriptor	Competence formation indicators (within this course)
	where there are gaps and conflicts of law	GPC-3.2 Has the skills to interpret legal acts, including in situations where there are gaps and conflicts of law GPC-3.3 Gives qualified explanations on the content and application of the law
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	GPC-4.1. Knows the content of basic and specific legal concepts, terms and definitions, is able to use them to build an oral and written position on a specific legal problem; GPC-4.2. Able to argue in writing and orally the legal position on the case, including taking into account the principle of adversarial proceedings; GPC-4.3. Possesses the skills of drafting legal documents on the case and the skills of public speaking with the argumentation of the position for the professional conduct of polemics in the trial.
GPC-5	GPC-5. Able to independently draw up legal documents and develop drafts of normative (individual) legal acts	GPC-5.1. Possesses general and specific legal knowledge necessary for the preparation of legal documents for various purposes and the development of draft normative (individual) legal acts; GPC-5.2. Independently draws up legal documents and develops drafts of normative (individual) legal acts GPC-5.3. Possesses skills in drafting legal documents and drafting normative (individual) legal acts in accordance with the profile of his professional activity
GPC-7	GPC-7. Able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security	GPC-7.1. Knows the basic information technologies and legal bases for solving problems in various areas of legal activity; GPC-7.2. Applies information technologies and uses legal databases to solve the problems of professional activity, taking into account the requirements of information security; GPC-7.3. Owns the skills of information service and data processing to solve the problems of professional activity, taking into account the requirements of information security.
PC-3	PC-3. Able to skillfully apply the norms of substantive and procedural law in specific areas of legal activity	PC-3.1. Knows the specifics of legal regulation and law enforcement practice in specific areas of legal activity; PC-3.2. Correctly establishes legal facts, as well as facts and circumstances of legal significance, carries out their comprehensive analysis, taking into account the specifics of the evidence process in specific areas of legal activity; PC-3.3. Correctly carries out legal qualification, correctly and reasonably applies the norms of substantive and procedural law in professional activities; PC-3.4. Takes a law enforcement decision in the form prescribed by law in compliance with its sectoral affiliation, requirements for the structure,

Competence code	Competence descriptor	Competence formation indicators (within this course)
		procedure for adoption and competence of the subject of law enforcement.
PC-4	PC-4. Able to provide qualified legal advice in specific areas of legal activity	PC-4.1. Knows the specifics and methodology of consulting in specific areas of legal activity; PC-4.2. Provides qualified advice in specific areas of legal activity; PC-4.3. Possesses the skills of legal consulting in specific areas of legal activity

3.COURSE IN HIGHER EDUCATION PROGRAMME STRUCTURE

The course refers to the elective component of (B1) block of the higher educational programme curriculum.

Within the higher education programme students also master other (modules) and / or internships that contribute to the achievement of the expected learning outcomes as results of the course study.

Table 3.1. The list of the higher education programme components/disciplines that contribute to the achievement of the expected learning outcomes as the course study results

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
UC-7	UC-7. Able to: search for the necessary sources of information and data, perceive, analyze, memorize and transmit information using digital means, as well as using algorithms when working with data received from various sources in order to effectively use the information received to solve problems; evaluate information, its reliability, build logical conclusions based on incoming information and data	Comparative Law Research / Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect /	Comparative Law Research / Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Private International Law Issues in the Field of Insurance Law / Research Work / Educational Internship (Teaching) / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-1	GPC-1. Able to analyze non-standard situations of law enforcement practice and offer the best options for their solution	Philosophy of Law / History and Methodology of Legal Science / Comparative Law Research / Current Issues of Private International Law /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
			Private International Law Issues in the Field of Transnational Insolvency / Private International Law Issues in the Field of Insurance Law / Research Work / Academic Practice and Legal Consulting and Scientific Research
GPC-2	GPC-2. Able to independently prepare expert legal opinions and conduct an examination of normative (individual) legal acts	Comparative Law Research / Law Applicable to Cross-Border Contractual Obligations /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-3	GPC-3. Able to competently interpret legal acts, including in situations where there are gaps and conflicts of law	Philosophy of Law / Comparative Law Research / Current Issues of Private International Law /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Private International Law Issues in the Field of Transnational Insolvency / Notarial Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-4	GPC-4. Able to argue in writing and orally the legal position on the case, including in adversarial processes	Philosophy of Law / Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
			Cross-Border Mergers and Acquisitions / Private International Law Issues in the Field of Educational Internship (Teaching) / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-5	GPC-5. Able to independently draw up legal documents and develop drafts of normative (individual) legal acts	Comparative Law Research / Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Research Work / Academic Practice and Legal Consulting and Scientific Research Internship /
GPC-7	GPC-7. Able to apply information technologies and use legal databases to solve problems of professional activity, taking into account the requirements of information security	History and Methodology of Legal Science / Comparative Law Research / Introduction to Private International Law: Theoretical and Historical Aspect / International Commercial Arbitration and Other ADR /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Private International Law Issues in the Field of Protection of Intellectual Property Rights / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Вопросы Research Work / Educational Internship (Teaching) / Academic Practice and Legal Consulting and Scientific Research Internship /

Competence code	Competence descriptor	Previous courses/modules*	Subsequent courses/modules*
PC-3	PC-3. Able to skillfully apply the norms of substantive and procedural law in specific areas of legal activity	Current Issues of Private International Law / Introduction to Private International Law: Theoretical and Historical Aspect / International Commercial Arbitration and Other ADR /	Law Applicable to Cross-Border Contractual Obligations / Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System / Private International Law Issues in the Field of Insurance Law / Academic Practice and Legal Consulting and Scientific Research Internship /
PC-4	PC-4. Able to provide qualified legal advice in specific areas of legal activity	International Commercial Arbitration and Other ADR / Law Applicable to Cross-Border Contractual Obligations / Cross-Border	Cross-Border Transactions: Legal and Practical Aspect / Law of International Banking Transactions / Cross-Border Mergers and Acquisitions / Cyberspace: Jurisdiction and Dispute Resolution/ Private International Law Issues in the Field of Transnational Insolvency / Notarial System Private International Law Issues in the Field of Insurance Law / Academic Practice and Legal Consulting and Scientific Research Internship /

* To be filled in according to the competence matrix of the higher education programme.

4. COURSE WORKLOAD AND ACADEMIC ACTIVITIES

The total workload of the course is 3 credits (108 academic hours)

Table 4.1. Types of academic activities during the periods of higher education programme mastering (**full-time training**) *

Type of academic activities	Total academic hours	Semesters/training modules			
		1/1	1/2	2/3	2/4
Contact academic hours	32				32
including:					
Lectures (LC)					
Lab work (LW)					
Seminars (workshops/tutorials) (S)	32				32

Type of academic activities		Total academic hours	Semesters/training modules			
			1/1	1/2	2/3	2/4
<i>Self-studies</i>		49				49
<i>Evaluation and assessment (exam/passing/failing grade)</i>		27				27
Course workload	academic hours	108				108
	credits	3				3

Table 4.2. Types of academic activities during the periods of higher education programme mastering (part-time training) *

Type of academic activities		Total academic hours	Semesters/training modules			
			1/1	1/2	2/3	2/4
<i>Contact academic hours</i>						
including:						
Lectures (LC)						
Lab work (LW)						
Seminars (workshops/tutorials) (S)						
<i>Self-studies</i>						
<i>Evaluation and assessment (exam/passing/failing grade)</i>						
Course workload	academic hours					
	credits					

* To be filled in regarding the higher education programme part-time training mode.

Table 4.3. Types of academic activities during the periods of higher education programme mastering (correspondence training) *

Type of academic activities		Total academic hours	Semesters/training modules			
			1/1	1/2	2/3	2/4
<i>Contact academic hours</i>						
including:						
Lectures (LC)						
Lab work (LW)						
Seminars (workshops/tutorials) (S)						
<i>Self-studies</i>						
<i>Evaluation and assessment (exam/passing/failing grade)</i>						
Course workload	academic hours					
	credits					

* To be filled in regarding the higher education programme correspondence training mode.

5. COURSE CONTENTS

Table 5.1. Course contents and academic activities types

Course module title	Course module contents (topics)	Academic activities types
1.Cultural heritage, cultural property: protection, illicit traffic countermeasures	1. Definition “Cultural heritage”, “cultural property”, “world heritage”. Tangible and intangible cultural heritage (CH). Significance and necessity for special regulation 2. International conventions and other legal instruments on CH (Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property 1970, UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects 1995, Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954, the UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001) 3. Return and restitution.	S
2.Art and Public Regulation	1. State (public) interest in Art 2. Art and Culture as Public Law Concepts 3. State funding of the Arts. 4. Street art and urban public regulations 5. Artistic freedom, public order and ethics.	S
3. Museums, galleries: legal status and regulation	1. Museum organization and governance 2. Duties of museum managers. 3. Conservation and the Duty to Care	S
4.Art-market	1. Definition and Functions of and Art Market. 2. Subjects of an Art Market. 3. Legal rights and duties of auctioneers, art dealers, and other intermediaries 4. Authentication of Art. Provenance. 5. Exports control.	S
5. Transactions. Conflict of laws and the Art	1.Key Concepts: contract law and common law and civil law jurisdictions 2.Auction contracts 3.Conflict of laws and the Art 4.Anti-Money Laundering and the Arts	S
6. Art and cultural objects and IP rights	1. Intellectual property and the visual arts 2. Application of copyright law (with a special focus on contemporary art) 3. Artists’ Resale Rights and Moral Rights	S
7. Digitalization of Art. Creative industries and NFT	1. Concept of digital Art (cyber art, digitalized art, Internet art, etc.) 2. Use of technologies for access to CH 3.Use of technologies for creation and distribution of Art 4.An issue of authorship of digital art	S

* - to be filled in only for full -time training: LC - lectures; LW - lab work; S - seminars.

6. CLASSROOM EQUIPMENT AND TECHNOLOGY SUPPORT REQUIREMENTS

Table 6.1. Classroom equipment and technology support requirements

Type of academic activities	Classroom equipment	Specialised educational / laboratory equipment, software, and materials for course study (if necessary)
Lecture	A lecture hall for lecture-type classes, equipped with a set of specialised furniture; board (screen) and technical means of multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Lab work	A classroom for laboratory work, individual consultations, current and mid-term assessment; equipped with a set of specialised furniture and machinery.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Seminars	A classroom for conducting seminars, group and individual consultations, current and mid-term assessment; equipped with a set of specialised furniture and technical means for multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Computer Lab	A classroom for conducting classes, group and individual consultations, current and mid-term assessment, equipped with personal computers (in the amount of 30 pcs), a board (screen) and technical means of multimedia presentations.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Self-studies	A classroom for independent work of students (can be used for seminars and consultations), equipped with a set of specialised furniture and computers with access to the electronic information and educational environment	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome
Courtroom	A classroom for court hearing simulation equipped with a set of specialized furniture; a set of devices including portable multimedia projector, laptop, projection screen, stable wireless Internet connection.	Multimedia projector, laptop, projection screen, stable wireless Internet connection. Software: Office 365 (MS Office, MS Teams), Chrome

* The premises for students' self-studies are subject to MANDATORY mention

7. RESOURCES RECOMMENDED FOR COURSE STUDY

Main reading (sources):

1. Art and Cultural Heritage: Law, Policy and Practice / B.Hoffman; ed. – Cambridge University Press, 2006.
2. Research Handbook on Art and Law / McCutcheon, J. and McGaughey F. ; ed., 2020.
3. Roodt, Ch. Private International Law, Art and Cultural Heritage. –Edward Elgar Pub., 2015.

Additional (optional) reading (sources):

1. Reshetnikova M. The role of technology in the art market in the COVID19 period// Vestnik RUDN.2022. №2. Economy. - P.192-203
2. Baldini, A. Philosophy Guide to Street Art and the Law, 2018.
3. Law and Art: Justice, Ethics and Aesthetics / Ben-Dor, O. ; ed., 2011.
4. The Art Collecting Legal Handbook (2013). Boesch B., Sterpi M. (eds.)
5. Bonadio, E. The Cambridge Handbook of Copyright in Art and Graffiti (2019).
6. DuBoff, Leonard D., Murray, Michael D. & Burr, Sherri, Art Law: Cases and Materials (2010).
7. Gayton, C., Guide to Copyrights & Trademarks for CryptoCreatives (2019).
8. Gerstenblith, Patty, Art, Cultural Heritage, and the Law: Cases and Materials (2012).
9. Huygebaert, S., Martyn, G., Paumen, V., Bousmar, E., Rousseaux, X. (Eds.), The Art of Law: Artistic Representations and Iconography of Law and Justice in Context, from the Middle Ages to the First World War (2018).
10. Jones, Michael E., Art Law: A Concise Guide for Artists, Curators, and Art Educators (2016).
11. Lavizzari, Carlo S. and Viljoen, René, Cross-Border Copyright Licensing, (2018).
12. Lerner, Ralph; Bresler, Judith; and Wierbicki, Diana, Art Law: The Guide for Collectors, Investors, Dealers & Artists, PLI Press (5th Ed., 2020).
13. Manderson, Desmond, Law and the Visual: Representations, Technologies, and Critique (2018).
14. McCutcheon, J. and McGaughey F. (Ed.), Research Handbook on Art and Law (2020).
15. Merryman, John Henry, Urice, Stephen K. &Elsen, Albert E., Law, Ethics and the Visual Arts (2007).
16. Milosch, Jane and Pearce, Nick, Collecting and Provenance: A Multidisciplinary Approach (2019).
17. Prowda, Judith B., Visual Arts and the Law: A Handbook for Professionals (Handbooks in International Art Business) (2013).
18. Ray, K. Art & Business: Transactions in Art and Cultural Property. 2017.
19. Indigenous Intellectual Property / Rimmer, M. ed., 2015.
20. Beckman, M. The Comprehensive Guide to NFTs, Digital Artwork, and Blockchain Technology. - 2021.

Internet sources:

1. 1. Electronic libraries (EL) of RUDN University and other institutions, to which university students have access on the basis of concluded agreements:

- RUDN Electronic Library System (RUDN ELS) <http://lib.rudn.ru/MegaPro/Web>
- EL "University Library Online" <http://www.biblioclub.ru>
- EL "Yurayt" <http://www.biblio-online.ru>
- EL "Student Consultant" www.studentlibrary.ru
- EL "Lan" <http://e.lanbook.com/>
- EL "Trinity Bridge"

2.Databases and search engines:

- electronic foundation of legal and normative-technical documentation <http://docs.cntd.ru/>
- Yandex search engine [https:// www .yandex.ru/](https://www.yandex.ru/)
- Google search engine <https://www.google.ru/>

- Scopus abstract database <http://www.elsevierscience.ru/products/scopus/>

Training toolkit for self- studies to master the course *:

1. The set of lectures on the course (ppts)_____
2. Reading materials
3. texts of international instruments

* The training toolkit for self- studies to master the course is placed on the course page in the university telecommunication training and information system under the set procedure.

8. ASSESSMENT TOOLKIT AND GRADING SYSTEM* FOR EVALUATION OF STUDENTS' COMPETENCES LEVEL UPON COURSE COMPLETION

The assessment toolkit and the grading system* to evaluate the competences formation level (competences in part) upon the course study completion are specified in the Appendix to the course syllabus.

* The assessment toolkit and the grading system are formed on the basis of the requirements of the relevant local normative act of RUDN University (regulations / order).

DEVELOPERS:

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