Flowchart 2: Who will benefit from ARR royalties generated after my death?

Q1. At the date of the artist’s death was the artist a “qualifying individual”?
   Yes
   No
   ARR not applicable.

Q2. Did the artist die on or before 14 February 2006?
   Yes
   No
   Apply the provisions of Regulation 16(2)(a) - 16(2)(c) of the Regulations. i.e. ARR passes to the person who inherits copyright, or the work, or to the residuary beneficiary.

Q3. Did the artist leave a Will?
   Yes
   No
   Was the artist domiciled in the UK or overseas at the time of death?
   UK
   Overseas
   Seek advice in the country concerned.

Q4. Does the Will bequeath ARR to a specific beneficiary?
   Yes
   No
   Royalty payable to that beneficiary, but move to Q6.

Q5. Does the Will bequeath the copyright to a specific beneficiary and, if so, is it reasonable to interpret that bequest as including ARR?
   Yes
   No
   Royalty payable to that beneficiary; move to Q6.
   Royalty payable to the residuary beneficiary; move to Q6.

Q6. Is the beneficiary identified in Q4 or Q5 or the residuary beneficiary in Q5 a “natural person” or a “qualifying body”?
   Yes:
   A “natural person”
   Payment can be made
   Yes:
   A “qualifying body”
   Payment can be made
   No
   Apply UK intestacy rules – see Rules of Intestacy Chart

Please note that this flowchart should be read in conjunction with the attached DACS fact sheet ‘Protecting copyright and Artist’s Resale Right after death’. This flowchart has been reproduced for DACS by Farrer & Co LLP. This flowchart is provided for guidance only and is based on the law as it stands in January 2012. You are advised to seek specific and specialist advice in relation to your own specific circumstances.
Please note that this flowchart should be read in conjunction with the attached DACS fact sheet ‘Protecting copyright and Artist’s Resale Right after death’. This flowchart has been reproduced for DACS by Farrer & Co LLP. This flowchart is provided for guidance only and is based on the law as it stands in January 2012. You are advised to seek specific and specialist advice in relation to your own specific circumstances.