I. Authenticity Opinions Fuel the Art Market as Follows:
   • They are the driver in art sales between private collectors, by a gallery or through public auction;
   • They are critical in establishing the price point for a work of art;
   • They are crucial in making gifts of art to museums, or loans to museums for exhibitions;
   • They justify a donor's tax deduction;
   • They form the basis of valuations of art in the settlement of an estate;
   • They reduce the likelihood that fakes and forgeries will flood the marketplace.

II. The 3 Principal Methods to Determine Authenticity:
   • Documentation of provenance demonstrating ownership history and chain of possession since creation;
   • Forensic or scientific testing; and
   • Connoisseurship or stylistic analysis.

III. Lawsuits and threatened lawsuits have a chilling effect on Authenticators (whether individuals or authenticating bodies).
    Authenticators have been sued on an array of theories including:
    • Negligence • Disparagement • Negligent Misrepresentation • Fraud • Anti-Trust Violations • Defamation

IV. VARA Empowers Artists to Disavow Authorship of their Own Works
   • The Attribution Right: To be identified as the Work's author; to prevent the attribution of one's name to a work one did not create...or to a work one did create if it is subsequently distorted / mutilated / modified so that it is prejudicial to the artist's honor or reputation.
   • The Integrity Right: To prevent intentional distortion / mutilation / modification of a work that would be prejudicial to an artist's honor or reputation; to prevent destruction of a work of recognized stature.
   • Accidental (Hurricane Sandy) Damage can empower Disavowal of Authorship.

V. Proposed Authenticity Legislation
   • To incentivize scholars, experts, foundations and catalogues raisonnés to continue to render authenticity opinions.
   • The Authenticator must be recognized in the Visual Arts Community as having expertise to either:
     -- provide an authenticity opinion; or
     -- uncover evidence forming the basis of such opinion (ex., forensic expert).
   • The Authenticator may not have a financial interest in the work (other than payment for authentication services).
   • The legislation
     -- requires the claimant at the outset to specify facts demonstrating an improper authenticity opinion;
     -- requires the claimant to satisfy a heightened standard of proof;
     -- awards attorney's fees to a prevailing authenticator.
   • All contracts commissioning authenticators’ opinions should require New York Law to govern.