

Trumbull First Selectman Timothy M. Herbst Acts to Protect Town from Threat of Copyright Infringement Litigation



March 2, 2015 The Town of Trumbull has temporarily removed privately owned artwork from its library located at 33 Quality Street. It was recently learned that the collection, which was donated by Dr. Richard Resnick, did not have a written agreement of indemnification between the Town of Trumbull and Dr. Resnick. In recent weeks, independent organizations have alleged potential copyright infringement with the use of Mother Teresa's image in one of the pieces of artwork. Absent a written agreement indemnifying the Town from potential litigation, First Selectman Timothy M. Herbst announced on Monday that on the advice of legal counsel, the Town must remove the display to protect Trumbull from any potential liability, not only with respect to the copyright infringement claim but also from any potential liability should the paintings be damaged, stolen or destroyed.

“After learning that the Trumbull Library Board did not have the proper written indemnification for the display of privately-owned artwork in the Town’s library, and also being alerted to allegations of copyright infringement and unlawful use of Mother Teresa’s image, upon the advice of legal counsel, I can see no other respectful and responsible alternative than to temporarily suspend the display until the proper agreements and legal assurances are in place,” stated First Selectman Herbst. “I want to make it clear that this action is in no way a judgment on the content of the art but is being undertaken solely to protect the town from legal liability based upon a preliminary opinion from the Town Attorney.”

The First Selectman noted that he appreciates the contributions of residents to the Town’s library system. But he also made clear that the Town of Trumbull needed to be protected and held harmless from any potential litigation that could cost Trumbull taxpayers in the long run. “Privately owned artwork is very valuable, and absent a written agreement, we want to make sure Trumbull is protected should something happen to the paintings or should a third party allege some type of infringement,” Herbst said. “While I appreciate the good intentions of Dr. Resnick and the Library Board, I have a legal and fiduciary duty to protect the taxpayers from significant financial liability.”

The Herbst Administration noted that future works of art that will be displayed inside any municipal property will be required to have the same protocols in order to protect Trumbull, its taxpayers, and employees from any potential litigation should any harm come to any paintings,

sculptures, or other donated items that would be considered art. “I have directed the Town Attorney to immediately adopt a policy for all municipal buildings in this regard, including any artwork that is hung at Town Hall. Corrective action is already being taken town wide to address the problems that have been identified as a result of this incident,” Herbst said. “The Town of Trumbull is always appreciative of our residents who wish to display prized collections for the public’s benefit, and we look forward to sharing other pieces of prized artwork in the near future.”