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Business

Original Art

The Mystery of Jack Kirby's 1960s Marvel Artwork

September 13, 2016 | 46 Comments

The topic of original art at Marvel in the 60s and 70s is a contentious one. The one thing we know for sure is that the original artists didn't get all of it back.

Whether they wanted it, or whether it was owed to them, or whether anyone cared about most of it is a big topic that deserves its own *book*.

There are issues with each of those things. You have to take things in context. That art was essentially worthless in the 60s — they were pages done to produce these magazines that sold dirt cheaply and provided a salary for the artists via the publisher. Value in original art didn't really show up until the 70s, to a limited degree. It's only been uphill since then, with a particular boom in the last decade or so.

Already, 25% of you listening are arguing with your computer screen over how grossly I've oversimplified this and how wrong it all is.

Stick with me. I don't need to be more specific for the moment. Let's get to what came out this week. And then I'll give you my best guess for what might be happening, based on piecing together seemingly random bits.

The Podcast That Started This



I hope you listen to [Felix Comic Art Podcast](#). It's a monthly dive into the world of original comic book artwork, talking with fellow dealers, collectors, and the artists, themselves. Most months come with a short video where the guest shows off a few pages of art and talks over them.

It's brilliant stuff.

[In the most recent edition of the podcast](#), Felix brought up the mystery of Kirby's Marvel art from the 1960s. He says it's been disappearing from the internet recently. Here's how he framed it, starting at about the 1:15:00 mark:

There's something going on now that I have no idea what's happening for certain. It's just... observing from street level. Seems to be a lot of Kirby art just disappearing off from public view. Give you an example. And someone brought this to my attention cause it's not something I would... normally jump out at me. But after several people talked about it, you know what, there may actually be something going on. For example, one of the major auction houses. They're good for about a dozen examples every auction. Right now, there's zero. Nothing.

As a result, I surveyed the major dealer websites, and all the 60s Kirby is gone. There's still Kirby, but there's 70s Kirby, which is the uncontested Kirby. And then you look at [ComicArtFans](#). There's some major collectors who have now removed the Kirby from being able to be seen online.

There was just an article that was printed in "The Atlantic" about Kirby and about his plight as a comics artist and a comics creator. It's a pretty typical article that you see. It's pro-Kirby. [...]

There was an unusually large amount of print devoted to the art issue. That he fought to get it back. That he wasn't able to get it all back. And that, you know, there's the insinuation that... a lot of it was stolen.

[That Atlantic write-up](#) provides a nice overview for the situation. It's almost like the piece was planted at the magazine to set up some upcoming news or something. (Sorry, that's more of my wild speculation. It's borne of seeing seemingly unconnected things suddenly gel together in retrospect, plus how large companies use the news cycle to their advantage in certain ways.)

I looked at a couple of dealer websites. One, in particular, had 53 pieces up six months ago and seven now. The only 60s page left is one Kirby is only credited with "finishes" on.

I looked up [Heritage](#), and they still have a single 60s Marvel Kirby page listed, with three more also there as having been sold for six figures each in the past. The most recent sold in May, though that was an unused cover drawing, so perhaps it would be exempt from this controversy.

[ComicConnect.com has a couple of 60s pages](#). I don't know what they're usual stock in this stuff is, though. And maybe those pages came through the inker, for all I know.

I don't know who the major Kirby collectors on CAF are, but I'm willing to take Felix's word on this one.

The question then becomes, **Why are so many people/companies taking their 60s Marvel Kirby art down?**

I have a theory. Or a guess. Wild speculation? Follow along with me.

Some Background

In October 2014, Disney settled with the estate of Jack Kirby. No details were given, other than that the case the Kirby family had brought all the way to the Supreme Court would be dropped. Jack Kirby's name could appear in the movie credits. And everyone assumed a healthy chunk of dollars were contributed to the Kirby folks.

Here's how [the Hollywood Reporter announced it](#):

On Friday, Marvel ended a long and bitter feud with the estate of comic book legend **Jack Kirby**, announcing a settlement just days before the U.S. Supreme Court had scheduled a conference to discuss whether to take up a case with potentially billions on the line.

If the Supremes had ruled against Marvel, it would have been devastating not just for Marvel, but likely for other publishers of the era, as well.

Disney surely thought a payout to avoid a complete collapse was beneficial. Note that I'm not giving them credit for doing the right thing for the sake of doing the right thing here. Pardon my cynicism when it comes to lawyers and IP law.

[Bleeding Cool took a stab](#) at what it meant:

Possibly, worried he may have said too much, my very well-connected source defined the settlement as "eight figures. Mid eight figures." Which leads me to believe we could be looking from **anywhere between \$30 million to \$50 million**, either way the largest single sum settlement that any comic book creator's estate has ever received for such a legal settlement in history.

It'd be worth that price just to keep the Marvel Cinematic Universe intact.

[The Comics Journal ran a long piece](#) analyzing the case and what the settlement meant.

Feel free to read through all that. You won't need to for the sake of my proposed settlement for original art owners, but it's a fascinating and complex story.

The Provenance Problem

Why might auction houses and art dealers suddenly not want to peddle Kirby's art, which is some of the most desirable and valuable art in the North American comics world? ("Tintin" still rules the European market.)

Kirby art is BIG MONEY. Once there's big money in play, there's always lawyers and contention and arguments. Let's look at it from each angle to see what the problems are.

They all have one thing in common, though: **Nobody knows who owned the art in the first place.**

The Publisher

The dirty little open secret for the last few decades is that it's very likely [a lot of Kirby's art in the open market was effectively stolen](#). There are stories of stacks of pages just disappearing from the office.

The problem is, there's also stories of art being given away to people visiting the office, artists taking pages home for reference and never returning them, and pages being lost in shipping or damaged in floods. (See the comments section in that last link for such stories.)

But some pages were obtained legitimately, even directly from Jack and Roz in their later years.

I'd call the paper trail a nightmare, but since there was no paper involved, it's worse. It's a vacuum.

How do you separate the good from the bad? This is the origin of the original art problem. It stems from Marvel's practices in the 1960s and into the 1970s, when things were played faster and looser.

The Collectors

If you own a page of Kirby art from Marvel in the 60s, how sure are you that what you own was legitimately sourced? How do you know the dealer you bought it from — even if it was 30 years ago — got it through legitimate means?

Would you want to give that page up? Would you want to get served a letter from Disney/Marvel legal? Even if you have the paperwork from where you bought it, how do you know that guy you bought it from got it through legitimate means?

Might be a good idea to hide the fact from the public that you own it. Take it down off the internet, keep it in your portfolio or hung framed on your wall, and never boast about it again. Stay quiet and they might overlook you for now. All future trades and sales and deals can be handled quietly, creating a new black market for original art.

The Dealers

This is their livelihood. They don't want to be peddling in stolen goods, but how many can afford to just give it all back, if it came to that? This is your whole business at stake. What does it do for your credibility to be effectively trafficking in stolen goods? And who wants to lose their business because of a lawsuit over something like this?

The Answer? Participant Original Art



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I think a more reasonable deal would be something [Neal Adams wrote about on Bleeding Cool last year](#). (Neal is also the one who led the charge to get Kirby his original art back 30 years ago.) It's the idea that **the original artist should always financially benefit from any sale of their art**, even on the secondary or tertiary market. Adams makes an interesting case for it, saying that the artist's support of a deal would add legitimacy and value to the piece. He did it with a cover of his, and was predictably pleased with the results:

It is my sincere hope that this singular event will encourage others, who wish to sell art that was not purchased "directly" from its creator,..to get approval directly from the artist or his/her family for such an auction, for a reasonable percentage of the sale.

Idea being, a much HIGHER, price may result to the benefit of all parties!

In future,...it may come to pass, that Any continuing sales. of any piece of art will include a portion of the PROFIT,.. dedicated to the artist and his/her family!

I can imagine lots of dealers, in particular, not being thrilled with this idea. Besides cutting into their profit margins, it sounds like a paperwork hassle. Should Big Time Art Dealer be

responsible for tracking down every artist who did one comic thirty years ago, so they can cut a check for \$20 on a page's sale?

Maybe not, but they wouldn't have to do it with every artist. It's not a law. It's a contract they sign with the Kirby Estate, in this case, which has something to hold over their heads. **What if the Kirby Estate gave the dealer "provenance" of the piece in return for a 20% cut of the final price.** I'm making that number up, but with pages that routinely sell in the five figures these days, everyone walks away with a good chunk of money. And in the case of Kirby original art, all those worries I enumerated before about the chain of ownership goes away. The free market for Kirby art is restored for a tip back to the estate.

That would be worth it to clear the air once and for all, I should think.

What if dealers and auction houses are taking Kirby pages down until these deals are made? Could the Kirby Estate and/or Marvel strong-arm — er, *negotiate* — them into such deals? ("You give us 20%, or our lawyers send you some other paperwork? Wouldn't that be a shame?")

It would solve lots of tricky problems with a way that settles the ownership question once and for all on both sides. It would also create a precedent that other artists could follow. For better or worse. I think artists would be happy with this — it's found money for them, and even a recurring revenue. But will dealers find enough of a price bump to do it? Maybe for a certain category of artist, they would.

Neal Adams comes riding to the Kirby Estate's rescue again? It would make a hell of a story.

One Other Vague Thing

On Jack Kirby's birthday this year, [Mark Evanier wrote](#):

At the moment, I'm revisiting a lot of his staggering output because I'm trying to finish a long-promised book that will tell the world everything I know about Jack. When you see it, which I hope will be some time next year for his centennial, you will understand why it took so long. **Some of that is because I had to keep stopping work on it to wait out certain legal matters.**

Emphasis mine. Maybe this refers back just to the 2014 settlement. Or maybe there's more?

I also don't know if some of the Kirby art that has disappeared from dealer's sites was just sold in the last few months all to some secretive collector, or if there's something else going on behind the scenes.

This is all wild speculation. I hope some of you journalist types out there will follow up on this and track something more solid down. Or, eventually, I'm sure we'll all find out together when the pages start popping up again, or a press release comes out talking about a new

“Marvel/Kirby Estate partnership that’s innovating the world of original comic book production artwork.”

Like this:

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[Jack Kirby](#)

46 Comments



KATO September 13, 2016 at 6:16 pm

The provenance of Kirby 1960's artwork is murky at best. Some art was used by Marvel to solidify business deals, some was gifted, some was reportedly discarded, some was

dispersed to the various inkers', some was used as payment for services rendered, some disappeared from the Marvel offices/warehouse, and some was returned to Kirby and subsequently re-sold to fans. Sales coming from the Kirby's themselves were largely cash transactions and no paper receipts were ever issued. So virtually nothing today has a proof of sale or a proof or original provenance. 'Bestowing' provenance in exchange for a piece of the action at this point strikes me as extortion.

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Reply



LEGION OF ANDY

September 15, 2016 at 5:14 am

Very interesting and potentially a minefield legally and ethically.

One point: there must be a list of the pages which Marvel returned to Kirby after the 1980s dispute ended (around 2000 pages IIRC).

If any those pages are owned by a collector now, you'd assume they came from Kirby or his family legitimately (unless there have been thefts from Kirby's home or storage area).

Seems a matter of some importance for that list to be shared publicly.

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Reply



LARRY FORD

September 15, 2016 at 11:33 am

I don't think the Kirby Estate is in possession of such a list. It may still exist somewhere.

The old Kirby home in Thousand Oaks where a copy probably resided has long since been sold and passed to a new owner.

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Reply



PATRICK FORD

September 15, 2016 at 3:08 pm

The Kirby family not only has the list so does anyone who wants to see it. The list was introduced as evidence during the lawsuit where Marvel sued the Kirby family. It's public record and can be viewed here:

<https://docs.justia.com/cases/federal/district-courts/new-york/nysdce/1:2010cv00141/356975/66/19.html>

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Reply



MICHAEL HILL September 15, 2016 at 3:29 pm

There seems to be a list here:

<https://docs.justia.com/cases/federal/district-courts/new-york/nysdce/1:2010cv00141/356975/66/19.html>

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Reply



PATRICK FORD September 15, 2016 at 3:09 pm

Here's the complete list:

<https://docs.justia.com/cases/federal/district-courts/new-york/nysdce/1:2010cv00141/356975/66/19.html>

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Reply



HANS KOSENKRANIUS September 15, 2016 at 1:41 pm

Another wrinkle here is what about the pieces that already have Jack's signature? To many folks, that's a stamp of approval by the artist that the piece was lawfully obtained. Usually things purchased from Jack were signed by him...but not always.

One time in NYC Jack and his wife Roz were set up at a con and art was for sale. This was shortly after the return of his pages from Marvel. At that show I saw Jack's hand was wrapped in a bandage due to what he said was an overuse injury. He wasn't sketching or signing that weekend. So the pages I bought that day did not get inscribed.

On another occasion, I also witnessed Jack sign artwork that wasn't purchased from him. He was always a gentlemen in that respect.

See where I'm heading with this? The lion share of signed pages likely came straight from the Kirby's. But there are going to be exceptions that weren't signed that are legit, as well as signed pages that may be suspect. If this isn't hard enough, once the art has changed hands several times determining what's sanctioned or not is even tougher.

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Reply



AUGIE September 15, 2016 at 4:11 pm

Hi Hans – I hadn't heard about that part of it before. That's interesting. So I'm guessing that the "hand injury" was just the nice way to let people down that weekend?

In any case, there's no absolutes when it comes to this one. There's no easy way out. It's an incredible story on so many levels that just gets murkier the deeper you go. Frustrating!

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Reply



PATRICK FORD September 15, 2016 at 8:42 pm

In addition to the complete inventory of pages returned to Kirby by Marvel there is the inventory done six years earlier by Irene Vartanoff which shows all the original art Marvel had it's possession at that time.

Some people might quibble about artwork which was already missing by the time of the Vartanoff inventory, but there is absolutely no doubt any Kirby artwork which is in the 1980 Vartanoff inventory and a 2/3 portion of which was not returned to Kirby was stolen.

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Reply



HANS KOSENKRANIUS September 15, 2016 at 9:51 pm

Hi Patrick – The Vartanoff inventory was a better endeavor b/c most of the books listed by page count were complete in 1980. Most of the books in the 1987 list are incomplete. Sadly, the 1987 return list based solely on page count is virtually useless without more specificity. My guess is most issues are incomplete b/c the inker's share has been subtracted. As a result, we don't know which exact pages are being returned to the Kirby's in 1987.

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Reply



PATRICK FORD September 16, 2016 at 9:36 am

Hans, The Vartanoff inventory combined with the inventory of pages returned to Kirby is very useful. The reason Kirby didn't get complete books is because a 1/3 share was returned to the inkers. If you then cross reference with the Vartanoff inventory a person can see if the book was complete in 1980. The large scale theft took place in the '80s. Any books in Marvel's possession

in 1980 which Kirby did not receive a share of were stolen some time between 1980 and 1986.

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HANS KOSENKRANIUS September 15, 2016 at 11:20 pm

Hi Augie – Near the end of his life, Jack's hand was getting shaky. His wife Roz was actually signing many of his works out of public view. I think the bandage may have been Jack's polite way of avoiding requests for sketches or signings.

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Reply



AUGIE September 16, 2016 at 12:14 pm

Ah, ok, thanks. I had heard about that shaky hand issue long ago and forgotten it.

Also, I'd take a Roz-as-Jack Kirby autograph. It makes for a better story, too. 😊

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Reply



HANS KOSENKRANIUS September 17, 2016 at 9:12 pm

That Roz Kirby signed anything wasn't commonly known and she never did so in public. I would've taken a Roz-as-Jack autograph if I'd known but I didn't learn of this until after Jack passed away.

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AUGIE September 15, 2016 at 4:09 pm

Just so everyone knows: The site is set up to require manual approval the first time someone blogs, so things get held up a little bit until I have time to catch them and approve them. That's why I just approved three replies in a row with the same URL for that list.

it's an amazing list. Mind boggling, really, when you think about. So much good stuff. The market value of all of it would have to be in the millions now, I'd think.

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Reply



J. DAVID SPURLOCK

September 15, 2016 at 4:37 pm

The world has the list of art that our dear, late friend, Jack Kirby received back from Marvel. It was included in the public legal documents when Marvel sued Kirby for trying to reclaim his rights, as freelance creators are afforded, under the current law which went into effect Jan 1978. I was involved with the Neal Adams sale discussed above, and we all, very much, see that as a prototype solution to benefit the creators whose work continues to financially support publishers, filmmakers, comics dealers and art dealers alike, as well as clean up the provenance which benefits all.

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Reply



HANS KOSENKRANIUS

September 15, 2016 at 9:20 pm

The 1987 Marvel list of returned art admitted at the Disney trial lacks specificity and is full of errors. There are titles/ issues with page counts but not page numbers. Case in point: the entry for Thor #141 lists a return of 10 pgs. Problem is there are 21 pgs. in the book. Which pages did the Kirby's actually receive and were they from the lead story or the back-up story? This poses a major hurdle if you're attempting to verify provenance.

The list also notes that the Thor #141 cover was also returned. What it doesn't specify is that it's the unused version that was returned. I saw this cover in person at the Kirby's home in 1996. The Kirby's never received the published version.

The covers to Fantastic Four #68 and Strange Tales #142 were also returned to the Kirby's. Neither of these are on the list. I know this for certain b/c the #68 was offered to me by a representative of the Kirby family in 1995. I bought the ST #142 from Roz Kirby in 1996 and picked it up in person from the Kirby home. I have a photo of it hanging in their foyer just before I left with it.

I could go on but you're getting the idea...

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Reply



PATRICK FORD

September 16, 2016 at 9:47 am

The reason Kirby only got back ten pages from THOR #141 is that book was incomplete in the 1980 inventory.

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Reply



PATRICK FORD

September 16, 2016 at 9:45 am

The thing to do here is to look at the 1980 inventory and find issues that were in Marvel's possession at that time. Then compare to the inventory of pages returned to Kirby. If Marvel had an issue and no pages from it were returned to Kirby then any pages from that issue were stolen some time between 1981 and 1986.

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Reply



HANS KOSENKRANIUS

September 16, 2016 at 5:07 pm

Patrick – This doesn't solve the problem of exactly which pages were returned to the Kirby's in 1987. How can you know what's legit if you don't have page numbers? I do agree that if Marvel had an issue in 1980 and NO pgs. were returned in 1987 then that COULD be a red flag.

Yet I'm skeptical about the accuracy and thoroughness of even the Vartanoff list as well. First, the "V"-list has no mention of any covers but you can see a handful of them were returned and they show up on the 1987 list. The complete Cap #101 doesn't appear on either list yet I know the Kirby's sold it complete to a friend of mine. I later obtained that same book complete.

If the provenance police were on the prowl any page from Cap #101 would be flagged as stolen. I don't think any of the pages are signed except the p.1 splash.

My point is there seems to be too many errors, discrepancies, and omissions. In too many instances you can't tell legit from what's not.

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Reply



PATRICK FORD

September 18, 2016 at 10:40 am

As I said previously if pages from an issue on the 1980 inventory were returned to Kirby it's safe to assume those are legit. The specific pages returned to Kirby and the pages returned to the inker don't really matter.

Original art from issues not on the 1980 inventory are not traceable since they may have been used by Marvel for business purposes back in the '60s and '70s. What I'm proposing is looking at the 1980 inventory and the 1986 inventory. Find issues which are on the 1980 inventory which were not returned to Kirby. The art from those issues was clearly stolen.

The same applies to art work by Steve Ditko. Ditko received two complete issues and most of a third issue out of the 41 Spider-Man comic books he penciled and

inked. Almost all of Ditko original Spider-Man artwork was listed in the 1980 inventory. It's known Ditko has not sold any of his Spider-Man art. And it's known that the complete original art from ASM #33 was sold to an original art dealer. That artwork was on the 1980 inventory.

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Reply



HANS KOSENKRANIUS

September 18, 2016 at 12:40 pm

I get what you're saying Patrick, but I think we're coming from slightly different angles. What is being suggested in this article by people like Neal Adams is that domains like the Kirby Estate should get a cut on EVERY piece sold that wasn't bought directly from its creator. That's different than what you're saying which is let's sort out what Kirby is stolen or what's not stolen between the years 1980-86.

If people like Neal Adams get their way. It won't matter if the page or cover was originally gifted, used for a business purpose, or if it came from the inker. The standard will be "prove this came from the original creator or pay up" Art that was obtained legitimately from the Kirby's will also require evidence. In all likelihood that evidence won't be producible and so even items legitimately obtained will have to submit to a % age.

It doesn't stop there. According to Adams:

"In future,...it may come to pass, that Any continuing sales. of any piece of art will include a portion of the PROFIT,.. dedicated to the artist and his/her family!"

While I don't think there's a legal case anymore for Kirby or Ditko pgs. that vanished between 1980-1986, I wouldn't be opposed to the Estates of those artists trying to negotiate with folks who hold that art now for a percentage of a sale. By the same token, I don't think collectors/fans who have obtained that art in good faith should be unduly punished.

What I am opposed to is what Neal Adams is suggesting. Which for the lack of a better description is an ongoing and perpetual shakedown of collectors and dealers.

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Reply



MICHAEL HILL

September 19, 2016 at 7:16 pm

Hans, it's really pretty straightforward, no obfuscation necessary unless you're concerned about the "provenance police" (they don't exist). Maybe you know Mike Burkey: he's bragged on Facebook about his stolen Ditko Spider-Man art.

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Reply



HANS KOSENKRANIUS September 20, 2016 at 4:03 am

Mike – The issue with Kirby art is much more complicated but it doesn't surprise me that some think the solution is simple and straightforward. I find it's often those with either an agenda or no skin in the game who are more than ready to side with the artist and suggest others just go along.

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Reply



MICHAEL HILL September 20, 2016 at 9:35 am

I see, it's the people with "skin in the game" who should be able to say that the art in *their* collection, although shown by the existing records to be stolen, isn't, because Kirby signed pages that were stolen as well as pages that weren't.

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MIKE December 30, 2016 at 5:57 am

Ummmm Mike Hill....Please show proof of your terribly false accusation about me above.....You make your argument about Kirby's art look worse when you blatantly LIE in the process.

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Reply



TOM MCWEENEY September 17, 2016 at 12:33 pm

The simplest answer in this case is the right answer, over the past decade or so a handful of very rich private collectors have been buying up all the really valuable 60's/70's artwork. That's it. No new black market, no hiding from Disney litigation. Just a few rich hoarders.

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Reply



HANS KOSENKRANIUS

September 20, 2016 at 12:31 pm

Mike – I guess you were out to lunch when all the other nuances were discussed. I'll briefly recap: 1. There are errors, omissions, and discrepancies in both the Marvel inventory list and Kirby return list; 2. the return list lacks specifics in what exactly was dispersed to the inkers' versus the artist; 3. there's untraceable art that could've been gifted or used for a business purpose, or used as payment for a service before any inventory was performed, or before a time the art was felt belonged to the artist. I'm hearing you say that in all of these cases, you would give a pass to the Kirby Estate. You would lump all of these examples that could be gray areas as "stolen" along with items that really may be stolen?

I'll be first to admit that I've got skin in this game. That skin is much more than just a few unsigned Kirby pages. That said, I would wager you don't have anything to lose if you believe this is all a simple and clear cut case for the Kirby Estate.

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Reply



MICHAEL HILL

September 20, 2016 at 4:28 pm

Hans, my understanding is that Irene Vartanoff was quite meticulous and that nothing that was listed in her inventory qualifies for your exceptions, so no grey areas. Kirby's liberation of art from Marvelmania predated the inventory by a decade or more, so it wouldn't have been listed.

I understand that what you're saying is that because you've invested heavily in what might be accurately or mistakenly considered to be stolen art, the (abundant) information you're providing carries more weight, but some of your claims are too easily disproven.

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Reply



HANS KOSENKRANIUS

September 20, 2016 at 7:26 pm

Here's an example Mike that illustrates a "gray area" and a major deficiency of both the 1980 inventory and the 1987 Marvel return list:

Kirby Marvel covers from the 1960's are the rarest and most sought after. They rank as probably the most expensive Silver Age pieces known. Both Stan Lee + Flo Steinberg

have said in published works that many were discarded or gifted in the 60's because they had no perceived value.

The 1980 Vartanoff inventory includes no list of cover art while the 1987 Marvel return list notes that only a handful of covers were returned to Jack. The return list has errors b/c I know of at least three covers that were returned that don't appear on the list. There may be others we don't know about.

For the sake of argument. let's say that I have a mid-60's cover that doesn't appear on either list. Someone like Neal Adams would argue that the artist deserves a piece of the action no matter. However, his item comes from a period when the cover art obviously had no value o/w why was it being discarded or gifted? Who's to say it wasn't gifted or saved from destruction by a Marvel staffer?

It can't really be classified as stolen b/c it's untraceable and not on any list. It comes from a time before Marvel acknowledged that the artist had a right to it.

Given the info presented here, I don't see how the Kirby Estate has a claim on this cover or really ANY Kirby cover EXCEPT for those specifically on the 1987 return list.

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Reply



MICHAEL HILL

September 21, 2016 at 8:17 am

Hans, thank you for your candid responses. Obviously, and this was addressed earlier, anything that's not listed in the 1980 inventory can't be traced. Where there would be no grey area is pages that *are* listed in the inventory that weren't returned, and none of your examples qualify.

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Reply



HANS KOSENKRANIUS

September 22, 2016 at 11:38 am

It might not be traceable artwork, but should it be subject to a commission paid to the artist or his/her heirs in exchange for a clearance of provenance Mike? Artist Neal Adams is arguing this should be an ongoing practice on EVERY sale of art. First he believes it's needed whenever there's a question as to origin, and afterwards as a dedication to the artist and his family each time the art is sold.

For sure restitution is needed if the art was STOLEN. I'm not disputing that.

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Reply



MICHAEL HILL September 22, 2016 at 9:29 am

Check this link for 21 references to “statute of limitations.”

<https://itsartlaw.com/tag/nazi-looted-art/>

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Reply



JAMES ROMBERGER September 22, 2016 at 9:39 am

I think the laws set up to deal with the Nazi-stolen art should be used to deal with stolen comic book art—i. e. seize the stolen goods and return it to the rightful owners. I do not care if they were given away in the office—the art rightfully belonged to the artists, not the companies; it should never have been given away without the artists’ expressed permission. So, everything that is not on the list of what was returned to the Kirbys was stolen. That list exists, despite the claims of certain self-serving individuals here. The few pieces of original art that I own came directly from the artists and I have documentation of that fact. It is called clear provenance and that is how the art market functions—that is, the REAL art market, which protects the interests of artists and collectors—and by extension, the interests of dealers and auction houses. By contrast, with comic art, no one cares about doing the right thing. The comic book original art market is unregulated and completely corrupt—what we get is feeble waffling about how “no one knew the work was valuable, the companies just burned it or gave it away” which attempts to obscure the truth: that the companies tried to protect their creative ownership claims by withholding or destroying the artist’s property, the art. And collectors are complicit with these crimes. I saw a comment by a collector that refers to the “provenance police”—well, yes, and they should be knocking his and a lot of other collectors’ doors down and those of Heritage and other auction houses and almost every dealer to take away these stolen pages and return them to the artists. That is why they are being hidden.

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Reply



HANS KOSENKRANIUS September 22, 2016 at 12:00 pm

If you’re thinking this compares to nazi looted art, that’s a stretch Mike. The question of whether the company or the artist owned the art in the first place was very muddled for a long time. The exact date of when that torch passed rightfully to Kirby is disputed too. In the Disney case it was cited as either sometime in either 1982 or as late as 1986.

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Reply



PATRICK FORD September 22, 2016 at 5:56 pm

Hans, Marvel never admitted the Silver Age art was the rightful property of the creators. DC on the other hand published a statement signed by it's top executives saying the artwork had always been the legal property of the creators. It's my understanding that as part of the settlement with the Kirby's Marvel agreed that Kirby's art was always his property and they never had a right to any of it. The settlement was confidential so I don't know for certain if what I have been told is accurate.

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Reply



HANS KOSENKRANIUS September 24, 2016 at 10:27 am

Patrick – If what you say is true it's a vindication of sorts but it's also no help to the Kirby Estate in reclaiming proceeds on the resale of stolen art going forward if they don't have a public admission by Marvel that the artwork was always Jack's legal property.

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Reply



JAMES ROMBERGER September 25, 2016 at 4:26 pm

Since when does anyone need the thieves to admit that they are holding stolen property?

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Reply



HANS KOSENKRANIUS September 26, 2016 at 8:26 am

James – Whose stolen property? After 35 years elapsed time and no police report or a firm public determination it was Jack's property at the time. Good luck recovering it.

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Reply



MICHAEL HILL September 26, 2016 at 4:40 pm