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Dueling Stools

Two German furniture companies battle over the Bauhaus legacy.

In 1925, the Hungarian-born architect and designer Marcel Breuer created a stool of infinite simplicity: one square of lacquered wood supported by a continuous piece of curving tubular metal. It's a classic example from Germany's influential Bauhaus movement, which strived to integrate artistry into objects that even factory workers could afford. Now, the stool is the subject of a querulous German copyright lawsuit that has drawn in big-name design figures such as architect I. M. Pei and Terence Riley, chief curator of architecture and design at New York's Museum of Modern Art. At issue is, who, if anyone, owns the rights to the Bauhaus-era works, and the related question of whether the chair should be considered an example of applied art, and thus be given longer copyright protection, or of industrial design.

Breuer, like Bauhaus leaders Ludwig Mies van der Rohe and Walter Gropius, fled Germany for the United States after the Nazis came to power in 1933 and their Bauhaus School in Dessau was shuttered. Over the next decades, while the school lay moribund in impoverished East Germany, the influence of its practitioners spread throughout the United States, as Mies, Gropius, and others undertook major commissions (Breuer's included New York's Whitney Museum of American Art, completed in 1966) and mentored the next generation of American designers.

The Breuer stool imbroglio began after the Berlin Wall fell, when a new entity named the Bauhaus Dessau Foundation emerged with plans to use the school's original site as a museum and a nexus for promoting contemporary design. In 1993 the foundation hired the West German furniture firm Tecta of Lauenförde, near Hanover, to produce Breuer tables for the foundation's canteen. Tecta had been manufacturing and selling Breuer furniture for more than a decade, having contracted first with Breuer himself, in 1979, and then, after his death in 1981, with his widow, to produce reeditions of his Dessau-era work, including the stool. The foundation, however, chose another firm, L & C Stendal, to produce the stool. "At the time, we were happy for the Bauhaus Dessau," recalls Tecta chief executive officer Axel Bruchhäuser. "Stendal was doing the work for free, which saved the foundation money."

That happiness turned to rancor in 1999, when Stendal revealed plans to market the Breuer stool using the foundation's newly minted "bauhausdessau" trademark, selling the piece for 15 percent less than Tecta's reedition, about \$150 compared to \$175. Tecta requested that Stendal halt its plans, saying it had exclusive rights to the design, based on its contract with Constance Breuer, but Stendal refused, asserting that the chair design was in the public domain. Under German law, applied-arts rights persist for 70 years after the artist dies, while industrial-design patents expire 20 years after the first production of the piece. Stendal maintains that the stool is an industrial design, and so its copyright ended in 1946. Tecta and others insist it should have the longer protection afforded works of art, in this case, until 205 1.

Tecta took Stendal to court in August 2000, in Düsseldorf, for violation of its copyright. As Bruchhäuser explains, "The issue is less a commercial battle than fighting for the artists against this dirty trademark swindling." Never broaching the issue of industrial design versus applied arts, the judge declared that Tecta's contract with Constance Breuer was too vague to underpin the awarding of such strong copyright restrictions. So Tecta drafted another, 46-page contract with the widow, then filed a second lawsuit in September, this time in a higher Düsseldorf court. To sustain the applied arts argument, Tecta also filed a statement from Riley. Pointing out that the Modern had exhibited the stool in 1934, Riley wrote, "We consider it a work of art with unique merits that are derived from the skill of its author, Marcel Breuer." Another letter, cosigned by architects Pei, Edward Larrabee Barnes, Harry Seidler, and John M. Johansen (a Breuer student and the son-in-law of Walter Gropius), denounces the foundation's "bauhausdessau" design trademark and its plans to sell other Bauhaus models without securing rights from the heirs as "degrading to the artistic heritage of the original artists and the school."

Werner Möller, project manager at the Bauhaus Dessau Foundation, challenges Riley's assessment, saying the stool was intended to be purely utilitarian and does not compare to the more singular Breuer pieces such as the Wassily chair which also uses bent tubular steel but has a far more complex form. "There is no question that Breuer was an artist, but he also designed pieces for mass production, and this was a stool for the canteen," Möller says. Möller also contends that documents found two years ago prove that in 1934 Mies sold the city of Dessau all rights to the Bauhaus school's production. But Tecta says it has yet to see any such documents.

A court decision in the new lawsuit could come as early as this month. Until then, the two Breuer stools -with their minor differences in finish and the thickness of the tubing-will continue to be sold by the companies. All the hubbub over the chair has spiked Tecta sales, Bruchhäuser says, explaining that his customers gladly pay the higher price for his chairs: "To them, at least, it's clear that it's a piece of art, and they want an authorized model that comes from Breuer."

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