



AIPPI World Congress
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AIPPI Café

Copyright and Photography

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Originality required?

- Usually required to get protection
- Criteria: choices of photographer >> subject matter, timing, background, angle, exposure, lights, filters and other variants
- Swiss law (& German law): photos of 3D objects protected by copyright irrespective of original character
- Duration of copyright protection varies

Quid photos of public domain images?



- E.g., photo faithfully representing old master painting
- EU Directive 2019/790, art. 14: “when the term of protection of a work of visual art has expired, any material resulting from an act of reproduction of that work is not subject to copyright or related rights, unless the material resulting from that act of reproduction is original in the sense that it is the author's own intellectual creation”
- Rationale: circulation of faithful reproductions of works in the public domain contributes to the access to and promotion of culture, and the access to cultural heritage



Quid orphan works?

- How to get permission to use a photograph for which the right holder(s) cannot be found?
- Orphan Works Directive: the EU holds orphan works register
- Enables beneficiary organisations to use orphan works in digitization projects
- Beneficiary organisations: publicly accessible libraries, educational establishments and museums, archives, film or audio heritage institutions, public-service broadcasting organizations
- Applies to photos?