

The Panorama Exception

Both Parliament and Commission already decided that no further harmonisation was needed



The current situation does not impact the internal market or pose real obstacles.



Consumers can already freely post their pictures or videos of public places on social media.



Balanced solutions exist for creators and professionals, that are adapted to each country's social and cultural context.



Professional users have easy access to works thanks to existing licensing mechanisms.



In some countries, the commercial use of works in public places generates substantial revenues for creators.

Panorama is rightly not part of the draft Copyright Directive

Here are some of the questions that are frequently asked, often based on myths and rumours that have been spread on the matter.

Can people freely share their photos and videos on social media?

Yes

Today, everywhere in the EU, consumers can photograph and film art works in public places, take selfies in front of monuments, whether there is a panorama exception or not. They can post these images and videos on their personal websites, blogs or on social media.

Collective management organisations do not request to take down such pictures.

Can professionals use images and videos easily throughout the EU?

Yes

Member States all have licensing mechanisms in place to facilitate and simplify access to protected works for professionals.

In countries without the panorama exception, solutions and mechanisms have been created that ensure licences can be acquired easily when the work is not concerned by one of the many exceptions already in place.

Is the panorama exception just about selling postcards without paying for content?

No

The effect of a panorama exception that includes commercial use extends to far more than just the printing postcards.

Many products rely on works that include panorama use:

magnets, printed clothing, mugs, advertising, apps, online magazines, etc.

Is the current situation in Europe flexible enough?

Yes

Appropriate and balanced solutions based on cultural and social characteristics of Member States have been put into place for the remuneration of authors.

- Where there is no panorama exception, remuneration from the commercial usage of works in public spaces is substantial (creators rely on this).
- Where there is a panorama exception, the legislation generally provides authors with other significant sources of revenues.

A harmonisation of the panorama exception would therefore heavily disrupt this balance.

Is there a need to further harmonise the panorama exception?

No

There is no evidence of cross-border problems or obstacles to the Internal Market concerning the panorama exception that would justify an EU intervention.

This fact is backed by a European Parliament report, a European Commission consultation and its proposed Directive.

So, who is asking for a harmonised panorama exception?

To the best of our knowledge, and despite being a non-profit organisation, Wikimedia is one of the main stakeholders of this political campaign and has the support of large internet companies like Mozilla (Firefox) and Google. It is essentially attempting to force EU legislation to align with their user terms and conditions.

Wikimedia has refused to accept anything that is less than an authorisation that includes commercial re-use of works, the right to use them in any modification or context, and in high definition, without permission or remuneration. The need for such an authorisation without commercial purpose is non-existent, and would unfairly harm artists.

More on the Panorama exception

The Panorama exception is one of 20 optional exceptions provided for in Directive 2001/29 and applies to the “use of works, such as architecture or sculpture, made to be located permanently in public places.”

Today, most European countries have transposed the exception to some level in their countries.

Everywhere in the European Union, individuals can freely use their images of works in public places, whether they are in a country that has a panorama exception or not.

Depending on the structure of the remuneration of authors, some countries have implemented exceptions that include commercial uses.

Where professionals are required to ask for permission, easy licensing schemes are in place. In addition, numerous exceptions are in place and can be used for specific purposes or when there is an incidental inclusion. These exceptions are catered to libraries, educational establishments, museums, schools and universities, press, uses for the benefit of people with a disability, uses for caricature, parody or pastiche, uses for the sale or exhibition of works, etc.

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