Public Consultation on the ‘Freedom of Panorama’ Exception

Submission by the International Federation of Reproduction Rights Organisations (IFRRO)

IFRRO, the International Federation of Reproduction Rights Organisations, represents national Reproduction Rights Organisations (RROs) and national and international associations of creators and publishers across the world, with some 145 members in some 82 countries worldwide, including in Europe. RROs administer reproduction and other relevant rights for certain secondary uses of already published text- and image-based works on behalf of publishers and authors, including visual artists, through different models.

Organisations of visual creators are members of IFRRO. Although there would be no direct impact on IFRRO’s own activity, the visual creators’ organisations report that it would have a strong negative impact on the work of visual creators. We refer to and commend the submission made by the European Visual Artists (EVA).

IFRRO does not see the need for a harmonised ‘freedom of panorama’ exception in EU legislation. A basic principle of copyright is that, as a starting point, the copyright holder should be able to claim remuneration for the use of his or her work. International and EU copyright legislation allows, nevertheless, the introduction of exceptions and limitations, with or without payment to rightholders in national legislation. The national legislations of the EU Member States reflect national requirements. Any change to the exceptions and limitations under EU and national copyright legislation must be evidence based and observe the ‘three-step test’ of international legislation and Article 5.5. of the EU Copyright directive, and, in the case of the EU legislation, be limited to address documented obstacles to the Internal Market. There is no evidence of any Internal Market problem that would justify a European legislative intervention in relation to ‘freedom of panorama’. The European Parliament, on 9 July 2015, also voted that a harmonised exception on this issue was neither necessary nor desirable.

1 Interest Representative Register ID number: 91217342449-83.
Culture is an economic force that also contributes to economic growth and employment, as documented in numerous studies. European artists need the protection of the law to continue to create and develop both economy and cultural diversity. We therefore submit that the EU refrains from introducing a ‘freedom of panorama’ exception in its legislation.

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