

Debate: should the freedom of panorama be introduced all over the EU?

[02-07-2015 - 10:04]

Should people have the right to create and share images and photographs of public buildings without having to compensate for the use of copyright? The so-called freedom of panorama already exists in some EU countries, but MEPs are now considering whether it should be extended to all member states. As they will debate it on 9 July, we asked two MEPs on opposing sides of the issue why they think it would be a good or a bad thing.

Julia Reda wrote an own initiative report on copyright to feed into upcoming proposals by the European Commission to update current legislation to make it suitable for the digital age. In it she proposed to introduce the freedom of panorama in all EU countries, however Jean-Marie Cavada proposed an amendment to state the commercial use of reproductions of public buildings would need the authorisation from the rightholder. This amendment was adopted by the legal affairs committee, but all MEPs will still vote on the report, including what to do with freedom of panorama, during the plenary session.

Julia Reda (Greens/EFA, Germany)

There are only a few forces stronger in the world than the desire of people to express and share their experiences and thoughts, in writing, image or song. We preserve our journeys and curate our impressions for long winter nights and entire generations to come. Our laws are seeking to reward the author, encourage the creation and ensure the exchange of works. When interests overlap, they provide guidance for mediation.

Freedom of Panorama is the codified acknowledgment that a public sphere truly exists for everybody's benefit. A building or sculpture deserves and receives the protection of the law, yet the reach of that protection ends where the protection of the public sphere begins.

In order for copyright to work and to be accepted, it has to do more than just protect works. It must provide breathing space for those who express, who portray, who sculpt, who quote or who criticise. Freedom of Panorama is part of this breathing space to those who create, to Europe's over 500 million authors.

Jean-Maria Cavada (ALDE, France)

My proposal aimed to counteract Julia Reda's plans to impose a mandatory panorama exemption on all member states.

Every member state is free to include or not exemptions (including one on panorama) in its legislation, in line with its cultural particularities. I recommend the decision stays at this level.

The commercial use of reproducing works in the public space leads to abuse of which artists – and sometimes the users – are the victims. Wikimedia would like to exploit these works for commercial use and not just for educational purposes without compensating the authors. Facebook dispenses of the need to compensate the author for each commercial use of photos uploaded to its network by making its users responsible through its terms of service.

Article

In this context, we should guarantee the protection of users with existing exemptions and the financial compensation of artists through internet intermediaries.

Find out more

- Steps of the procedure: [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2014/2256\(INI\)&l=en](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2014/2256(INI)&l=en)
- Julia Reda : <http://www.europarl.europa.eu/meps/en/124816.html>
- Jean-Marie Cavada: http://www.europarl.europa.eu/meps/en/28206/JEAN-MARIE_CAVADA_home.html
- Press release: EU copyright reform must balance rightholders' and users' interests, say MEPs: <http://www.europarl.europa.eu/news/en/news-room/content/20150615IPR66497/html/EU-copyright-reform-must-balance-rightholders%E2%80%99-and-users%E2%80%99-interests-say-MEPs>