

Tartu, 24 October

Lack of freedom of panorama in light of copyright law

The Estonian Association of Landscape Architects (Eesti Maastikuarhitektide Liit, hereinafter EMAL) was contacted by NCO Wikimedia Eesti who requested a formal statement from EMAL in the matter of freedom of panorama.

The position of EMAL is that public places should be free to use for everyone for taking photographs, for drawing or for simply looking at, and this is the premise any legislation regulating the use of public space should take into account. The current situation where a person seeking to publish, use or share (incl. In social media outlets) a photo of an object located in a public place would first have to acquire the permission of the object's author, is neither reasonable, justified, nor realistically legally enforceable in EMAL's opinion.

We would only insist that if anyone were to create a work (a book, a print, a webpage) for commercial purposes, the main purpose of which is presenting an overview of a landscape architectural piece, it should be self-evident that the creator(s) of said piece are identified and given credit to. In the context of social media and the Internet, it would mean that if, for example, a separate article on a landscape-architectural work were to be created on Wikipedia, we would like to see a proper reference to the work's author. We would like to stress that a reference in this case is enough and we do not think it is necessary to ask for the author's permission.

In the event that a particular landscape-architectural work is not the main focus of an image, we do not consider a reference to be neither necessary nor mandatory (that would also apply to, for example, photos of city panoramas). To put it bluntly, we find that the rights of landscape architects are not harmed if a photo of a city panorama lacks a separate reference to the person who designed the playground visible in the corner of the picture.

Sincerely,

/signed digitally/

Kaarel Lääne

EMAL

Member of the Board