

Dear Valdeko Lukken and the board of the Estonian Landscape Architects' Association

We wrote to you on October 22 regarding our wish to discuss the copyright issues in Estonia that arise from the lack of freedom of panorama. According to § 20 of the present Estonian Copyright Act, it is only allowed to use a reproduction, such as a photo, painting or a video, without the author's consent only for a non-commercial purpose. Most artists, not to mention hobbyists, are not aware of this limitation, and that might have legal risks. It could also be assumed that the authors of those objects in public space don't get significant revenue from selling images of those objects.

NGO Wikimedia Eesti, which is involved in the developing of the Estonian-language Wikipedia, faces this problem often, because the database of all the media files used on the sites of various Wikimedia projects, Wikimedia Commons, deletes the files that objects of which might potentially cause problems with copyright. Therefore, it's currently not possible to upload any imagery of contemporary Estonian architecture.

The lack of freedom of panorama is also a legal risk for any tourist or hobby photographer who wishes to share their photos on social media sites. These platforms (Facebook, Twitter, Flickr, Instagram) reserve the right to use the uploaded content for their own ends, including commercial purposes. So we can assume that in this age of mobile-snapshots and social media, copyright is violated on a daily basis on a massive scale.

NGO Wikimedia Eesti has called on the Estonian Ministry of Justice, where currently a new version of the copyright act is being revised, with the recommendation of establishing freedom of panorama in Estonia. The Ministry on their part as advised us to contact the interested parties. This week, we had the opportunity to meet the representatives of the Estonian Architects' Association, incl. their attorney-at-law, Eeva Mägi. During the talks it became apparent that establishing freedom of panorama would not cause problems for architects, the attorney could not foresee any monetary damage, and she recognized the inefficacy of the current copyright law to correspond to reality.

We have compiled an informational pamphlet, mostly directed towards photographers and makers of video material, in which we outline legal problems that making images of the public space in Estonia might cause. The pamphlet in a pdf-format is attached to this letter.

Would you have the time and opportunity to meet and talk with the representatives of Wikimedia Eesti on this matter?

Best regards,

Eva Lepik

Wikimedia Eesti

Member of the board

Raul Veede

Consultant