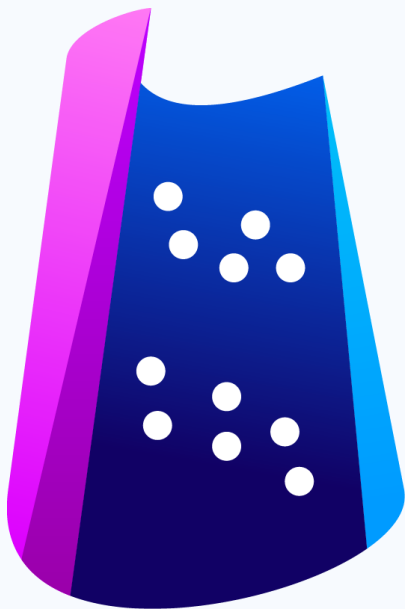


Is Freedom of Panorama the Elephant in the Room?

Is this the biggie we've been choosing to ignore?



WIKIMEDIA ESEAP CONFERENCE
KOTA KINABALU 2024
COLLABORATION BEYOND THE HORIZON



What is FoP?

"Freedom of Panorama" (FoP) is defined as the legal right in some countries to publish pictures of artworks, sculptures, paintings, buildings or monuments that are in public spaces, even when they are still under copyright. Additionally, FoP serves as an exception under copyright laws, similar to **Fair Use**, that dispenses with the need to secure prior permission from a copyright owner for the use of a work. **In other words, Freedom of panorama is a little-known yet important legal right for photographers, netizens and content creators to freely take pictures of public works of art and architecture found in or seen in public spaces.**



WIKIMEDIA ESEAP CONFERENCE
KOTA KINABALU 2024
COLLABORATION BEYOND THE HORIZON

Compiled by Buszmail

**Pilipinas Panorama
Community**

May 12, 2024

Wikimedia Commons only accepts freely-licensed media files as per its "**Commons:Licensing**" policy page, such as those with **Creative Commons Attribution (CC-BY)** and/or **Creative Commons Attribution-Share Alike (CC-BY-SA)**. It does not accept fair use content as well as media licensed for non-commercial use only (e.g. **BY-NC-SA**). Therefore, the media repository attends to **Creative Commons** and **Freedom of Panorama** with zeal, with a dedicated policy page on it. Through Freedom of Panorama, photos of works of architecture and monuments can be hosted in Wikipedia articles and other knowledge platforms.



WIKIMEDIA ESEAP CONFERENCE
KOTA KINABALU 2024
COLLABORATION BEYOND THE HORIZON



While English Wikipedia accepts photos of unfree architecture from no-FoP countries (condoned by U.S. copyright law) albeit in relatively reduced sizes and resolutions, local files there may not be used in other language editions of Wikipedia (like Tagalog Wikipedia) as well as other sister sites like Wikivoyage and Wikinews.

Furthermore, since the U.S.-based Freedom of Panorama applies to architecture only, photos of copyrighted public art like monuments cannot be freely hosted on English Wikipedia unless applicable **Fair Use** tags are used, and such photos cannot be used on list articles.



WIKIMEDIA ESEAP CONFERENCE
KOTA KINABALU 2024
COLLABORATION BEYOND THE HORIZON

While English Wikipedia accepts photos of unfree architecture from no-FoP countries (condoned by U.S. copyright law) albeit in relatively reduced



Equivalently, in my country, the Philippines, the current version of our [Philippines copyright law](#) (Republic Act No. 8293), as it stands, does not have this important exception, thereby reinforcing the **Wikimedia Commons** interpretation that the Philippines effectively does not have Freedom of Panorama.

The absence of Freedom of Panorama in the Philippines curtails Philippine Wikimedians the ability to record contemporary public buildings and monuments through freely-licensed photos hosted on Wikimedia Commons. As **WM Commons** only accepts freely-licensed content, it cannot accept photos of public works and art from countries that provide adequate Freedom of Panorama. Photos of such works on Commons (caught by license reviewers and administrators) are immediately tagged for deletion through "Deletion request" discussions.



Note: In Wikimedia jargon "deletion" does not result to permanent removal of content; rather it only redacts the content and makes it invisible to non-administrators. Therefore, deleted content can be "undeleted" or "restored" if there is a valid reason to do so, like the introduction of Freedom of Panorama in a no-FoP country.

It may also be of interest that Deletions have also been in English Wikipedia, as public art is not allowed if not tagged as Fair Use. A mere technicality – yes – but an unfortunate happenstance.



WIKIMEDIA ESEAP CONFERENCE
KOTA KINABALU 2024
COLLABORATION BEYOND THE HORIZON





Here is a good cheat!

The Sultan Haji Hassanal Bolkhia Mosque in [Cotabato City](#), the second largest [mosque](#) in the [Philippines](#), erected in 2011. The subject's true image is blacked out because there's no [Freedom of Panorama](#) in the Philippines. But we are able to gather an idea about its size and shape.



Some quick fixes for FoP



Date-driven photos of works temporarily seen or installed in public spaces.

1. sculptures for auction or for temporary exhibition in malls or galleries, **2.** children's works on paper or illustration boards, **3.** billboard advertising or those painted on trains and other vehicles, **4.** campaign material used in elections or rallies/demonstrations, **5.** posters, banners, tarpaulins and the likes of municipal or church information boards.

Talk: Pilipinas Panorama Community/Freedom of Panorama

Our Suggestions for FoP

Photos of the following: **1.** sculptures for auction or exhibited in malls or galleries on temporary basis, **2.** children's works on paper or illustration boards, **3.** billboard advertising or painted on trains and other vehicles, **4.** campaign material used in elections or rallies/demonstrations, **5.** posters, banners, tarpaulins and the likes of municipal or church information boards.

Some statistics



Out of 197 countries

- ⊗ 111 have no FoP (56.35%), and
- ⊗ 86 have some-form of Commons-compatible FoP (43.65%),

Of those 86 countries

- ⊗ 79 have adequate FoP
- ⊗ 7 have partial FoP, *for architecture only*:

Denmark, Finland, Japan, Norway, Russia, Taiwan, United States

Some notable countries with FoP with variations



Australia

Follows British copyright law heritage, hence the Australian FoP is very similar to the British FoP. Most flat arts like murals and frescoes are not covered as a result.

Malaysia

Covers almost all works meant to be permanent in public spaces, but excludes layout designs, blueprints, and similar works.

Singapore

With exception to flat arts like murals and frescoes are not covered as a result.

Taiwan

[Taiwan Intellectual Property](#)

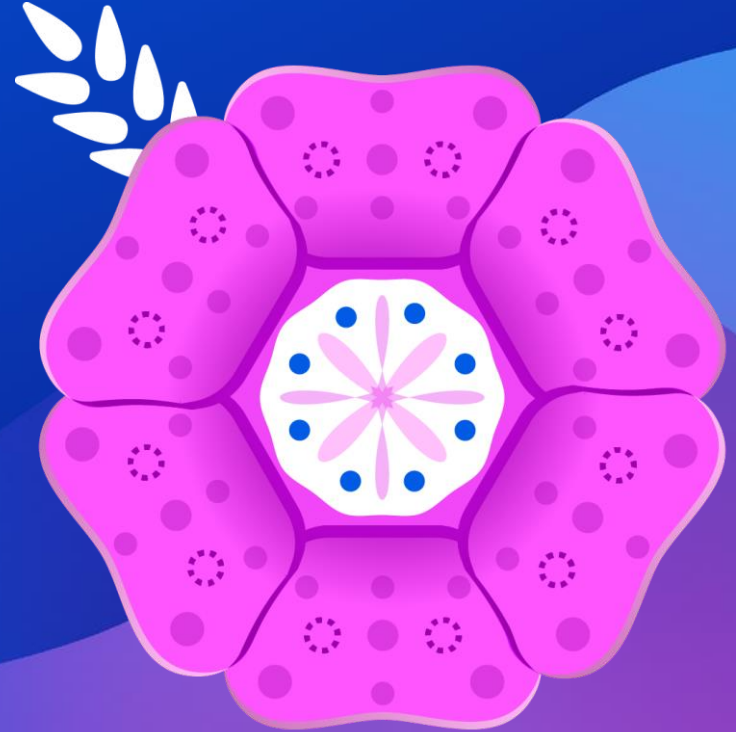
[Office \(TIPO\)](#) affirmed that commercial use of monuments under copyright does not conform with the law.

Thailand

Features a condition that only works regularly placed in public can be freely used.

**More detailed and useful
information may be found in
the meta Pages of**

Pilipinas Panorama Community





PILIPINAS
PANORAMA



ESEAP
KK24



PILIPINAS PANORAMA COMMUNITY

A Journey of a Thousand Steps



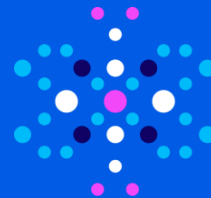
COLLABORATION



BEYOND



HORIZON



🌀 [A Journey of a Thousand Steps](#)

by Buszmail, with RalffRalff & Pilipinas Panorama Community (PPC)