

<p style="text-align: center;"><b>EU CONSULTATION CONTENT ONLINE IN THE SINGLE MARKET</b></p>
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**Submission from Pyramide Europe EEIG**

**October 2006**

Pyramide Europe is the organisation representing groups of photographers, graphic designers, illustrators and other visual artists in many of the 25 Member States and is establishing contacts with the proposed new group of nations.

We should like to thank the Commission for consulting us on the matter of Content Online in the Single Market and have answered those questions we believe most relevant to the Visual Arts.

**Types of Creative Content and services online**

1. Our members represent individual creators of visual works. Their work is an ideal medium for the digital world enabling everyone to view, purchase, commission and license visual works from websites and online galleries. The services are the same as those offered in the analogue world but digital content reaches a wider audience.
2. Visual arts – photography, illustration, paintings, design – needs to be addressed in future Communications as they are not part of the audiovisual field and have separate needs and recognition.

**Consumption, creation and diversity of online content**

3. The development of online services is very interesting for visual artists allowing them a lot of new markets and many possibilities to communicate their works to the public and clients. However, there have never been so many infringements of visual artists rights and works. Images are an ideal medium for the internet and it is very easy for the public and commercial users to download visual work and use it without permission. For example, all work published in a book or a newspaper can be scanned and sent by email or shared on peer-to-peer networks. Images can, and are, downloaded and manipulated then used by businesses commercially without licences and remuneration to the rights holder.
4. The digital era has allowed the public access to galleries of work, from new fine art to old masters. It is a great educational tool allowing works to be seen and enjoyed by everyone regardless of their location. It is vital that whilst public access to artistic works must be maintained and encouraged, these works and their creators must be protected and respected.
5. There is no problem of interoperability in the visual arts field.
6. See our answer above (4)

**New business models and transition of traditional ones into the digital world**

11. The digital world has opened up major new business markets, visual artists are able to show their work to potential and existing clients worldwide either via their websites or by sending their portfolios electronically. However, images are also downloaded for use on mobile phones, commercial websites

and by people to sell as posters or fine art works without the authors' permission. Visual works are gathered electronically and resold or given as 'royalty free' enabling use of the work commercially by many companies and individuals without permission of the rights holders and without remuneration.

### **Licensing, rights clearance, rights holders remuneration**

14. We believe that whenever possible visual creators should control the individual licensing of their work. Where this is not possible, for example cable re-transmission, educational video recording, collecting societies collectively license work and distribute payments to visual rights holders.

### **Piracy and unauthorised uploading and downloading of copyright protected works**

21. Piracy in online services is very damaging for visual artists. Visuals works are easy to upload and download. A distinction has to be made between uploading and downloading where an exception for private copying exists. All infringements are damaging for authors but commercial piracy has to be more severely punished. However, private copying exemptions damage the businesses of many wedding and social photographers who rely on print sales income.

22. All our member countries need more help in the education of the general public, businesses and in schools with regard to using visual works. The visual arts fields do not have the same income as for example the music industry to plough into education campaigns.

### **Digital rights management systems**

25. The use of DRMs is not widespread in the visual arts field. The software available is often too expensive for visual artists and very often not robust enough to prevent removal. Consequently, visual artists works are rarely protected nor identified. It is therefore very easy to use visual artists works without the authors knowledge or consent.

26. Several of our member organisations have joined a coalition initiated in the USA to progress a licensing system providing an immediate and precise understanding of the scope of an image usage license negotiated between licensor and customer. The system will also allow fully automated tracking of usage licenses in a database system and, potentially, the tracking of image rights via metadata embedded in the electronic form of the images themselves.

### **What role for public authorities?**

32 & 33. Funding and recognition for educational campaigns and research/implementation of a standard DRM system is needed. Visual images can be enjoyed globally. They transcend language barriers, communicating globally and recording our history and cultural diversities. Images are a universal language that must be protected and their creators fairly remunerated for their use if they are to continue creating.

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