

# Lov om rett til fotografi

Lovens/forskriftens fulle tittel og evt. korttittel på engelsk:

**Act No. 1 of 17 June 1960 relating to Rights in Photographic Pictures.**

Lovhjemmelens dato og nummer (for forskriftene):

**17. juni 1960 nr. 1**

Opplysninger om når loven/forskriften sist ble endret:

Dato for oversettelsen:

**14. februar 1992**

Institusjonen som er ansvarlig for oversettelsen:

**UD's oversettelseskontor**

Eventuelle bemerkninger:

**Oversetter: Maidie Kloster**

Act No. 1 of 17 June 1960 relating to Rights in  
Photographic Pictures, as subsequently amended,  
latest by Act No. 101 of 1 January 1989

§ 1. Unless otherwise provided in this Act, a person who produces a photographic picture shall have the exclusive right to make copies thereof by photography, printing, drawing or any other process, and to exhibit the picture publicly. A picture produced by a process analogous to photography shall be considered a photographic picture. A person who produces photographic pictures is called a photographer in this Act.

§ 2. The photographer is entitled to have his name stated in accordance with proper usage, both on each copy and when it is exhibited publicly.

Similarly, he may demand that the picture not be altered or publicly exhibited in such a manner as to prejudice his reputation as a photographer.

§ 3. Unless otherwise declared, the person whose name, firm, or generally known mark or symbol is stated in the usual manner on copies of a picture, or when the picture is publicly exhibited, shall be deemed to be the photographer.

§ 4. A photographic picture shall be considered published when it is lawfully exhibited in public or otherwise made available to the public.

§ 5. A photographic picture may be reproduced in single copies for private use.

The provisions of sections 15, 16, second paragraph, and 17, second paragraph, of the Copyright Act shall also apply to photographic pictures.

Copies of photographic pictures made in accordance with this section may not be used for other purposes.

§ 6. The King may determine that archives and libraries shall on certain conditions have the right to make copies of

photographic pictures when required for their activities.

§ 7. A published photographic picture may be reproduced in order to clarify the text of a critical or scientific treatise, but only a single picture by one and the same photographer.

§ 8. A published photographic picture may, in return for compensation, be reproduced in a work to be used for educational purposes in order to clarify the text.

A published photographic picture may also, in return for compensation, be reproduced in newspapers and periodicals in connection with current events, or in a television programme.

When the exhibition of a photographic picture constitutes part of a current event, newspapers, periodicals, films or television broadcasts may include the picture, free of charge, in a report on the event to the extent that the photographic picture is a natural element of the report. These rules apply both to films that have been produced for public exhibition and to films produced for sale, hire etc. of copies thereof to the public.

Photographic pictures which are lawfully included in a television programme may, in a simultaneous and unaltered rebroadcast of the programme, be made available to the public. In cases in which rebroadcasting is not free of charge pursuant to the other provisions of this Act, compensation for rebroadcasts shall be negotiated and may be paid in a lump sum to a joint organization as mentioned in section 20 a of the Copyright Act. The provisions of section 20 a, third paragraph, shall apply correspondingly. Disputes regarding compensation may, at the demand of one of the parties, be decided in a binding manner by a committee pursuant to the provisions of section 51, second paragraph, of the Copyright Act.

§ 9. When a photographer has assigned copies of a photographic picture, or when the picture has been published, the picture

or copies thereof may be publicly exhibited. A photographic picture that has been published may also be publicly exhibited in an educational context.

The same applies to lectures, to which admittance is free of charge when the lecture is not given for purposes of gain, or when the lecture is given only for charitable purposes, popular education or otherwise for the public benefit.

§ 10. In the absence of an express agreement to the contrary, the right in a photographic picture made on commission shall be the exclusive property of the person who commissioned it. However, the photographer may exhibit the picture in the usual manner for advertising purposes, unless the person who commissioned it has prohibited such exhibition.

Even if the photographer has reserved the exclusive right in a photographic picture, the person who commissioned the picture may permit it to be published in newspapers, periodicals, or biographical writings, unless the photographer has expressly prohibited such publication.

§ 11. The provisions of this Act do not preclude the use of photographic pictures for purposes connected with the administration of justice or public safety.

§ 12. When any person, without the consent of the photographer, reproduces a photographic picture pursuant to sections 5, second paragraph, 7, 8, 9 and 10, the source shall be stated in accordance with proper usage.

§ 13. The exclusive right in a photographic picture shall lapse on the expiry of 15 years after the end of the photographer's last year of life, but not until 25 years have expired after the end of the year in which the picture was produced. If two or more persons jointly own the exclusive right, the period of 15 years shall be computed from the end of the last year of life of the person who lived longest. When a juristic person has produced a photographic picture,

the exclusive right shall lapse 25 years after the end of the year in which the picture was published.

§ 14. Each of the parties may demand that compensation pursuant to section 8, first and second paragraph, (and pursuant to section 9) be determined by the Ministry.

§ 15. Even if a person, in accordance with this Act, has the exclusive right in a picture of a person, such a picture shall not be reproduced, publicly exhibited or otherwise made available to the public without the consent of the person of whom the picture was taken. However, the photographer may exhibit the picture as an advertisement of his work unless such exhibition is prohibited by the subject of the picture.

A photograph may be reproduced and publicly exhibited without the consent of the subject of the picture:

1. if the picture is of current or general interest,
2. if the picture of the person is less important than the main contents of the picture,
3. if the subject of the picture is a group assembled for a meeting, an outdoor procession or situations or events of general interest.

§ 16. If any person wilfully or negligently violates this Act by:

- a. making copies of a photographic picture, or making it available to the public,
- b. importing a copy of a photographic picture, with the intention of making it available to the public, when the copy was produced outside the realm under such circumstances that a similar production in the realm would have constituted a violation of this Act, or
- c. presenting or otherwise making available to the public a copy of a photographic picture, when the copy was produced contrary to section 1 or imported contrary to litra b of this section,

he shall be liable to fines or imprisonment for a term not

exceeding three months.

Any person who wilfully or negligently is an accessory to any violation mentioned in the first paragraph shall be liable to the same penalty.

If any person has wilfully violated the Act as stated in the first and second paragraphs and the violation is particularly serious, he shall be liable to fines or to imprisonment for a term not exceeding three years. In determining whether the violation is particularly serious, emphasis shall primarily be placed on the damage that has been done, the profit the offender has gained, and the extent of the violation in other respects.

Any attempt at a wilful violation of the Act as stated in the first, second and third paragraphs may be punishable in the same way as if the violation had been completed.

Violations as stated in the third paragraph, cf. fourth paragraph, shall be subject to public prosecution. Violations as stated in the first paragraph shall not be subject to public prosecution unless the aggrieved party so requests, or it is required in the public interest.

§ 16 a. If a violation pursuant to section 16 has been committed by a person acting on behalf of a company or other association, a foundation or public enterprise, the enterprise may be sentenced to a fine. This applies even if no single person may be punished for the violation.

In deciding this matter, particular consideration shall be given to whether the violation was committed in order to promote the interests of the enterprise, or whether the enterprise has derived profit from the violation.

§ 17. For any damage resulting from a violation of the kind stated in section 16, damages shall be paid in accordance with general rules of compensation. If the violation was committed wilfully or with gross negligence, the court may decide that damages shall also be paid for damage of a non-economic nature.

Even if the offender acted in good faith, the aggrieved party may demand the net profits derived from the unlawful act, regardless of the extent of the damage.

When a copy of a photographic picture is produced or publicly exhibited in the realm contrary to this Act, an application may be made to a court for judgement that every such copy shall be confiscated for the benefit of the aggrieved party or assigned to him in return for such compensation as the court may determine. The same applies to plates and other material which may be used for the unlawful production of pictures. If the items mentioned here are not confiscated, the court may determine that they shall be destroyed or rendered unusable for unlawful use. If substantial values - economic or artistic - would thereby be lost, the court may nonetheless permit such photographic copies, in return for compensation to the aggrieved party, to be publicly exhibited or otherwise utilized in accordance with the purpose for which they were produced.

The provisions of this section shall not apply to a person who in good faith has acquired the photograph for private use.

§ 19. This Act applies to photographic pictures which are:

- a) produced by Norwegian nationals or persons residing in the realm,
- b) first published in the realm, or published simultaneously here and in another country,
- c) first published by the United Nations or an associated organization, or by the Organization of American States.

Publication that has taken place no later than 30 days after the first publication shall be treated as simultaneous publication in accordance with the first paragraph, *litra* b.

The provisions of section 57 of the Copyright Act concerning the protection of works of art shall otherwise apply correspondingly to photographic pictures as far as this is appropriate.

The King may determine that this Act shall wholly or

partly apply to photographic pictures that are protected in another country, as long as the said country protects photographic pictures which are protected under Norwegian law in accordance with the aforementioned rules.

§ 20. This Act shall also apply to photographic pictures which are protected under earlier legislation.

§ 21. This Act shall come into force on 1 July 1960. From that date the Act of 11 May 1909 relating to rights in photographic pictures shall cease to apply.