



Image rights & policies / Kuvasto

Aalto University; January 18, 2024

Executive Director Tommi Nilsson

Value for Art since 1987

Not-for-profit society; established by artists for artists

10 member organisations (artist associations)

Represents 3,200 visual artists in Finland and approx. 100,000 foreign artists

(Artist list on Kuvasto's website)

What we do?

Lobbying on
domestic and
international
level

Rights
management

Communications





Finnish Copyright Act

Copyright basics

Copyright Basics

Copyright protection is automatically given as soon as a work is fixed in material form – copyright protects form, not ideas

Protection is given for an artwork that is both original (unique) and independent; high artistic quality is not a requirement

Also a sketch or an incomplete work may be protected





Duration of Copyright

Copyright in artistic works lasts for the lifetime of the artist plus 70 years after their death.

“Ordinary” photos: 50 years from the year the photo is taken.

Vilho Lampi: Self-portrait (1933). National Gallery /Ateneum Art Museum. Photo: Janne Tuominen (CCO)

Moral Rights

The Paternity Right: The right of an artist to be identified whenever their work is used

The Right of Integrity: Artist's right to object to derogatory treatment of their work

The Right to Access: Artist's right to visit and document a work that has been sold



Concepts in relation to income

Reproduction: Making copies of an artwork

Public exhibiting (making available to the public): E.g. exhibitions

Distribution (making available to the public): Copies of work are distributed by lending, selling etc.

Public performance (making available to the public): E.g. screening an audio-visual work

Communication to the public (making available to the public): A work is broadcasted in TV/film or communicated to public in the online environment

Copyright limitations

Free to use – moral rights need to be respected

Private copying

Research or criticism/art review

Reporting a current event

Communications and marketing of an exhibition

Secondary status

Public artwork





Permanently displayed public artwork can be photographed and published *if the use is non-commercial.*


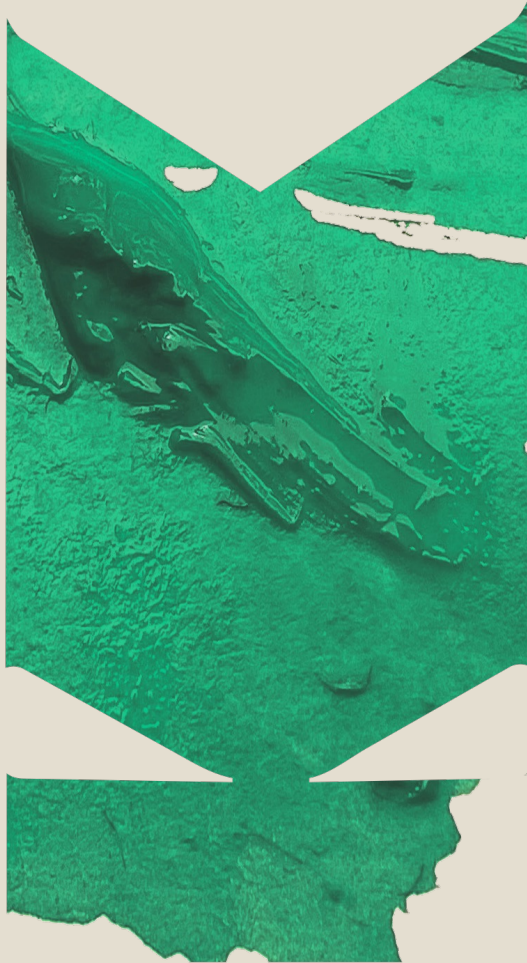
However, *permission is needed* in commercial use when the work is the main subject in the image. 



Photo: Eila Hiltunen, Sibelius Monument © Kuvasto.



Rights Management

Clearing rights – How Do *We* Do It?

Do I need a license?

License is not needed:

- Free association with a work -> creation of a new and independent work -> no permission needed (case by case evaluation)
- Parody, pastiche and caricature are allowed by the new Finnish Copyright Act
- Photos (taken after April 3, 2023) from artworks that are not protected by copyright can be used free of charge

License is needed:

- Permission is basically needed when creative content made by others is used and other copyright limitations do not apply for the usage

Clearing Rights – How to Do It?

Written
agreement

oral contract
not advised

Agreeing on
terms:
purpose for
the use,
duration, print
run, copyright
fee etc.

Right to
derogation of
work and
transferring
rights to third
parties

Copyright Licensing by Kuvasto

Include making
a copy of the
work,
distribution,
communicating
copies of the
work to the
public

Reproductions
of works e.g. in
publications,
advertising,
film
productions,
websites

Licensing =
agreeing
terms,
pricing,
invoicing etc.

Management of Rights

Based on Kuvasto's client agreement or collective license agreements

For clients: Parallel management of rights; non-commercial use



Questions – audiovisual productions

The role of visual art in a production; intention to have it as a subject matter -> license

pricing takes into account e.g:

distribution

distribution channels

duration of the license

Price per artist is *generally* around 350–500 euros

For a price estimate, contact: kuvasto@kuvasto.fi.

Other royalties collected by Kuvasto

Exhibition remuneration

- Based on Finnish Copyright Act; exhibition remuneration right expires when artwork is sold
- Kuvasto collects on behalf of artists that Kuvasto represents
- Public price list for exhibitions on Kuvasto's website

Artist's resale right

- Based on Finnish Copyright Act; applies to professional art sales
- First sales and sales between private persons are excluded
- Kuvasto collects royalties from art sales to all artists; resale price needs to exceed 255 € (without VAT)

Advice on copyright matters by email, phone or online



KUVASTO





Arvoa
Taiteelle.

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